Strategic Plan

Fiscal Years 2005 - 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SFR-035/05

Strategic Plan

Fiscal Years 2005 - 2009

Submitted to the

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

July 2004

TCEQ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SFR-035/05

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Vision, Mission, and Goals

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Commissioners' Statement

The TCEQ is a very large and complex agency. The breadth of our regulatory reach is breathtaking. What we do, and how we do it, involves and affects each and every citizen of our great state.

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.

Consistent with that belief, we are undertaking a number of initiatives that will impact planning and operations for several years to come. These will literally change how we do business. When implemented, these initiatives will help ensure our programs and operations are effective, efficient, just, and responsive to the needs of all Texans.

One initiative is to improve how we collect and use information. Often, the TCEQ is rich in information and poor in knowledge. To help rectify this, we will utilize emerging and existing technologies to monitor true environmental conditions. Through public/private partnerships, we will employ existing, and in some cases deploy new, monitoring technology that will secure real-time or continuous data, help us better manage staff resources by focusing on real impacts on the environment, notify the public of potential environmental threats, monitor rule effectiveness, and provide accurate and timely information to the public. Our initial focus will be on two different pilot projects–one measuring air quality in the Houston area, the other water quality in selected watersheds. This initiative furthers our goals to base decisions on sound science and put information in the hands of those who need and want it–the public.

Another initiative is a top-down, comprehensive review of our enforcement processes. The ultimate goal of this review is to make our enforcement fair, effective, transparent, and swift. Everything about our processes, from how we initiate enforcement to how we utilize compliance history, is on the table. Hearing from the public is crucial to this endeavor, and we are seeking public comment throughout this process in order to make the most informed decision we can.

In addition to initiatives such as these, the TCEQ faces numerous regulatory challenges over the next few years. New, more stringent air pollution standards will have to be met in many of our major metropolitan areas, starting in 2007. Additionally, new drinking water standards will impact hundreds of water suppliers. Also in 2004, we will begin the process of licensing a low-level radioactive waste management facility, as well as completely rewriting our rules governing municipal solid waste landfills. All this will be done with existing resources and without sacrificing service to our customers.

These are but a few examples of the issues and challenges we will face. We are truly excited at the prospect of tackling the environmental issues that face Texas, and we turn our gaze toward the future with anticipation, humility, and vigor. We look forward to the challenges and opportunities ahead.

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 healthcare is accessible and affordable, and our neighborhoods and communities are safe from those who intend us harm; and
- 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

Priority Goal: Natural Resources and Agriculture

To provide leadership and policy guidance for state, federal, and local initiatives that conserve and protect Texas' natural resources (air, water, land, wildlife, and mineral resources), in a consistent manner that encourages sustainable economic development while minimizing harmful effects to these resources.

- Reduce negative effects on air quality based on criteria pollutants.
- Utilize sound science for environmental decision making.
- Increase Texas waters that meet or exceed safe water quality standards.
- Protect public health and the environment through cleanup of polluted sites.
- Reduce process time for regulatory permits while ensuring adequate public input.
- Increase consistency with tracking and reporting environmental violations and improvements.
- Focus on environmental results instead of numbers of permits or fines assessed.
- Enhance collaboration among the state's agencies charged with managing natural resources.

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.

Agency Philosophy

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; and
- 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.

Part II
External/Internal Assessment

Historical and Organizational Overview

Overview of Agency Scope and Functions

In a state with diverse environmental challenges, the Texas Commission on Environmental Quality (TCEQ) 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.

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 subject to the jurisdiction of the Railroad Commission.
Texas Water Code, Chapter 34	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.
Texas Water Code, Chapters 41 through 44, 46, and 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.

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Table 1. Statutory Citations for TCEQ Authority
(continued)

Statutory Citation	Chapter Title	Brief Description
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.
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.

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Table 1. Statutory Citations for TCEQ Authority
(continued)

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 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 Emission 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.
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 technologies, 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.

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 to 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 continued the agency until 2013 and changed its name to the Texas Commission on Environmental Quality.

Federal items of importance are 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 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 Federal 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. TWQB adopts its first rules.
■ The Texas Air Control Board adopts first air regulations.

1969 ■ Texas takes over most federal air monitoring.
■ 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 (SIP).**

1971 ■ **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 Federal 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 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 Federal Resource Conservation and Recovery Act (RCRA) to govern the disposal of all types of solid and hazardous wastes.**

1977 ■ **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 Federal Hazardous and Solid Waste Amendments (HSWA) to 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 Federal Superfund Amendments and Reauthorization Act (SARA), reauthorizes CERCLA, and creates the Toxics Release Inventory (TRI).**
■ **Congress amends the Federal Safe Drinking Water Act.**

1987 ■ **Congress passes the Federal Water Quality Act of 1987.**
■ Texas establishes an EPA-approved state wellhead protection program.

1989 ■ The Legislature expands and funds 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 September 1, 1993. Preparation begins for the consolidation of the Texas Water Commission and the Texas Air Control Board into the TNRCC.

1992 ■ 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.
■ 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 January 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.

■ Texas Emissions Reduction Plan (TERP) 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 September 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 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.

Main Functions

The Legislature created the agency in 1991 to be effective September 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.

Agency Workforce

The size and diversity of the TCEQ workforce allows the agency to meet an array of environmental challenges. However, at the same time, because the workforce is large and diverse, the agency is presented with a unique set of demands and needs to maintain and improve the workforce.

Size and Composition of Workforce

The TCEQ has an authorized workforce of 3,038 budgeted full-time equivalent (FTE) positions for fiscal 2004. The average age of TCEQ employees is 43.21 years. The overall average tenure of employees, as of August 31, 2003, was 10.83 years. The agency expects to realize a loss of skills and institutional knowledge as retirements increase over the next few years, due to the aging workforce.

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).

Table 2. TCEQ Workforce Categories and Average Tenure

Job Category	TCEQ Workforce FY 2003*		Average Tenure**
Officials/administrators	291	10.17%	11.41
Professional	1811	63.28%	7.62
Paraprofessional	51	1.78%	6.11
Technical	150	5.24%	8.12
Administrative support	559	19.53%	7.28
Agency total workforce	2862		

* Actual head count, not FTEs. Data captured from the Human Resources Information System as of 2/29/04.
**Data captured from the Human Resources Information System as of 3/16/04.

The TCEQ also relies on over 100 contracted staff to provide vital administrative, technical, and professional program support and to perform various information technology functions.

Human Resources Policies and Procedures

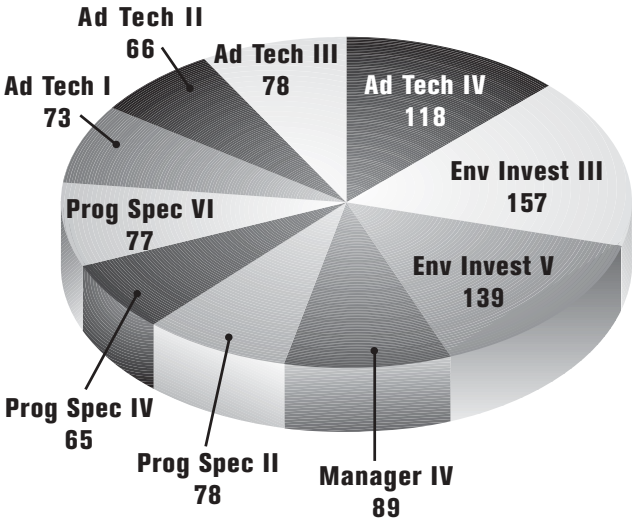
The TCEQ appropriately administers its workforce through timely review and revision of human resources policies and procedures.

Most Commonly Used Job Classifications

The TCEQ uses a wide variety of job classifications to carry out its mission of preserving the environment. The 10 most frequently used job classifications in fiscal 2003, as identified in Figure 1 were:

- Environmental Investigator III and V;
- Administrative Technician I, II, III and IV;
- Manager IV; and
- Program Specialist II, IV, and VI .

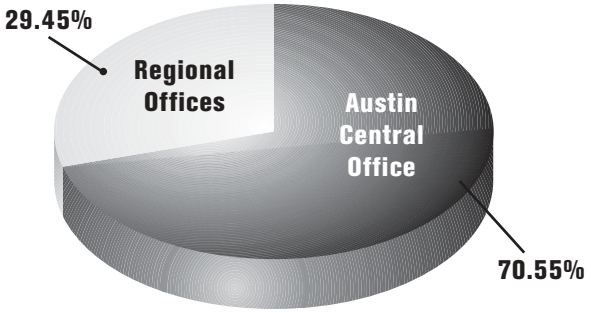
Figure 1. Employees in Most Commonly Used Job Classifications at the TCEQ, FY 2003



Location of Employees

The TCEQ is authorized in fiscal 2004 to employ 3,038 FTEs located in the Austin office and in 16 regional offices throughout the state. In 2003, 820 employees–29.45 percent of the total workforce–were located in the regional offices (see Figure 2). In response to the agency's initiative to provide better customer service, 107 (13.04 percent) of the regional employees were matrix-managed staff who work in a regional office, but are supervised from central office.

Figure 2. Location of TCEQ Employees



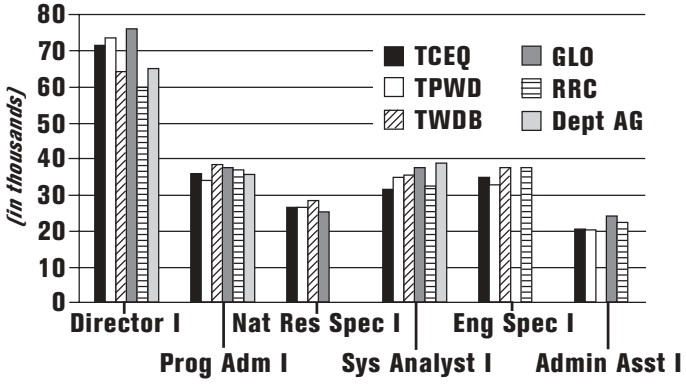
Data captured 8/31/03 from the Human Resources Information System.

Salary

Figure 3 uses data from the Human Resources Analysis System (HRAS) 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 (Dept Ag)

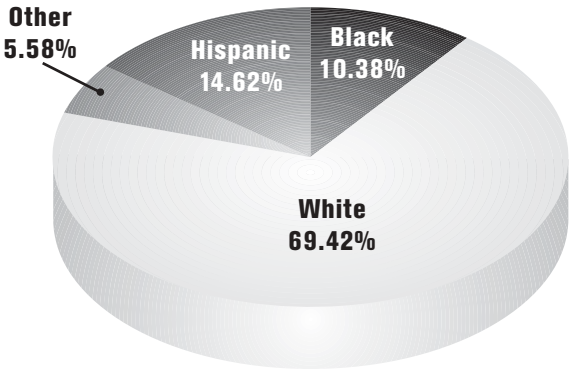
Figure 3. TCEQ Median Salary Compared to Other Texas Natural Resource Agencies, FY 2003



Equal Employment

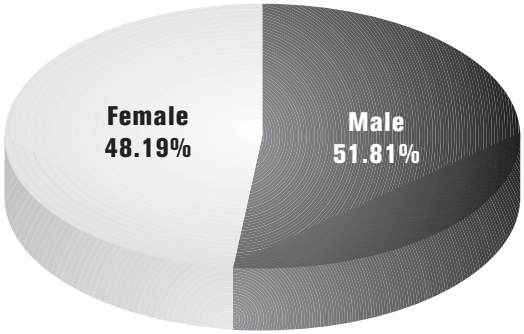
It is the policy of the TCEQ to provide equal employment opportunities to all employees and qualified applicants, regardless of race, color, national origin, sex, sexual orientation, age, disability, or veteran status. The TCEQ aggressively seeks to recruit, select, and retain a diverse workforce that is representative of the state's labor force. Approximately 31 percent of the agency's workforce is represented by ethnic minorities. See Tables 4 and 5 on the ethnicity and gender of the TCEQ workforce in FY 2003.

Figure 4. Ethnicity of TCEQ Workforce, FY 2003



Data captured 8/31/03 from the Human Resources Information System.

Figure 5. Gender of TCEQ Workforce, FY 2003



Data captured 8/31/03 from the Human Resources Information System.

Agency Workforce Compared to House Bill 1976 Figure

Table 3 illustrates the agency's workforce as of August 31, 2003, compared to the available workforce identified by the Texas Commission on Human Rights (TCHR), as mandated in House Bill 1976. This table reflects the percentages of Blacks, Hispanics, and females within the statewide available workforce (EEO Job Category column) and the TCEQ workforce. The TCEQ workforce has traditionally been composed of six employee categories (see Table 3). Effective FY 2004, the Legislature assigned responsibility for certain TCEQ functions to the Texas Building and Procurement Commission, thus eliminating the agency's use of the service and maintenance category.

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.

Recruitment and Retention

The purpose of the TCEQ's recruitment and retention efforts is to identify, recruit, and retain a multitalented 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 out of 56 nonmanagement classification series. Approximately 83 percent of agency employees are on career ladders.

With a turnover rate of 9.59 percent in FY 2003, the TCEQ has benefited from the effects of the current economy on the job market. However, 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 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 approximately 600 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 the expertise, skills, and knowledge of experienced staff. Table 4 shows 252 agency retirements for FY 2000 through 2003.

Table 4. TCEQ Employee Retirements, Fiscal Years 2000-2003

Fiscal Year	Number of Retirees
2000	49
2001	58
2002	43
2003	102
Total	**252**

Table 3. TCEQ Workforce Compared to Available Texas Workforce, 8/31/03

EEO Job Category	Black		Hispanic		Female	
	EEOC	TCEQ	EEOC	TCEQ	EEOC	TCEQ
Officials/administrators	7.27%	6.59%	11.61%	12.28%	31.63%	33.53%
Professional	9.31%	7.48%	10.85%	11.59%	46.93%	38.62%
Technical	13.67%	12.84%	18.89%	16.89%	39.36%	37.16%
Paraprofessional	17.94%	12.77%	31.41%	10.64%	55.81%	80.85%
Administrative support	19.59%	19.83%	25.62%	23.67%	79.87%	86.5%
Service and maintenance	18.36%	0%	44.15%	0%	24.86%	0%

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 October 20, 2003. Her term expires August 31, 2007. Ralph Marquez of Texas City was appointed May 1, 1995, to fill an unexpired term. His first term expired August 31, 1999, and he was reappointed for a second term that expires August 31, 2005. Larry R. Soward of Austin was appointed on October 17, 2003. His term will expire August 31, 2009.

Executive Director

The executive director, who serves at the will of 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. Four divisions report directly to the executive director:

- Agency Communications
- Chief Engineer
- 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
- Office of Compliance and Enforcement
- Office of Environmental Policy, Analysis, and Assessment
- Office of Legal Services
- Office of Permitting, Remediation, and Registration

Office of Administrative Services

This office provides service and support to agency staff and external customers, including providing essential infrastructure required to maintain business operations. These services include:

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

Office of Legal Services

This office 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 Compliance and Enforcement

This 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 air and water quality within the state. In addition, the division oversees the operations of 16 regional and two special project offices across the state.

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 division 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. Office staff also manage the agency's Central Registry program, the State of Texas Environmental Electronic Reporting System (STEERS), and other major database projects.

Office of Environmental Policy, Analysis, and Assessment

This office has four major functions: strategic environmental analysis and assessment, the coordination of all agency policy development and rulemaking, the coordination of border affairs, and the technical analysis of data to support these functions.

The office also handles a number of important projects having an agency-wide impact. Specific examples include biennial development of legislative implementation strategies; coordination of bill reviews; monthly Regulatory Forums that provide information to interested groups; and the executive review of documents communicating the agency's policy positions to the U.S. Environmental Protection Agency and other federal agencies, to Congress, and to national organizations.

Border Affairs staff focus on the following areas: working with TCEQ regional offices on the border to resolve concerns for border residents; serving as a clearinghouse for border information; and forging cross-border agreements on common environmental problems with Mexican counterparts at the local, state, and federal levels, and with other stakeholders, including the private sector and nongovernmental organizations. In addition, Border Affairs works on issues affecting Texas that relate to the North American Free Trade Agreement, such as the Border Environment Cooperation Commission and the North American Development Bank; and coordinates issues with other U.S. border states through the Western Governors' Association and the ongoing Border Governors' Conferences.

CHAPTER 2

Geographic Aspects

Geographic Location of the Agency

The agency, headquartered in Austin, Texas, provides a diverse array of environmental regulatory activities to protect public health and the environment through its 16 regional offices strategically located throughout the state.

Agency Headquarters

The TCEQ central office complex in Austin (12100 Park 35 Circle) includes six buildings on approximately 30 acres of land. There are approximately 377,109 square feet of office and laboratory space in five buildings in the complex that are leased with the option to purchase (LWOP). The sixth leased building contains 163,070 square feet of space, and a leased warehouse contains 14,335 square feet. The office space in the complex totals 554,514 square feet. There are parking facilities for 2,100 vehicles.

Beginning in FY 2004, the Texas Building and Procurement Commission is in charge of five buildings and the parking lots for state employees and state-owned vehicles at TCEQ's agency headquarters.

Regional Offices

The TCEQ maintains 16 regional offices in the following locations:

- Amarillo,
- Lubbock,
- Abilene,
- Dallas-Fort Worth,
- Tyler,
- El Paso,
- Midland,
- San Angelo,
- Waco,
- Beaumont,
- Austin,
- Houston,
- San Antonio,
- Corpus Christi,
- Harlingen, and
- Laredo.

An estuary program office is in Webster; a laboratory facility is in Houston; and a satellite office in Stephenville. Three of the regional offices are in state-owned buildings for a total of 57,299 square feet: the El Paso office has 7,124 square feet; the Corpus Christi office has 11,164 square feet; and the Houston office has 39,011 square feet. The remaining 13 regional offices are in leased buildings that contain a total of 185,020 square feet of office and laboratory space.

Security

The security for Park 35 Complex and Building F for the protection of agency employees and physical assets, was transferred to the Texas Building and Procurement Commission (TBPC), effective September 1, 2003. The TCEQ is requesting that the TBPC seek support of the Texas Department of Public Safety for agency control of office security, rather than provide the service through contracted private security.

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 strategically located throughout the state. Additionally, 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 the 16 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-Mexico Border area.

Special Geographic Regions Served

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

Texas and Mexico Border Affairs

The TCEQ undertakes many activities in the border region with Mexico, as reported in detail in the *State of the Rio Grande and the Environment of the Border Region*, Volume 3 of the 2003–2007 TCEQ Strategic Plan. This region in Texas is made up of all or part of 32 counties between El Paso and Brownsville. This area, which makes up 27 percent of Texas, is covered by all or parts of seven regional offices. The following are many current and planned activities of the TCEQ in the border region with Mexico.

Binational Border Environmental Program–Border 2012

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 that existed in the late 1990s.

The new program, envisioned to be implemented over a 10-year period, is called Border 2012 and was inaugurated in April 2003. Unlike centralized predecessor programs, 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: Texas-New Mexico-Chihuahua (Tri-State) and the Texas-Coahuila-Nuevo León Tamaulipas (Four State) RWGs.

Air Quality

Under the Federal Clean Air Act, the U.S. 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:

- ground-level ozone,
- particulate matter,
- carbon monoxide,
- sulfur dioxide,
- nitrogen dioxide, and
- lead.

If a geographical area is not in compliance with one of these criteria pollutants, then the EPA may designate it a nonattainment area. El Paso has been in nonattainment status for ozone (as are three other Texas metropolitan areas), carbon monoxide, and particulate matter.

The TCEQ has collaborated with local government officials and citizens in El Paso and has expended a significant amount of funds on activities related to improving air quality. These activities appear to have reduced the concentrations of the three offending pollutants. Those concentrations have been below the standard for several years.

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, Texas/Ciudad Juárez, Chihuahua/Doña Ana County, New Mexico air basin–also known as the JAC. The JAC is composed of 10 people each from the U.S. and Mexico. The TCEQ provides administrative support to the JAC and also represents the state of Texas on the committee.

Air quality has thus greatly improved, and El Paso could be considered "in attainment" for all three pollutants. The agency is in the process of applying for redesignation for particulate matter and carbon monoxide. For ozone, new rules released April 15, 2004, by the EPA could mean that El Paso will automatically be an attainment area for ozone in June 2005.

Another air quality issue in the region relates to visibility degradation caused by haze in Big Bend National Park. The TCEQ is working with the EPA and the National Park Service to address this problem.

Economic Issues

The regional economy of the border area 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 the U.S. midwest and northern states who move to the Lower Rio Grande

Valley and other parts of the basin in the winter months–can also play a major part in the economy of some areas in the region.

Presently, more than two million people live in the 32 Texas counties of the border region. According to the U.S. Census Bureau, the region contains three of the 10 fastest growing metropolitan areas in the United States. Estimates indicate the population of some of these border cities will double in 30 years, and that the population in the Texas border region is increasing at twice the rate of Texas as a whole (see Table 5).

Table 5.
Texas Population Projections

Year	State Population	Border Counties Population
1990	16,986,510	1,674,706
2000	20,454,074	2,229,854
2010	24,253,741	2,914,506
2020	28,804,746	3,933,876
2030	33,958,455	5,172,571

The Texas border environment is also affected by rapid industrial growth and increases in population on the Mexican side of the border, particularly in cities bordering Texas. A large portion of this growth can be attributed to economic factors, such as unemployment and underemployment rates being higher on the Mexican side than those on the U.S. side, the 1994 peso devaluation, and the economic contrast between both nations. As a result, many Mexican workers migrate to border cities in search of employment opportunities.

The maquiladora program–started in Mexico in 1965 as the Border Industrialization Plan–allows foreign companies to set up manufacturing operations in Mexico and ship the raw materials tariff-free to those facilities. Parent companies are required to ship most of their products back to the country of origin for sale, taxing them only on the value added to the imported materials during the processing and assembly completed in Mexico. Parent companies are also required to ship back to the country of origin the wastes resulting from that production process. This program was specifically designed to attract labor-intensive industries to the northern border region.

There were 1,153 maquiladoras in the four Mexican states bordering Texas as of January 2004 (because of the economic downturn, this was down from a peak of 1,279 in January 2001). These maquilas employed 591,000 people (down from a peak of 685,000 in January 2001). These numbers may rise as U.S. and global economic conditions improve, although there has been intense competition coming from Asia for locating these types of assembly plants. During the 1990s, the maquiladoras program was the fastest growing category of industry in Mexico and the leading source of employment in the country.

Hazardous Waste

Mexican law requires that nonhazardous and hazardous waste 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 recent years, and with help from the pollution prevention staff of the TCEQ, maquiladoras have found ways to reduce the generation of hazardous waste both by changing their processes and input and by finding ways to recycle the waste (both hazardous and nonhazardous). There have been concerns in recent years about proposed facilities that treat, store (including temporary storage), or dispose of hazardous waste in the border region, but as of fall 2003, only 10 of 295 facilities in Texas were located in the 100-kilometer border region.

Infrastructure Issues

The region's infrastructure capabilities have been aggravated by rapid population growth on both sides of the Rio Grande, resulting in reduced drinking water supplies, inadequate wastewater treatment and hazardous and solid waste infrastructure, and impaired air quality. The ability of communities to pay for sanitation facilities is fundamental to environmen-

tal quality and to the well-being of residents. High poverty and unemployment mean a low tax base, which can lead to pollution due to a shortage of solid waste and wastewater facilities. The low tax base also has an indirect impact because pollution prevention issues can lag when compared with more pressing social concerns.

These issues resulted in the U.S. and Mexico signing a parallel side agreement to NAFTA on environmental infrastructure in the border region. This agreement created the Border Environment Cooperation Commission (BECC), headquartered in Ciudad Juárez. The BECC certifies environmental infrastructure projects relating to wastewater, water pollution, municipal solid waste, and other related matters. The North American Development Bank (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. Since 1995, the BECC has certified 100 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 53 projects is $1.039 billion dollars, with the 38 Texas projects valued at $651 million.

Environmental infrastructure impacts 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. In the past, Texas counties bordering Mexico have had the highest rates of waterborne disease in the state, often two to three times greater than the statewide average.

In a 2000 survey by the Texas Department of Health, 30 percent of colonias children aged 10 to 12 were found to have 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 where there are poor sanitary conditions.

Another issue is the lack of infrastructure for colonias, which in Texas are used to describe unincorporated communities lacking one or all of the basic services. Of the 1,500 colonias, which serve as home to approximately 392,000 residents, most are rural, and generally confined to the border region. They often lack paved roads, garbage pick-up, drainage, and water and wastewater services. They have been around for decades, but not until 1989 did the citizens of Texas pass the first of two bond issues for $250 million to finance projects to provide water and wastewater to colonia residents under the Economically Distressed Areas Program (EDAP) of the Texas Water Development Board.

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 as a "wild and scenic river" by the U.S. Department of the Interior. Big Bend forms a United Nations-designated biosphere, along with the Cañón de Santa Elena and Maderas del Carmen protected areas across the river in Chihuahua and Coahuila. In addition to the national parks, Texas has 13 state parks or protected natural areas in the border region. There are also two National Wildlife Refuges in the Lower Rio Grande Valley that are renown for viewing birds.

Solid Waste

Under Texas law, cities and counties must cooperate through their regional councils of governments (COGs) in developing Regional Solid Waste Management Plans. Summary data and analyses reflecting previous year's municipal solid waste data are published by the TCEQ each fall. Four COGs and their respective plans cover an overwhelming majority of the population within the 100-kilometer border region delineated by the La Paz Agreement.

Planning for Capacity

A useful benchmark tool for solid waste planners is the years of capacity remaining in the area's landfills for municipal solid waste (MSW). The

statewide average is about 30 years of active landfills. This is considered a very safe margin, allowing a significant amount of time to identify new capacity. The 2004 version of the annual statewide compilation of data reflects the status as of December 31, 2002. The data indicated that three of the four COGs in the border region were below the average, but still with capacity of more than 15 years.

Maquiladoras

The waste management needs of the maquiladoras are subject to a complex web of laws and regulatory systems. The 1983 La Paz Agreement between the U.S. and Mexico requires the U.S. to accept the return of waste produced in maquiladora manufacturing operations in Mexico. Nonhazardous waste produced in the processing of materials of U.S. origin is regulated by Mexican law and must be transported back to the U.S. Thus, the remaining disposal capacity of Texas border area waste facilities could be seriously reduced by a sudden flow of additional waste, or if the border region experiences additional maquiladora growth.

Challenges Facing Border COGs

Two themes are common to the challenges facing border COGs. First, access to and affordability of proper MSW collection and disposal systems continue to present challenges in this region, particularly in rural areas. A second theme is illegal dumping. The most common problems occur in colonias, where collection and disposal of municipal solid waste are often unavailable, inadequate, or costly, and illegal dumping and burning of waste are common practices. These conditions create a risk to the public health of the area and the environmental quality.

A number of measures have been taken to address these concerns. They range 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.

Water Resources

In a region where annual rainfall varies between 7 inches in El Paso-Ciudad Juárez and 25 inches in Brownsville-Matamoros, the availability of water becomes crucial. Both surface and groundwater supplies are critical to sustain 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 Río Conchos, the Río San Juan, and the Río Salado. The river 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 that 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 tristate 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 1995–1999 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 International Amistad and International Falcon Reservoirs 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 Amistad and Falcon Reservoirs is the Río Conchos, the largest tributary of the Rio Grande. Originating in the Mexican state of Durango, the Conchos 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 from the Conchos and other Mexican tributaries of the Rio Grande belongs to the U.S. The 1944 treaty says that the waters from one-third of the Conchos and the five other rivers and creeks shall, "not be less, as an average amount in cycles of five consecutive years, than 350,000 acre-feet annually."

The water debt of Mexico to the U.S. continues to be an issue. Since 1997, Mexico has owed 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. According to the International Boundary and Water Commission, the total water debt as of May 8, 2004, is down to 892,000 acre-feet, with Mexico having provided 598,000 acre-feet in the present cycle year (which began October 2, 2003). The U.S. and Mexico continue to negotiate a solution to the water debt.

Water levels in the combined Amistad-Falcon international reservoir system have recently risen to their highest levels in 10 years. At 3.37 MAF on May 14, 2004, the combined system is at 58 percent of capacity. Increased rainfall beginning in April 2003 and continuing through spring 2004 is primarily responsible for increased 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.

Studies are under way to characterize the quantity and quality and the different portions of the aquifer that supply the two cities. At current rates of pumping there is evidence that Ciudad Juárez may exhaust the freshwater in the Hueco Bolsón by 2006, and El Paso may do the same by 2030. 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."

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 Rights Permitting and Availability Section 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.

CHAPTER 3

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–are vehicles.

Vehicles

The TCEQ maintains a fleet of about 380 vehicles. Of this total, 84 percent, or 319 vehicles, are assigned to the field, and the remaining 16 percent, or 61 vehicles, are located in Austin. TCEQ regional vehicles are used in the performance of core missions of the agency, as mandated by the Texas Legislature and the U.S. EPA.

Regional employees use vehicles to accomplish the following categories:

- **Mission critical for inspections** includes investigation and regulation of sources of pollution throughout the state, and citizen complaints of pollution.
- **Special use** involves vehicles in the Surface Water Quality Monitoring Program that are necessary to transport boats, and vehicles used to conduct Pantex inspections (two vehicles located in Region 1, Amarillo office).
- **Emergency response vehicles** carry specialized tools and monitoring equipment and are required to be available 24 hours a day, 7 days a week.
- **CAFO vehicles** support the legislatively mandated Concentrated Animal Feeding Operation Program, which monitors spills or overflows from lagoons or runoff from land application or other pollution sources. By direction of the Texas Legislature, the Stephenville Special Project Office CAFO Unit must respond within 2 hours (24 hours/7 days), where appropriate.

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, or over 6 years old, or 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 6 details the specific replacement goals for different types of vehicles and vehicle uses:

Table 6. Replacement Goals for Types of Vehicles and Vehicle Uses

Vehicle Type	Purpose	Replacement Goals Age or Mileage
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

If an agency vehicle meets the above criteria, the vehicle may be taken out of service and surplused, 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.

Facility Improvements

In compliance with HB 3042, the five facilities that are leased-with-option-to-purchase were assigned to Texas Building and Procurement Commission,

effective September 1, 2003. Any decisions, expenditures, and budget requests for capital improvements are managed through the Texas Building and Procurement Commission.

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 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 7. 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:

- Encouraging businesses to participate in agency contracts.
- Giving individualized assistance to prospective bidders.
- Dividing requisitions into smaller portions to make it easier to attract small businesses.
- Providing contractors with a certified HUBs list for prospective subcontracting partners.
- Requiring a HUB subcontracting plan for contracts of $100,000.
- Subcontracting in contracts that are less than $100,00, whenever possible.

In addition, performance evaluations of directors and other personnel responsible for the procurement of goods and services measure good-faith efforts.

The TCEQ continues to:

- Educate agency staff on HUB rules and procedures.
- Actively recruit and educate prospective HUB businesses through the mentor and protege projects at the agency.
- Maintain a HUB Web page and participate in available forums and events sponsored by the Texas Building and Procurement Commission, other state, local and federal entities, and elected officials.
- More actively monitor contracts for HUB subcontracting plan compliance.

Table 7. HUB Goals and TCEQ Performance

Category	TCEQ Performance		Goals for 2005-2009
	2002	2003	
Special trade construction contracts	12.2%	12.4%	0%*
Commodity contracts	25.9%	12.0%	12.6%
Other services contracts	18.4%	17.7%	33.0%
Professional services contracts	3.9%	18.0%	20.0%

* Facilities transferred to Texas Building and Procurement Commission from management/maintenance.

- Assist 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

The TCEQ is funded primarily by fee revenues. The agency was appropriated $920.1 million for the 2004–2005 biennium, of which $774 million was from dedicated fee revenues. The remainder of the appropriations consisted of $83 million from federal funds, $54.5 million from General Revenue, and $8.6 million in interagency contracts and appropriated receipts. Like other state agencies, the TCEQ absorbed reductions to its General Revenue appropriations to help ease the budgetary pressure on state funds resulting from recent economic conditions. General Revenue reductions may affect services provided unless the use of dedicated fee revenue or fund balances are available to compensate for the reductions.

Funding Uses

The TCEQ's annual budget for fiscal 2004 is $451.3 million, an increase of 15.3 percent compared with the prior fiscal year. The bulk of the increase is due to growth in funds for the Texas Emission Reduction Plan funds and the passage of House Bill 1366, which created the Dry Cleaning Facility Release Fund Program. Money in the fund is to be used for the remediation of eligible contaminated dry cleaning facilities. The bill also set standards for dry cleaning facilities and the management of hazardous waste.

The agency's assessment, permitting, and prevention goals receive the largest share of the budget at 56 percent, within which air quality programs constitute the major component. Pollution cleanup consumes 12 percent of the budget, while enforcement and compliance assistance uses 10 percent. The remaining 22 percent of the budget covers the agency's indirect administration expenses.

Funding Limitations

As noted previously, the TCEQ is primarily a fee-funded agency. However, the agency faces several challenges to the full and effective use of its funds to address the environmental priorities and needs of Texas.

Many of the TCEQ's fees and funds have use restrictions, which limits the ability of the TCEQ and the Legislature to allocate funds to meet the most pressing environmental needs. Some flexibility nonetheless is provided by Rider 19 in the TCEQ's General Appropriations Act, which allows for the reallocation of 7 percent of identified funds for other uses (estimated to be $20 million for fiscal 2004, but the agency has yet to use this authority).

The TCEQ faces a new challenge to using all available funds due to the elimination of unexpended balance authority in fiscal 2002. Since federal funds still can be used in subsequent years, though now the corresponding state match cannot, the agency may not be able to use all available federal dollars. Reinstatement of the authority to use unexpended appropriation balances would enable the TCEQ to maximize the use of federal funds.

Revenue Decline and Instability

Some fees and collections are insufficient to cover the costs of the programs to which they are dedicated. To meet these expenses, the agency has been spending fund balances, in turn jeopardizing cash flow in some funds. The following funds are using balances to support current appropriation levels: Clean Air Account, Waste Management Account, Hazardous and Solid Waste, and the Petroleum Storage Tank Remediation Fee Account.

Additionally, the agency collects numerous fees that are based on the volume of waste generated or air contaminants emitted. As the TCEQ continues to

Table 8. Economic and Population Forecast for Texas and the U.S., Fiscal Years 2000-2009, Spring 2003 Forecast

Category	2000	2001	2002	2003	2004*	2005*	2006*	2007*	2008*	2009*
TEXAS										
Gross state product *(1996 dollars in billions)*	$683.1	$694.6	$707.5	$726.5	$754.5	$785.8	$820.4	$854.1	$891.3	$928.9
Annual percentage change	3.8	1.7	1.9	2.7	3.9	4.1	4.4	4.1	4.4	4.2
Personal income *(current dollars in billions)*	$575.8	$606.1	$617.3	$639.9	$676.1	$717.6	$767.6	$820.1	$875.8	$934.7
Annual percentage change	8.3	5.3	1.9	3.7	5.7	6.1	7.0	6.8	6.8	6.7
Nonfarm employment *(in thousands)*	9,366.3	9,529.2	9,432.2	9,459.6	9,608.0	9,851.1	10,148.3	10,391.0	10,647.1	10,881.5
Annual percentage change	2.8	1.7	(1.0)	0.3	1.6	2.5	3.0	2.4	2.5	2.2
Unemployment rate *(percentage)*	4.4	4.4	6.1	6.5	6.3	5.9	5.7	5.5	5.1	4.8
Texas exports	100.0	99.5	93.6	99.5	108.9	120.5	131.1	141.9	153.2	165.5
Resident population *(in thousands)*	20,905.6	21,318.9	21,729.3	22,143.2	22,549.0	22,963.6	23,409.0	23,866.2	24,312.6	24,747.8
Annual percentage change	1.9	2.0	1.9	1.9	1.8	1.8	1.9	2.0	1.9	1.8
Resident population 18 and under *(in thousands)*	5,901.9	5,979.5	6,064.0	6,201.0	6,222.3	6,301.8	6,385.9	6,471.3	6,541.3	6,606.4
Annual percentage change	NA	1.3	1.4	2.3	0.3	1.3	1.3	1.3	1.1	1.0
Resident population 65 and over *(in thousands)*	2,077.9	2,122.5	2,164.3	2,212.3	2,260.0	2,313.7	2,375.2	2,444.9	2,528.5	2,617.0
Annual percentage change	NA	2.1	2.0	2.2	2.2	2.4	2.7	2.9	3.4	3.5
U.S.										
Gross domestic product *(U.S. 1996 dollars in billions)*	$9,140.5	$9,213.3	$9,372.5	$9,589.8	$9,959.6	$10,310.1	$10,630.1	$10,934.8	$11,325.6	$11,774.3
Annual percentage change	4.3	0.8	1.7	2.3	3.9	3.5	3.1	2.9	3.6	4.0
Consumer price index *(1982-84 = 100)*	170.7	176.3	178.9	183.1	186.2	190.0	194.1	199.0	204.0	209.0
Annual percentage change	3.2	3.2	1.5	2.4	1.7	2.0	2.2	2.5	2.5	2.4
Prime interest rate *(percentage)*	9.0	8.0	4.9	4.3	5.7	6.9	7.8	8.1	8.2	8.2

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 8 represents the population and economic forecast for the state of Texas through fiscal 2009.

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 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 Strategy Plan in 1998 set the direction for the TCEQ's IT initiatives. The Information Strategy 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 plan was revised in 2002 to take account of progress made on the original recommendations, and to make adjustments for new demands for information exchange over the Internet and new national standards for environmental information. The revised plan recognizes that much remains to be accomplished to reach the vision of information technology represented in the plan, and recommends the next steps in implementing the vision. The plan is due to be revised in fiscal 2005.

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 Department of Information Resources. The agency is also participating in an effort called the Architecture Components for Enterprise, which is led by the Department of Information Resources. 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 that were developed by the Project Management Institute. Many of the TCEQ's IT project managers have received advanced training and obtained certification in software project management. A Project Management Office has been chartered by the Information Technology Work Group. The Project Management Office will provide guidance and support to project managers from all areas of the agency.

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

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 2000 file servers connected to Windows-based desktop computers.

Internet and e-Government

There are three major Internet efforts under way at the TCEQ: centralized electronic reporting for customers; automated, standards-based data exchange with the EPA; 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 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 up and running and 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, including a current evaluation of on-line submittal of some permit applications.

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 EPA will use Web services technology to automate the data transfer. Through the use of this modern technology and shared data standards, the TCEQ will be able 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.

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 2004–2007.

State Implementation Plan–Emissions Data Management System (SIP EDMS)

Because of the Consolidated Emissions Reporting Rule adopted by the EPA in August 2002, the agency is in need of a central repository to efficiently receive and store statewide area and mobile source emissions inventory data. This rule, 40 CFR 51, issued by the federal government, expanded the reporting requirements of emissions inventory data for state and local governments. The new requirements effectively increased the amount of data collection required on nonmajor sources by a factor of 50. State government must be able to perform assessments, collect emissions and supporting data, store, format, report, and present this 50-fold increase in data volume. This data is needed by all potential users involved with State Implementation Plan (SIP) development, photochemical modeling, EPA emissions reporting, and public information requests.

In order to manage a 50-fold increase in emissions inventory data, the agency has been developing an emissions data management system (EDMS) to support its own SIP development, called the SIP EDMS. This large software application development project has been under way since fiscal 2000 and is expected to be completed by the end of fiscal 2007.

This project is under the supervision of the Technical Analysis Division of the agency. The current achievements include the development of intranet-based reporting, data maintenance, and linking of related documents to emissions data. Current activities include developing data exporting, analysis tools, presenting active queries to external users via the Internet, and linking air quality regulations and control strategies to emissions inventories. Work to be accomplished in the 2006–2007 biennium includes the presentation of emissions inventory data within geographical information systems, and enhancements to existing data presentations.

Surface Water Quality Monitoring Information System (SWQMIS)

This 100-percent federally funded effort is designed to modernize the management of water

quality data and make it available agency wide. This project supports the agency's efforts to accurately assess and report on surface water quality, as required by Sections 305(b) and 303(d) of the Clean Water Act. It also supports the following goals from the agency's Strategic Plan for Fiscal Years 2003–2007: Assessment, Permitting and Prevention (Strategy 01-01-02 Water Resource Permitting, Strategy 01-01-05 Water Assessment and Planning, and Strategy 01-02-01 Safe Drinking Water); Enforcement and Compliance Assistance (Strategy 02-02-01 Field Inspections and Complaints); and Indirect Administration (Strategy 04-01-02 Information Resources–specifically, "...meeting the needs of the client and the regulated community with quality information technology services..." and "...to make data shareable across the agency...").

Successes

Infrastructure Projects

Windows 2000 was successfully deployed to all of the agency's desktop personal computers in September of 2003. The results of the deployment have been dramatic. The number of open trouble tickets reduced from an average of 300 at any given point in time to less than 30. The overall stability of the operating system and applications and reengineered processes has allowed improved customer service levels for over 95 percent of trouble tickets, and for reallocation of IT resources.

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. In other words, the Central Registry will collect together the "who," "what," and "where" information about the entities regulated by the TCEQ. 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 almost 307,000 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.

Consolidated Compliance and Enforcement Database System

At one time, more than 30 discrete databases in the Field Operations and Enforcement Divisions were used to monitor compliance information. Those databases could not be linked to one another. So, a request for information that requires access to each of these databases required 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.

In the agency's Sunset review, the Legislature directed the TCEQ to develop 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.

Technology Initiatives

The agency is beginning a pilot project to make faster and more efficient use of environmental data. The vision is to use real-time environmental data to make environmental decisions. The pilot for rapid response and reaction–beginning in late fiscal 2004 and continuing into fiscal 2005–will test the vision to convert data into knowledge more quickly.

The agency continues to enhance and maintain the major software systems that support the agency's regulatory, environmental, and administrative programs. Agency executive management, the Information Technology Steering Committee, and the Information Resources Manager guide this effort by continuing to direct and support the agency Information Strategy Plan.

In 2003 the agency undertook the implementation of IT best practices based on the Capability Maturity Model Integrated (which was identified as a "best practice" within Texas State Government) in an effort to maximize the return on investment and efficiency of large information technology projects in state agencies. A Project Management Office was chartered by the Information Technology Work Group in 2003. The Project Management Office provides guidance and support to project managers from all areas of the agency.

CHAPTER 4

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 9. 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.

Table 9. Major Federal Laws for Which All or Partial Responsibility Is Authorized to the TCEQ

Federal Resource Conservation and Recovery Act *(the major federal solid waste law)*
Federal Clean Air Act
Federal Clean Water Act
Federal Safe Drinking Water Act
Federal Insecticide, Fungicide, and 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, and Liability Act *(the major Superfund law)*

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.

The 78th Legislature

Despite the challenge of balancing a very difficult budget and addressing a number of other major policy issues, the 78th Legislature focused on a significant number of natural resource and environmental quality subjects.

Environmental Management Issues

The scope of the legislation summarized is indicative of the range of environmental and natural resource management issues that continue to challenge a state faced with the growth and development pressures present in Texas today.

Air Issues

One of the most significant issues is the need to improve air quality to meet federal ambient standards. Efforts of the 77th Legislature helped with the passage of the Texas Emissions Reduction Plan (SB 5) in 2001; however, funding issues prevented the measure from having the complete benefits on air quality intended. The Legislature has addressed that problem by passing HB 1365, which changes the funding structure of the program and makes other improvements intended to ensure that the air quality implementation plans for the urban areas of the state are successful.

Water Issues

Water resource issues also continue to be topics of much public debate and concern to anyone aware of the critical need to ensure an adequate water supply for a rapidly growing region. The 78th Legislature addressed many of these issues, including surface water rights, water conservation, and both local and statewide groundwater management issues. At the same time, the need for ongoing discussion of water resource policy was recognized, and a number of committees and task forces were established to review and make recommendations on these matters, including policies related to instream flows in surface water rights and water conservation goals.

Solid Waste Issues

A state with a growing population probably has an expanding problem managing solid wastes. At the same time, the effects of an expanding waste collection, transportation, and disposal infrastructure are more readily apparent to the population. A logical result is increased concern from the public about the location, operation, and regulation of every type of waste management facility. Much of the environmental legislation initiated this past session was intended to increase oversight of facilities and strengthen regulations related to siting, technical requirements, record keeping, and financial responsibility.

Some Bills from the 78th Legislature Affecting the TCEQ

The following is a partial list of bills passed during the 78th Legislature that will affect agency operations:

- **House Bill 9** relating to Homeland Security
- **House Bill 37** relating to contracts and grant programs related to the Texas Emissions Reduction Plan and making appropriations
- **House Bill 1365** relating to the Texas Emissions Reduction Plan
- **House Bill 1366** relating to the environmental regulation and remediation of certain dry cleaning facilities; providing penalties
- **House Bill 1541** relating to the general powers and authority of water districts
- **House Bill 1567** relating to the disposal of low-level radioactive waste; authorizing the exercise of the power of eminent domain
- **House Bill 2250** relating to the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande
- **House Bill 2546** relating to the land application of certain sludge
- **House Bill 2661** relating to the use of graywater
- **House Bill 3030** relating to notice of groundwater contamination that may affect a drinking water well
- **House Bill 3042** relating to the administration and functions of the Texas Building and Procurement Commission and related matters
- **House Bill 3152** relating to the potability of and requirements for removing contaminants from groundwater
- **House Bill 3442** relating to certain expenditures, charges, and other financial matters of certain governmental entities
- **Senate Bill 934** relating to use of certain environmental laboratory data and analysis by the Texas Commission on Environmental Quality
- **Senate Bill 1152** relating to the provision of Internet services, including the use of TexasOnline and the establishment of an education Internet portal
- **Senate Bill 1159** relating to the regulation of motor vehicle emissions in counties participating in early action compacts
- **Senate Bill 1265** relating to prosecution of environmental crimes
- **Senate Bill 1639** relating to regulating the waters of the state, including the spacing and production of groundwater and the control of instream flows
- **Senate Bill 1902** relating to the creation, administration, powers, duties, operation, and financing of the Rio Grande Regional Water Authority and to

the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande; authorizing the issuance of bonds

Significant Court Cases

Decided Cases–Air

Sierra Club, Clean Air and Water, and Community In-Powerment Development Association v. EPA) U.S. Fifth Circuit Court of Appeals, Cause No. 01-60537 (Filed August 2001).

Petition Summary: The Sierra Club filed a petition for review of the EPA's approval of the Beaumont-Port Arthur (BPA) SIP recommendations, alleging that: (a) the EPA did not have authority to extend the final attainment date to the year 2007 by its use of the transport policy; and (b) the EPA's finding that there were no additional reasonably available control measures (RACM) was arbitrary and capricious. The Sierra Club made virtually identical arguments in the 4th and D.C. Circuit Courts. The TCEQ and four local industries were allowed to intervene in the case.

Impact on the TCEQ: The Court issued an opinion on December 11, 2002 (modified December 31, 2002) which strikes down EPA's transport policy, but upholds the RACM policy. The case is vacated as to the portion of the EPA SIP approval that relies on the transport policy, and remanded to the EPA for further explanation of how the RACM policy was applied in this case. On March 30, 2004, the EPA reclassified the BPA area to a "serious" nonattainment area under the 1-hour ozone standard as a result of the court decision, giving Texas one year to file a new 1-hour SIP. This decision not to reclassify the area as "severe" was not challenged by the deadline of June 1, 2004. In addition to its impact on the BPA area, the decision has prevented the EPA from approving the Dallas-Ft. Worth SIP submitted in December 2000, which also relied on the transport policy. For this reason, the TCEQ must submit a revised SIP that shows attainment of the 1-hour standard. The Dallas-Ft. Worth area could also be bumped up by the EPA, depending upon how the recent 8-hour implementation rule is applied.

Decided Cases–Water

South Florida Water Management District v. Miccosukee Tribe of Indians U.S. Supreme Court, No. 02-262, Cert. granted June 27, 2003

Decision Summary: The case involved the flood control and pumping operations of a water management district within Florida's Everglades. The Eleventh Circuit had affirmed the district court's ruling that the pumping station between two canals required a NPDES permit. The United States 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 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 one unaltered navigable water into another would not require a NPDES permit because the definition of "navigable waters" includes all waters of the United States.

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

Decided Cases–Waste

BFI Waste Systems of North America, Inc. v. Martinez Environmental Group et al. Austin, Texas Appellate Court, 93 SW3d 570 (2002) (writ denied)

Decision Summary: Plaintiffs (MEG) challenged the TCEQ's order issuing a permit amendment for expansion, claiming the site operating plan (SOP) was inadequate. The Third Court of Appeals reversed the TCEQ's order issuing the permit amendment, because the SOP failed to provide specific enforceable procedures to govern the daily operations at the

landfill. (Judgment issued November 21, 2002, and mandate issued March 1, 2004)

Impact on the TCEQ: The case affects the TCEQ's permitting process, because the SOP at issue was very similar to most of the existing and pending SOPs. As a result, the review of pending SOPs is now done consistent with the court decision, and the review of specified SOPs is suspended if requested by applicants. In addition to the processing changes, rulemaking was initiated to amend the SOP rules contained in Chapter 330, Subchapter F. The amended SOP rules are planned to be considered for adoption in the fall of 2004.

Pending Cases–Air

State of New York et al. v. EPA, NSR Manufacturers Roundtable et al., Intervenors
D.C. Circuit Court
Cause No. 03-1387 (filed December 31, 2002)

State of New York, et al. v. EPA
D.C. Circuit Court
No. 03-1380, (filed October 28, 2003)

Petition Summary: Both cases challenge federal rules concerning the FCAA new source review permitting program, and each involve approximately 55 entities as parties or intervenors. The first case challenges changes that would narrow the application of federal NSR requirements. The changes concern five primary topics: establishment of baseline emissions; actual to future actual test; plant-wide applicability limits (PAL); clean units; and pollution control projects (PCP). A briefing schedule has been issued by the court. The second case is a challenge to the new federal rules regarding routine maintenance, repair and replacement rules (RMRR), specifically changing the requirements for when a facility that emits air pollutants would be required to obtain review or changes to its air quality permits. In December 24, 2003, the court stayed the implementation of the RMRR rules, saying that the plaintiffs had demonstrated potential for harm. The final briefing schedule is being considered by the court; the court has ruled that oral argument for both cases will coordinated.

Potential Impact on the TCEQ: If the challengers prevail, the EPA's rules allowing flexibility in federal permitting would not be in effect. If the challengers do not prevail and the rules are upheld, fewer sources will be subject to federal new source and modification requirements, resulting in fewer controls placed on sources both in Texas and in other states, potentially resulting in increased emissions from major sources. If these rules are implemented, they could reduce workload associated with federal NSR permits.

Pending Cases–Water

United States Bureau of Reclamation v. Elephant Butte Irrigation District

MV/RLP U.S. District Court, District of New Mexico,
CV 97-0803

Petition Summary: The U.S. Bureau of Reclamation sued the state of New Mexico, Elephant Butte Irrigation District in New Mexico, 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 trial 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 10th Circuit, in United States v. City of Las Cruces, 289 F.3rd 1170 (10th Cir. 2002), abated the Bureau of Reclamation's suit, and held that the states should adjudicate this issue first before the federal court became involved.

Potential Impact on the TCEQ: 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 have more far-reaching results.

Texas Commission on Environmental Quality v. The City of Uncertain
Texas Supreme Court; No. 03-1111

Petition Summary: The executive director, without notice, issued an amended Certificate of Adjudication to the city of Marshall to add industrial use to municipal use for their authorized diversion of 16,000 acre-feet from Cypress Creek. Persons who live around the lake, the city of Uncertain et al., 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 and the commission argued that based on Tex. Water Code § 11.122(b), no notice was required because the city was not asking for more water, to take water at a faster diversion rate, or to change the location of the diversion point. The trial court reversed in favor of plaintiffs, and the Austin Court of Appeals affirmed. The city and the commission have filed a petition for review with the Texas Supreme Court. The Supreme Court asked the city and TCEQ to further brief the case but has not ruled on the petition for review.

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

San Marcos River Foundation v. Texas Commission on Environmental Quality
Cause No. GN3-01925, 200th District Court, Travis County

Caddo Lake Institute, Inc. v. Texas Commission on Environmental Quality
Cause No. GN400132; 261th District Court, Travis County

Galveston Bay Conservation and Preservation Association, Galveston Bay Foundation, and Matagorda Bay Foundation v. Texas Commission on Environmental Quality
Cause No. GN4-00160, 345th District Court, Travis County

Summary of Petitions: San Marcos River Foundation filed an application 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 have appealed to trial court, claiming that the TCEQ erred in this determination because the TCEQ has jurisdiction to issue new permits solely for instream uses.

Potential Impact on the TCEQ: If the commission decision on these instream-use applications is reversed, the commission will have to consider issuing new permits for instream use applications that were filed pre-SB 1639 (78th Session, 2003). If the commission decision is upheld, then the commission will not be required to issue new permits for instream use.

The City of Shoreacres, the City of Taylor Lake Village, the City of Seabrook, and the Galveston Bay Conservation and Preservation Association vs. TCEQ
(Port of Houston 401 permit, permit # 21520)
353rd District Court, Travis County, Texas, Cause No. GV304754 (filed February 24, 2004)
98th District Court, Travis County, Texas, Cause No. GV400274 (filed February 24, 2004)

Petition Summary: Plaintiffs seek review of the TCEQ's 401 certification of U.S. Army Corps of Engineers permit for the Bayport project.

Potential Impact on the TCEQ: This case could affect the TCEQ's determination of whether to provide a 401 certification under the Clean Water Act in situations where the certification is contested or opposed. The outcome of this case could also determine whether commissioners may review 401 certifications issued by the executive director under a motion to overturn.

City of Waco: TNRCC and Jeff Saitas v. City of Waco (interim order case) 353rd District Court, Travis County, Texas, Cause # GV100389 (filed March 9, 2001)

City of Waco v. TCEQ (Newell Cooper d/b/a Milky Way Dairy, Michael J. Schouten d/b/a The Udder Place, Russell Carpenter d/b/a Carpenter Dairy, Estate of Jack Beyer d/b/a Beyer Dairy #1) 353rd District Court, Travis County, Texas, Cause # GV300043 (filed January 3, 2003)

City of Waco v. TCEQ and Lone Oak Cattle Co. 53rd District Court, Travis County, Texas, Cause # GV203254 (filed September 20, 2002)

City of Waco v. TCEQ and Ervin Coblenz dba Americalf 201st District Court, Travis County, Texas, Cause # GV103893 (filed November 14, 2001)

Pat and Tracey Wilson, Kobie Wood, and the John E. Welsh Estate v. TCEQ and Ervin Coblenz dba Americalf 261st District Court, Travis County, Texas, Cause # GN103762 (filed November 14, 2001)

Petition Summary: These cases contest the TCEQ's issuance of CAFO registrations in the Bosque river basin. The cases are based on federal regulations, 40 CFR Section 122.4, which prohibit the issuance of a permit to a new source or new discharger for a discharge that would violate water quality standards.

Potential Impact on the TCEQ: Has the potential to impact authorizations for new or expanding CAFOs located on impaired segments. If Waco prevails, such facilities may not be able to obtain authorization unless it can be demonstrated that TMDL implementation plans are in place, sufficient pollutant load allocations remain, and all existing dischargers are subject to compliance schedules. Waco amended its pleadings in **TNRCC and Jeff Saitas v. City of Waco** to cover permits issued to CAFOs in the Bosque watershed, as well as registrations. EPA agrees with TCEQ's interpretation that permits can be issued as long as the permits do not violate water quality standards.

Environmental Defense Center v. United States Environmental Protection Agency, et al. (Texas Cities Coalition on Stormwater) U.S. Court of Appeals, 9th Circuit, Nos. 00-70014, 00-70734, 00-70822 (September 15, 2003)

Petition Summary: This case is a constitutional challenge to aspects of the Ninth Circuit's decision invalidating the EPA's general permit, as promulgated, 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 EPA had failed to provide an opportunity for public comment on each application.

Potential Impact on the TCEQ: Finalization of the general permit was on hold pending formal EPA guidance on a partial remand of the Storm Water Phase II rules by the 9th Circuit Court of Appeals. On April 16, 2004, the EPA provided interim guidance on the partial remand of these rules, and the TCEQ is working to revise proposed General Permit No. TXR040000 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. The outcome of the case may require revisions to the April 16, 2004, EPA guidance and the MS4 program.

Pending Cases–Remediation

Concerned Drycleaners of Texas and Johnson Peerless, Inc. v. Texas Commission on Environmental Quality and Margaret Hoffman, Executive Director
353rd District Court, Travis County, Cause No. GN400017

Petition Summary: The Concerned Drycleaners of Texas, Johnson Peerless, and Durrins Cleaners are suing the agency concerning House Bill 1366 (78th, Regular Session), which created the Dry Cleaner Environmental Response Program. The suit seeks a declaratory judgment and injunctive relief based on the allegation that the dry cleaning fees required by the bill are taxes imposed on certain classes of dry cleaners in an arbitrary and discriminatory manner under Articles I & VIII of the Texas Constitution. Additionally, the suit alleges that the law is retroactive and violates Article I of the Texas Constitution in that dry cleaners are subject to penalties if they have used perchloroethylene in the past, even if they no longer own or control the facility where the use took place.

Potential Impact on the TCEQ: The fees that the plaintiffs argue are unconstitutional are to be used by the agency to investigate and clean up dry cleaning-related contamination. If the plaintiffs prevail in the litigation and no funds are collected, it could mean the end of the new Dry Cleaner Environmental Response Program.

Pending Cases–Enforcement

Lakeshore Utility Company, Inc., Sentry Title Company, Inc., Alan D. Whatley, and Thelma J. Whatley v. Texas Natural Resource Conservation Commission
The Supreme Court of Texas
No. 02-0988 (Petition for Review filed December 12, 2002)

Petition Summary: The TCEQ petitioned the Texas Supreme Court to reverse the holding of the Appellate Court that the Water Code (Chapter 13) does not contain authorization to seek refunds. The Appellate Court held that at most, the Water Code Section 13.411(a) gives the commission, through the Attorney General, the authority to seek a district court judgment enforcing a commission order commanding refunds. Lakeshore petitioned the Texas Supreme Court to reverse the Appellate Court holding that Lakeshore knowingly overcharged its customers prior to the 1989 commission order.

Potential Impact on the TCEQ: The commission's authority to enforce utility rates that it sets will be inhibited if the Appellate Court decision is upheld. The decision requires the commission to issue an order to a utility to refund overcharges to its customers prior to seeking to enforce the order through the district court. In its strictest interpretation, the Appellate Court decision limits the authority of the commission to only order refunds of overcharges collected during the pendency of a rate increase application. The decision states that the commission is seeking damages on behalf of the utility customers. The Appellate Court implies that the commission could not order refunds of overcharges collected during a time when a rate increase is not being sought. Rather, only the individual customers who have been overcharged may seek a refund. The commission would therefore have the authority to set utility rates but enforce them only with civil penalties and not refunds. In the instant case, the amount that Lakeshore has collected in overcharges over the last 23 years exceeds the amount of the civil penalties assessed for the violation of overcharging. If the commission is unable to order refunds of overcharges collected by utilities, utilities may have an economic incentive to overcharge their customers.

Part III

Current Activities and Opportunities for Improvement

Enforcement Review

Environmental Monitoring and Response System

Permit Time-Frame Reduction Project

Air Quality/Air Studies and SIP Revisions

Water Quality and Quantity

Waste and Remediation Issues

Other Key Issues

Enforcement Review

The TCEQ has begun an in-depth examination of its enforcement processes and functions. The review will take a comprehensive look at whether the agency is enforcing environmental laws fairly, swiftly, and effectively, and will primarily focus on three major subject matters:

- compliance history;
- penalties and corrective actions;
- and the enforcement process itself.

To assist the agency in its review, a steering committee has been established to guide the process. The review will focus on:

- how the agency's use of criteria to decide whether to pursue enforcement action could be improved;
- enforcement consistency across regions and programs;
- how the agency's implementation of the new compliance history requirements is working, and how the agency's use of compliance history information could be improved;
- maximizing compliance in enforcement policies; and
- maximizing benefit to the environment in the agency's enforcement policies.

The agency is soliciting input from the public, stakeholders, and the regulated community throughout this process. A number of key issues have been identified and are under careful review. Final recommendations will be presented to the executive director and to commissioners for consideration. If the review identifies a need for any statutory changes, the commission will forward the recommendations to the Legislature for its consideration.

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 will join agency resources with academic and regulated community resources to provide quick 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 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; and
- enhance the agency's ability to provide accurate and timely information to the public concerning environmental quality.

In the Summer of 2004, the TCEQ will conduct an air pilot project in Houston and a water quality project in the Bosque-Leon watershed. This will allow for development of information to produce a long-term plan. The goal of the projects is to provide enhanced real-time monitoring, analysis of the data, and development of necessary responses by the agency. Both plans would 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; and
- 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 goal eventually is to have Web-based geographic information system (GIS) tools that would 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, it is anticipated that the EMRS will be extended to other areas of Texas, as resources allow.

Permit Time-Frame Reduction Project

The agency continues in its effort to improve the efficiency of the permitting processes through its 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 more efficient 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 the Congress. Ongoing efforts in self-assessment will continue to identify areas for potential efficiencies. More work, however, remains to address duplicate processes and permits. Overlap of pollution control, monitoring, record keeping, reporting, and testing requirements add to the complexity of permitting operations.

Over the past two years, the agency has made significant headway in reducing the amount of time necessary to process permit applications. Streamlining initiatives include greater outreach, database improvements, and increased negotiations with the EPA. The TCEQ has a good working relationship with all levels of government and is participating in an EPA effort to decrease review time and oversight of the Texas Pollutant Discharge Elimination System (TPDES) permitting program.

Implementing sound science is also a continual improvement process. As technology advances, there will be new opportunities for the regulated community to produce their goods with less pollution, and for the TCEQ to use new technology to process applications better and faster. The water availability models are one example of a new technology that was implemented for better and faster permitting decisions. These models will have to be continually maintained in order to keep them current.

Air Quality/Air Studies and SIP Revisions

The TCEQ works with the EPA, the Legislature, local governments, and stakeholders to develop measures that will control air pollution and meet requirements of the federal Clean Air Act.

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. 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. As health concerns have changed and monitoring technologies have improved, more emphasis has been placed on air toxics, small particulates, and visibility issues, so additional air monitoring networks have been deployed to address these new issues.

The TCEQ placed additional emphasis on obtaining continuous real-time monitoring results and presenting them to the public on the Internet. More data being made available on the Internet in real time will result in a need for more information technology infrastructure and support and additional data validators to ensure that the data being presented is of the highest quality. Additional analytical capabilities may have to be provided in order to support the analysis of an expanded list of EPA air toxics.

Houston-Galveston-Brazoria Area

The Houston-Galveston-Brazoria (HGB) ozone nonattainment area is required to attain the 1-hour ozone standard by November 15, 2007. The commission has been working to develop a demonstration of attainment.

In January 2001, the Business Coalition for Clean Air-Appeal Group (BCCA-AG) and several regulated companies challenged the December 2000 HGB SIP and the 90 percent NO_x reduction requirement from stationary sources in the area. In May 2001, the parties agreed to a stay in the case, and Judge Margaret Cooper, Travis County District Court, signed a consent order, effective June 8, 2001, requiring the commission to perform an independent, thorough analysis of ozone formation in the HGB area and to identify mitigating measures.

The TCEQ analysis revealed that while industrial source NO_x emissions were generally correctly accounted for, industrial source VOC emissions were likely significantly underestimated in earlier emissions inventories.

The study also showed that current surface monitors were insufficient to capture the source of ozone plumes downwind of industrial facilities. The findings from the study are constantly evolving and have raised questions about the formation of high ozone levels in the HGB area.

To address these findings and to fulfill obligations in the consent order, the commission adopted a SIP revision in December 2002 that focused on replacing the most stringent 10-percent reductions in industrial NO_x with VOC controls. The results of photochemical grid modeling and analysis indicated that the same level of air quality benefits achieved with a reduction of 90 percent in industrial NO_x emissions could be achieved with an overall 80 percent reduction in industrial NO_x emissions, when combined with a reduction in industrial VOC emissions.

As the commission prepared to move forward with a midcourse review in early 2003, 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.

The EPA also formalized its intentions to designate areas for the 8-hour ozone standard by April 15, 2004, meaning states would need to reassess their efforts and control strategies to address this new standard by 2007. To effectively manage the state's limited resources, the commission developed an approach that addresses the outstanding obligations under the 1-hour ozone standard, while beginning to analyze 8-hour ozone issues.

Results from air quality studies and recent photochemical modeling indicate that additional highly reactive volatile organic compound (HRVOC) reductions will be the best way to reduce ozone in the HGB. To achieve the necessary HRVOC reductions, the commission is proposing a two-pronged approach that would address variable short-term emissions through a not-to-exceed limit, and would address steady-state and routine emissions through an annual cap. That annual cap would be distributed and enforced through a cap and trade program.

In April 2004, the EPA finalized Phase I of the 8-Hour Ozone Implementation Rule. However, the

earliest expected date for Phase II of the 8-Hour Ozone Implementation Rule is September 2004. The TCEQ continues to evaluate the final Phase I rulemaking and to determine the implications for development of the HGB SIP.

The rule provides flexibility to the states in transitioning from the 1-hour to the 8-hour ozone standard, and the steps taken in this proposal and the technical work performed to date will be invaluable through the transition period. Additionally, the EPA has proposed a revision to the current Transportation Conformity Rule, which offers a number of options for managing transportation conformity as part of the implementation of the 8-hour ozone standard. The EPA has indicated that the Transportation Conformity Rule will be finalized in June 2004.

Despite the uncertainty in federal rules, the TCEQ plans to fulfill its 1-hour ozone obligations and analyze the HGB airshed in terms of the 8-hour ozone standard. Developing a comprehensive 8-hour ozone attainment demonstration for the existing nonattainment areas will require guidance from the EPA in the form of federal rulemakings. When the EPA finalizes the Conformity Rule and Phase II of the 8-Hour Implementation Rule, the TCEQ can begin developing appropriate control strategies to attain the 8-hour ozone standard.

Beaumont-Port Arthur Area

On April 16, 1999, the EPA proposed in the Federal Register to extend the Beaumont-Port Arthur Area (BPA) attainment date to November 15, 2007, based on its ozone transport policy in effect at the time. Under the proposal, the EPA could consider the effect of transport of ozone or its precursors from an upwind area that interferes with the downwind area's ability to attain federal clean air standards.

Environmental groups subsequently challenged EPA's extension of attainment dates based on transport. BPA was one of three areas in the nation for which suits were filed.

On December 11, 2002, the Fifth Circuit Court of Appeals ruled that the EPA is not authorized by the federal Clean Air Act to extend the area's attainment date based on transport. On June 19, 2003, the EPA proposed in the Federal Register to reclassify BPA to either "serious" or "severe," with a November 2005 attainment date for either classification. The EPA published final action in the Federal Register on March 30, 2004, reclassifying BPA to "serious" with an attainment date of November 2005. Texas must submit a new attainment demonstration, showing attainment by 2005, within one year of the effective date of the action.

On April 15, 2004, the EPA designated Beaumont-Port Arthur as a "marginal" nonattainment area under the 8-hour standard. The TCEQ has conducted modeling that shows the BPA area will be in attainment of the 1-hour ozone standard in 2005, and in attainment of the 8-hour ozone standard in 2007. The Beaumont area could be the first area in the nation to demonstrate attainment of the 8-hour standard.

Dallas-Fort Worth Area

The EPA also designated the DFW area as a "moderate" nonattainment area under the 8-hour standard for ozone. Texas must submit a SIP update to the EPA in June 2005. The EPA also expanded the nonattainment area from the current four counties to a total of nine counties. The area's 8-hour attainment date is June 2010. The TCEQ continues to work with the EPA and local leaders to develop an appropriate strategy to move forward.

El Paso Area

El Paso was designated nonattainment under the 1-hour ozone and the carbon monoxide standards and was designated as attainment for the 8-hour ozone standard. Based on the monitoring data, the TCEQ will request that the EPA redesignate El Paso County as attainment for both air quality standards. That request will include a plan to maintain El Paso's compliance with those standards for 10 years.

Early Action Compacts

Areas that have worked to address air quality problems through an Early Action Compact (EAC) include the following: San Antonio, Austin, and East Texas (Tyler and Longview). Only San Antonio was found to have monitored violations of the 8-hour ozone standard. The nonattainment status for the San Antonio area is deferred while the area continues to develop effective voluntary programs.

State Implementation Plans outlining control strategy and voluntary programs for each of the three EAC areas will be proposed by the TCEQ in July 2004. In order to comply with the EPA's guidelines for EAC areas, the SIPs must be submitted to the EPA before December 31, 2004.

Texas Emissions Reduction Plan

The Texas Emissions Reductions Plan (TERP) was established in 2001 under Senate Bill (SB) 5, 77th Texas Legislature. Included in the TERP was an Emissions Reduction Incentive Grants Program administered by the TCEQ. This program provides voluntary incentive grants to reduce NO_x from mobile sources, mainly diesel. Grants are also available to a more limited extent for stationary equipment. The TERP program offers a variety of incentive opportunities such as covering cost differentials, providing for infrastructure and retrofitting heavy duty vehicles and other equipment.

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

The Emissions Reduction Incentive Grants Program is included in the SIP for Houston-Galveston and Dallas-Fort Worth areas. This inclusion involves a commitment to reduce approximately 55.2 tons per day of NO_x through the TERP grants. In addition to these SIP commitments, the TERP grants program is also intended to help other non- and near-nonattainment areas achieve NO_x reductions, such as those entities included in Early Action Compacts (EAC).

The New Technology Research and Development (NTRD) Program promotes the development of commercialization technologies that will support projects that may be funded under the TERP Emissions Reduction Incentive Grants Program. The NTRD Program will:

- establish and develop a new technology research and development program; and
- provide grants to be used to establish and develop a new technology research and development program, and support development of emissions-reducing technologies.

The NTRD Program (formerly part of the Texas Council on Environmental Technology) is expected to work to streamline and expedite the process so that the TCEQ and the EPA can give recognition of and credit for new, innovative and creative technological advancement. This program is expected to spur the entrepreneurial and inventive spirit of Texans to help develop new technologies to solve existing air quality problems.

On February 17, 2004, the agency published a request for grant applications (RGA) for the NTRD. Applications for these grants were received through March 31, 2004. The TCEQ received 74 applications, requesting a total of $60 million in funding. TCEQ expects to begin awarding the FY 2004 NTRD grants by early summer. In addition, on May 26, 2004, the agency published an RGA for FY 2005 projects, which will close on July 7, 2004.

Texas Air Quality Study (TexAQS) II

The Texas 2000 Air Quality Study (TexAQS 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.

TexAQS 2000 has provided and will continue to provide a large part of the scientific basis for reassess-

ing the ozone problem in the Houston-Galveston-Brazoria (HGB) ozone nonattainment area, leading to development of the more cost-effective ozone control strategy that has been used to develop the current HGB ozone SIP revisions. The second phase of this study, TexAQS II, is scheduled for 2005 and 2006 and will cover the area of Texas east of and including the Interstate-35 and 37 corridor.

The prestudy work for TexAQS II has already begun and will continue through 2004. The enhanced monitoring from May 2005 through October 2006 will collect data to determine ozone transport into and within Texas and to determine the contribution of transport to ozone concentrations over the 8-hour standard in Texas' urban areas.

A federally required regional haze SIP is due in January 2008. To prepare for this SIP, the TexAQS II monitoring will also collect data to determine how much of the regional haze that moves across Texas and affects federally protected Class I national park areas comes from Texas, and how much is transported into Texas from outside the state.

The intensive field study period in TexAQS II will last about a month during August and September 2006. This intensive study will focus on the accuracy of VOC and NO_x emission estimates and to provide data to determine whether the modeling for the 8-hour SIP is getting the right answers for the right reasons. The TCEQ will be heavily involved in planning TexAQS II and in interpreting research in order to improve regulatory analysis and prediction tools used for developing 8-hour ozone SIPs.

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 use 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.

Permitting

The federal role in air permitting operations is to work with the state to ensure major procedural and regulatory requirements are incorporated into agency operations. When there are changes in federal statutes, the EPA will propose rule changes. The TCEQ will generally have an opportunity to comment on the proposals. Upon promulgation, the TCEQ will revise its rules as necessary. Currently, the EPA is preparing to propose the Mercury Rule and the Interstate Air Quality Rule, which could add responsibilities to the state. These proposals are scheduled to be finalized sometime in the middle of 2005.

Mercury Rule

On December 15, 2003, the EPA proposed two alternatives to reduce mercury emissions. The first alternative of the proposed rule would require utilities to install controls known as "maximum achievable control technologies" (MACT). This requirement would reduce nationwide mercury emissions by 14 tons, or 29 percent, by the end of 2007. The proposed MACT rule would affect coal and oil-fired utility units that are existing sources, as well as new or reconstructed units.

The second alternative of the proposed rule would establish a "standard of performance," limiting mercury emissions from new and existing utilities. This proposal would have two phases. The first phase would be due by 2010, and the second phase would be implemented by 2018. In 2018, mercury emissions would be reduced by 33 tons, or 69 percent, and a 15-ton cap would be set for all utilities. The EPA would allocate

to each state a specified emission allowance for mercury. The state, in turn, would be responsible for the distribution of allowances among its utilities, and the utilities would be able to trade with their allowances.

If Texas is required to reduce mercury by about 70 percent in 2018, the EPA states that the Texas allowance for mercury should be 1.837 tons annually. However, the data from the 2000 Toxics Release Inventory for Texas is approximately 8.1 tons of mercury annually for all sources. It would be important to evaluate what portion of the inventory is from electric utility generating units to make sure the allowance and the required reduction would be appropriate for Texas.

Interstate Air Quality Rule

On December 1, 2003, the EPA proposed a rule that focuses on the reduction of NO_x and SO_2 emissions of coal-fired power plants in the Eastern portion of the United States. The proposed rule would require upwind states to revise their SIPs to include control measures to reduce SO_2 and/or NO_x to help downwind states achieve their goals for National Ambient Air quality Standards (NAAQS). The EPA stated that after reviewing "relevant data," Texas utilities would significantly contribute to nonattainment in downwind states with respect to $PM_{2.5}$ NAAQS in 2010.

Reductions are proposed in two phases, with the first phase in 2010, and the subsequent phase in 2015. The EPA is also proposing a multistate cap and trade program for NO_x and SO_2 that states would have the option to join. This is the EPA's preferable route. A model for the cap and trade program will follow in May 2004.

For states, including Texas, that are required to reduce SO_2 and NO_x for $PM_{2.5}$, reductions must be achieved annually. The EPA's proposal states that Texas will contribute "significantly" to $PM_{2.5}$ nonattainment in areas that are downwind. The TCEQ will need to determine the level that Texas is or is not contributing to downwind states.

Texas currently has its own cap and trade program in Houston that could be affected, as well as the cap and trade program for utilities. The EPA's proposed cap and trade program will also need to be evaluated for its potential effects on the Texas banking and trading program. The allowance for SO_2 and NO_x will be set by the EPA. Texas will need to evaluate if the allowances would be adequate, and if so, how to implement them.

Water Quality and Quantity

The TCEQ conducts many activities to ensure the adequacy and safety of the state's public drinking water and the quantity and quality of its surface and groundwater.

Water Studies

The Study Commission on Water for Environmental Flows was established by the 78th Legislature under SB 1639. The group is charged with reviewing the current mechanisms in water rights permits for ensuring protection of the environment, and with making recommendations for addressing instream and bay and estuary flows. The TCEQ is designated to provide staff support for the study group and is coordinating the efforts of the group's Science Advisory Committee.

The Water Conservation Task Force was established by the 78th Legislature under SB 1094. The task force is charged with reviewing the state's water conservation efforts, including best management practices for water users; implementing water conservation strategies recommended in regional and state water plans; preparing per capita water use targets and goals; and developing appropriate state oversight and support of any conservation initiatives adopted by the Legislature. The TCEQ's executive director is a member of the task force.

Drinking Water, Arsenic, and Radionuclides

The TCEQ administers the supervision program for public drinking water systems and has primary responsibility for the public water system (PWS)

aspects of the federal Safe Drinking Water Act. The state of Texas has primacy over regulation of public drinking water. This means that Texas rules related to public drinking water are at least as stringent as the rules promulgated by the EPA.

Beginning in January 2004, all community and nontransient, noncommunity PWSs that use only purchased water or groundwater must start reporting information about their distribution system's disinfection. The TCEQ has begun holding stakeholder meetings on proposed rules for arsenic and radionuclides in drinking water that incorporate recent changes in the federal standards.

The federal rulemaking in the Safe Drinking Water Program has increased dramatically. The EPA has promulgated or is scheduled to promulgate 13 new rule packages during the period from 1998 to 2005. For such changes to the federal program, the state has two years from the date of the federal rules to adopt the related state rules and to submit a "Primacy" package to the EPA for approval.

The state may also request a two-year extension to the adoption schedule, but, with the exception of enforcement, must establish a mechanism for implementing all of the regulatory components of the federal rule. The state maintains "Interim Primacy" for the federal rule during this time–inclusive of any extension granted by EPA.

During 2000, the EPA adopted two additional rules: the Public Notification Rule (PNR) and the Radionuclides Rule (RR). The TCEQ adopted the PNR in June 2002, and has requested a two-year extension for the RR.

During 2001, the EPA promulgated a new Arsenic Rule, the Filter Backwash Recycling Rule (FBRR), and the Stage 1 Long-Term Enhanced Surface Water Treatment Rule (LT1ESWTR) during calendar year 2001. In December 2003, the TCEQ adopted the analogous state rules for FBRR and LT1ESWTR. Additionally, the TCEQ has requested an extension for adopting the Arsenic Rule.

General Permits

Before September 14, 1998, the TCEQ and the EPA issued separate state and federal permits for discharges into waters in the state under separate authority. Texas was delegated the National Pollution Discharge Elimination System (NPDES) Program on September 14, 1998. Following delegation, entities in Texas discharging wastewater into waters in the state are only required to obtain authorization from the TCEQ. The TCEQ has the highest NPDES permit issuance rate in the nation.

The program continues to develop general permits to streamline the permitting process. General permits under development include: aquaculture, sand and gravel processing, hydrostatic test waters, concentrated animal feeding operations (CAFOs), small domestic wastewater treatment facilities, and Phase II Municipal Separate Storm Sewer System (MS4) for storm water. One issue the TCEQ faced in implementing the TPDES program was a 9th Circuit Court ruling that delayed the Phase II MS4 general permit.

The TCEQ continues to explore issuing general permits to replace specific categories covered by individual permits whenever a general approach is appropriate and protects human health and the environment. The TCEQ is developing regulations and a general permit for concentrated animal feeding operations (CAFOs). This initiative incorporates new federal and other appropriate state requirements.

Historically, the EPA has had an oversight role in the CAFO program in Texas. The EPA adopted new federal rules in April 2003, which will translate to changes in state rules in order to maintain the state's delegation of the NPDES program. Significant changes in TCEQ's rules include classifying dry litter poultry operations as CAFOs; adding even more stringent requirements to dairy CAFOs in the Bosque watershed; and requiring all TPDES CAFOs to submit an annual report to TCEQ.

The TCEQ is also eliminating the CAFO registration process and instead will offer a new CAFO general permit and individual permits. The proposed

rule and general permit are anticipated to be adopted in the summer of 2004.

The EPA also historically has administered the storm water program and is still actively conducting storm water construction investigations, as well as some industrial and MS4 investigations. The TCEQ issued the Storm Water Multi-Sector General Permit (MSGP) for industrial facilities in August 2001, and the Construction General Permit (CGP) in March 2003. The MSGP authorizes the discharge of storm water associated with industrial activity from a wide range of industrial facilities. The CGP covers storm water discharges from construction activities that disturb at least one acre.

The TCEQ has yet to approve the Phase II MS4 General Permit. Finalization of the general permit was on hold pending formal EPA Guidance on a partial remand of the Storm Water Phase II rules by the 9th Circuit Court of Appeals. On April 16, 2004, the EPA provided interim guidance on the partial remand of these rules, and the TCEQ is working to revise proposed General Permit No. TXR040000 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.

Waste and Remediation Issues

More people and more industries in our state mean more waste and the need for new strategies to address these issues.

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 proposed disposal facility to accept waste from members of a waste disposal compact formed in 1998–Texas, Maine, and Vermont (although Maine has withdrawn from the compact)–or waste that has been approved for importation to this state by the Compact Commission.

In addition, the bill allows a proposed 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 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. It is anticipated that the agency will receive applications for licensure in July and August of 2004, and that the initial application selection process will be completed in the spring of 2005. The full technical review of the selected application is scheduled to be completed in the late summer of 2006.

Municipal Solid Waste

The TCEQ is involved in rule changes that revise practically every aspect of municipal solid waste (MSW) permitting. The agency is opening and revising the rules that govern the siting, construction, and monitoring facilities in Texas. Before revising and writing rules, the agency has conducted a series of informational meetings to gather input and identify areas of concern in the design, construction, and monitoring of MSW facilities. These meetings took place in seven major cities around the state.

Site Operating Plans (SOPs)

The commission has initiated a rulemaking in order to produce a more comprehensive set of requirements for site operating plans for municipal solid waste facilities. The purpose of the rulemaking is to provide certainty with regard to SOPs, because rule interpretation questions have been raised by recent court decisions. The new SOP rules will address issues such as: the amount of detail needed in the SOPs; which requirements should be performance-based and which should be more specific; and the need for specificity, flexibility, enforceability, and environmental protection.

Petroleum Storage Tank (PST) Rules

Proposed changes to the Petroleum Storage Tank Reimbursement rules were drafted in order to better ensure that all payable reimbursement claims can be paid before the Petroleum Storage Tank Remediation Fund sunsets in 2006. The standard for the reimbursement of eligible cleanup expenses related to leaking petroleum storage tank sites is being revised to move away from an "actual cost-based" system. In addition, better accountability provisions are being added in the reimbursement rules as a result of the agency's PST reimbursement audits. The rulemaking package will also update and clarify existing rules pertaining to regulated underground storage tanks. The agency is currently accepting public comment on the proposed rules.

Dry Cleaner Environmental Response Program

House Bill 1366, 78th Legislature, Regular Session, established the Dry Cleaner Environmental Response Program. The bill requires the TCEQ to administer and enforce the new program, as well as to develop performance standards for dry cleaning facilities and criteria for the expenditure of funds from the newly established Dry Cleaning Facility Release Fund Account. In addition, the TCEQ will develop corrective action completion criteria for the remediation of contaminated sites. The agency is currently in the process of developing rules to implement the new program.

Other Key Issues

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

Homeland Security

During the 78th Legislative Session, House Bill 9 added Chapter 421 related to Homeland Security to the Government Code. The bill identified the TCEQ as one of the state agencies of the newly created Critical Infrastructure Protection Council. The council is responsible for developing a protection strategy for statewide critical infrastructure, implementing the state's homeland security strategy, and undertaking other matters related to promoting the state's homeland security strategy.

House Bill 9 also amended Subchapter H, Chapter 418, of the Government Code. This amendment requires that certain information that may be homeland-security sensitive remain confidential. The TCEQ is completing guidance related to the confidentiality of records maintained by the agency that may meet the identified requirements.

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 Bioterrorism Act also required certain actions of critical infrastructure identified in our state. Specifically, water systems were required to complete a vulnerability assessment and within six months submit emergency response plans. Water systems must have completed their vulnerability assessments by the following dates:

- March 31, 2003, those serving a population greater than 100,000;
- December 31, 2003, those serving populations between 50,000–100,000; and
- June 30, 2004, those serving populations between 3,300–50,000.

The BioWatch project was implemented in Texas and across the U.S. in 2003, and it continues to be enhanced as consequence management plans are developed and initiated. The governor adopted the Texas Homeland Security Strategic Plan on January 30, 2004, which requires "state agencies that play a role in homeland security" to address security issues in their agency strategic plans.

The key service areas involve those Texans who are served by or live near a facility that is regulated by the TCEQ that may be vulnerable to an intentional attack or natural disaster–for example, dams, public water systems, wastewater treatment facilities, and refiners. While, no regulatory requirements (state

or federal) exist to mandate that identified critical infrastructure must maintain heightened security measures during certain homeland security alerts, these facilities have cooperated with state and federal recommendations to do so. The enhanced security measures involve additional operational expenses for the facilities.

The requirement of certain public water systems to perform vulnerability assessments and submit emergency response plans is an added expense to these systems, as well. Several, but not all, have received federal grant funding to meet these requirements.

The TCEQ has dedicated a full-time staff member to coordinate homeland security efforts within the agency. As homeland security efforts continue to develop, funding may be necessary to implement recommendations of the Critical Infrastructure Protection Council or the Office of Homeland Security.

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. The TCEQ has also received federal funding for the BioWatch program, which is passed along to local governments.

Business Continuity Planning

State law has made business continuity planning (BCP) a mandatory requirement for all state agencies. As of 2002, Title 1 Texas Administrative Code (TAC) 202.6 outlined minimum requirements for agencies to follow.

In 2002, the TCEQ completed a business impact analysis and security risk assessment. The most time-sensitive business processes were identified for recovery and an assessment of likely threats–for example, tornados, fires, and bomb threats. In 2003, the agency developed its recovery strategy and wrote the business continuity plan procedures. Agency procedures covered four broad areas: crisis management, emergency response, business recovery, and information technology systems recovery. The BCP was finalized in December 2003.

Since the completion of its BCP, the agency conducted a test of the plan in February 2004. To maintain support for this effort, the TCEQ has developed a budget line to fund training for key staff and support equipment for simulated or actual disaster situations.

Facilities Management

HB 3042, enacted by the 78th Legislature, mandated that the Texas Building and Procurement Commission (TBPC) provide facilities management services to all state agency facilities in Travis County or a county adjacent to Travis County. Facilities management services involve activities related to facilities construction, facilities management, general building and grounds maintenance, cabling, and facility reconfiguration. Although physical security was not specifically mentioned in the bill, the TBPC included this service as well.

As a result of the transfer of responsibility, all maintenance contracts have been turned over to the TBPC. On September 1, 2003, the TBPC assigned a full-time on site building manager and one full-time on-site maintenance technician to assume facilities management responsibilities for Park 35 Buildings in Austin. Since the transfer of service, it takes considerably longer to get action taken on most service and maintenance requests.

In February 2004, the TCEQ paid $2.65 million to the TBPC for maintenance, maintenance contracts, and security costs, and to pay utilities bills. The TCEQ maintained a small Facilities Liaison Team within the agency to serve as a central point of contact between the TCEQ and the TBPC on all issues concerning facilities management, maintenance, and services to agency programs, regional facilities, and staff. TBPC service has been minimally acceptable during this transition period.

The key to improving customer service to a high level is the development of mutually acceptable

expectations for facilities management, and publication of policies and procedures. The cost of facilities improvement projects will increase under the new arrangement. Cancellation of the service and maintenance contracts that had been in effect has raised concerns that warranties on vital equipment might be voided. The TCEQ will continue to work with TBPC to resolve these issues through negotiation and communication.

Part IV

Strategic Planning Structure

Goals, Objectives, and Strategies, Fiscal Years 2005–2009

Goals, Objectives, and Strategies for Fiscal Years 2005–2009

The performance measures and definitions had not received formal approval from the LBB/GOBPP at the time of this printing.

GOAL 1 –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.

OBJECTIVE 01 –To decrease the amount of toxics released and disposed of in Texas by 40 percent by 2007 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 non-attainment areas

01–01.02 Nitrogen oxides (N0x) 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 New Technology Research and Development (NTRD) technologies verified by the EPA

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_x reduced through the Texas Emissions Reduction Plan

01–01–01.06 Number of new technology grant proposals reviewed

01–01–01.07 Number of technology verifications by the EPA

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 of LIRAP vehicle retirements

01–01–01.05 Average cost/ton of NO_x reduced through the Emissions Reduction Plan

01–01–01.06 Average number of days to review a grant proposal

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

01–01–02 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 Number of regional action plans implemented

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 less than 10 years of disposal capacity

OBJECTIVE 02 –To review and process 90% of air, water, and waste authorization applications within established timeframes.

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 solid waste sites remediated by responsible parties

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 new licenses and registrations issued

01–02–04.04 Number of licenses and registrations renewed

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

01–02–04.02 Number of jurisdictional complaints received

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 2 –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.

OBJECTIVE 01 – To supply 95% 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 proteczion 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 which meet primary drinking water standards

02–01–01.02 Number of drinking water samples collected

02–01–02 Water Utilities Oversight:

To 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 3 –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.

OBJECTIVE 01 –Through fiscal year 2007, 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	Tons of emissions and waste reduced and minimized as reported by the regulated community implementing pollution prevention, environmental management systems and other innovative programs
03–01.07	Amount of financial savings achieved as reported by the regulated community implementing pollution prevention, environmental management systems and other innovative programs
03–01.08	Tons of emissions and waste reduced and minimized in the Texas-Mexico border region as reported by the regulated community implementing pollution prevention, environmental management systems and innovative programs

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 inspection to report completion
03–01–01.03	Average time (days) from water inspection to report completion
03–01–01.04	Average time (days) from 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

03–01–02 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 commercial lab inspections

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

03–01–02.03 Number of administrative enforcement orders issued

03–01–02.04 Number of drinking water labs certified

Efficiency Measures:

03–01–02.01 Average number of days to file notices of formal violations

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

03–01–03 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 environmental management systems conducted

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

03–01–03.03 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 hazardous waste reduced as a result of pollution prevention planning

03–01–03.02 Tons of waste collected by local and regional collection and cleanup events

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 4 –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.

OBJECTIVE 01 –By fiscal year 2007, 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 85% of the 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 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 which 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 evaluations under way
04–01–02.05	Number of Superfund cleanups under way
04–01–02.06	Number of Superfund cleanups completed
04–01–02.07	Number of corrective action documents approved for industrial solid and municipal hazardous waste sites
04–01–02.08	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

Part V

Appendixes

Appendix A, Agency Planning Process

Appendix B, TCEQ Organization Chart

Appendix C, Outcome Projections, Fiscal Years 2005–2009

Appendix D, TCEQ Performance Measures and Definitions

Appendix E, TCEQ Workforce Plan, Fiscal Years 2005-2009 *(also provided separately to State Auditor's Office)*

APPENDIX A

Agency Planning Process

In accordance with the TCEQ mission, the agency has established four goals and four quantifiable objectives to accomplish through its FY 2006–2007 *Strategic Plan*. These goals and objectives reflect the priorities and the environmental improvements the agency expects to make within this time frame.

The goals used in previous Strategic Plans have been restructured. Beginning with FY 2006-07, the four goals for TCEQ are:

- Assessment, planning and permitting
- Drinking water and water utilities
- Enforcement and compliance support
- Pollution cleanup

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

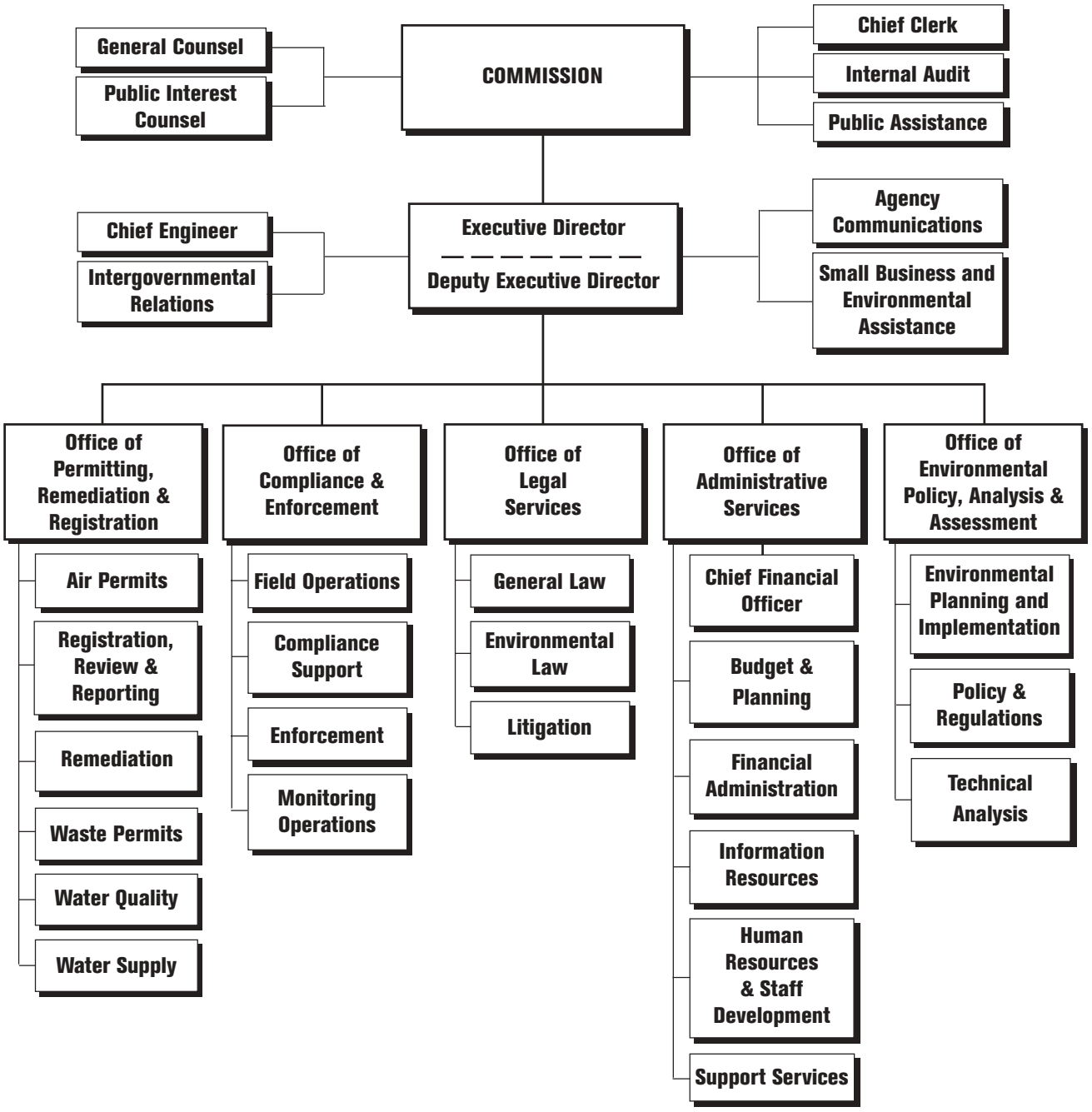
- To decrease the amount of toxics released and disposed of in Texas by 40 percent by 2007 from the 1992 level, and reduce air, water and waste pollutants through assessing the environment.
- To review and process 90 percent of air, water, and waste authorization applications within established time frames.
- To ensure the proper and safe disposal of low-level radioactive waste.
- 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.
- Through fiscal 2007, 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.
- By fiscal 2007, 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 85 percent of the leaking petroleum storage tank sites.

In addition to the *Strategic Plan*, the agency has prepared an internal *Business Management Plan*. This planning document lists over 85 programs with quantifiable outcomes or outputs which are linked to the goals and objectives of the *Strategic Plan*. The *Business Management Plan* provides considerably more detail than the *Strategic Plan*. The *Business Management Plan* is used as a management tool within the agency.

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. Additionally, the TCEQ *Strategic Plan* is designed to communicate agency progress on efforts to ensure that all Texans are living in a safe environment.

APPENDIX B

TCEQ Organization Chart



Outcome Projections Fiscal Years 2005-2009

Goal/Obj.	Outcome Measure	2005	2006	2007	2008	2009
01–01.01	Annual percent of stationary and mobile source pollution reductions in nonattainment areas.	6%	6%	6%	6%	6%
01–01.02	Nitrogen Oxides (NO_x) emissions reduced through the Texas Emissions Reduction Plan (TERP).	19.4	39.8	60.5	60.5	60.5
01–01.03	Percent of Texans living where the air meets federal Air Quality Standards.	41%	41%	41%	41%	41%
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.	84%	84%	84%	84%	84%
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.	5%	10%	15%	25%	25%
01–01.10	Percent of New Technology Research and Development (NTRD) technologies verified by the EPA	10%	10%	10%	10%	10%
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.	90%	90%	90%	90%	90%
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.	59%	82%	86%	100%	100%
02–01.01	Percent of Texas population served by public water systems which meet drinking water standards.	94%	93%	94%	94%	94%

continued on next page

Outcome Projections Fiscal Years 2005-2009 *(continued)*

Goal/Obj.	Outcome Measure	2005	2006	2007	2008	2009
02–01.02	Percent of Texas public water systems protected by a source water protection program.	95%	95%	95%	95%	95%
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.	93%	94%	94%	94%	94%
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 appropriate 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	Tons of emissions and waste reduced and minimized as reported by the regulated community implementing pollution prevention, environmental management systems and other innovative programs.	70,000	100,000	100,000	100,000	100,000
03–01.07	Amount of financial savings achieved as reported by the regulated community implementing pollution prevention, environmental management systems and other innovative programs.	$30 million	$30 million	$30 million	$30 million	$30 million
03–01.08	Tons of emissions and waste reduced and minimized in the Texas-Mexico border region as reported by the regulated community implementing pollution prevention, environmental management systems and other innovative programs.	10,000	10,000	10,000	10,000	10,000
04–01.01	Percent of leaking petroleum storage tank sites cleaned up.	82%	88%	93%	93%	93%
04–01.02	Percent of Superfund sites cleaned up.	58.6%	60.95%	62.98%	62.98%	62.98%
04–01.03	Percent of voluntary and brownfield cleanup properties made available for commercial/industrial redevelopment, community, or other economic reuse.	55%	56%	57%	57%	57%

APPENDIX D

TCEQ Performance Measures and Definitions

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 they are doing. As an important element of the monitoring phase of budgeting, *performance measures* serve as specific targets that indicate the success in achieving agency goals.

Introduction to Performance Measures

There are four types of performance measures:

1. **Outcome Measures** are tools 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** are tools, or indicators, 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** are indicators which 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. The components of a measure are:

- **Short Definition:** Provides a brief explanation of the measure, with enough detail to give a general understanding of the measure.
- **Purpose/Importance:** Describes the intended purpose of the measure and its significance.
- **Source/Collection Data:** Describes the source of the data or information and how it is collected.
- **Method of Calculation:** Clearly specifies how the measure is calculated.
- **Data Limitations:** Identifies any limitations and factors beyond the control of the agency which may impact reported performance.
- **Calculation Type:** Specifies whether the information is cumulative or non-cumulative from quarter to quarter.
- **New Measure:** Identifies whether the measure is new or has been significantly changed.
- **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 the 2006-2007 biennium.

The performance measures and definitions had not received formal approval from the LBB/GOBPP at the time of this printing.

Outcome 01-01.01 Annual Percent of Stationary and Mobile Source Pollution Reductions in Non-attainment 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 non-attainment areas.

■ **Purpose/Importance:** The measure reflects trends of criteria emissions in the non-attainment 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 which 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 calender year (January 1 through December 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.

Outcome 01-01.02 Nitrogen Oxides (NO_x) Emissions Reduced Through the Texas Emissions Reduction Plan (TERP)

■ **Short Definition:** This measure is intended to show the amount of NO_x emissions reduced through implementation of the TERP incentive grants for cleaner on- 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_x 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.

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 (January 1 through December 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 data base maintained by the Permits Administrative Review section of Registration, Review & Reporting Division, 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:** Using the most recent Texas Water Quality Inventory, the agency will calculate the percentage of state waters meeting designated site-specific standards, as defined in the Texas Surface Water Quality Standards, for each major water body type. These numbers are then averaged in order to develop a single statewide percentage. Calculated annually.
■ **Purpose/Importance:** The Texas Surface Water Quality Standards establish explicit numerical 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:** Water quality data is collected by TCEQ and other agencies in Texas and compiled into a TCEQ database. This data is assessed for standards compliance in the Texas Water Quality Inventory and in the Texas 303(d) list of impaired waters. Numerical standards are listed in The Texas Surface Water Quality Standards, Chapter 307 of title 30 of the Texas Administrative Code. Additional screening criteria are listed in TCEQ Guidance for Screening and Assessing Texas Surface and Finished Drinking Water Quality Data.
■ **Method of Calculation:** Standards attainment is determined from data printouts which incorporate information in the TCEQ Texas Water Quality Inventory [305(b) Report] and the Texas 303(d) list of impaired waters. Calculations to update the statewide totals from this segment-by-segment information are conducted by the Water Quality Monitoring Team. Using this information, the percent of waters meeting water quality standards is calculated separately for rivers, reservoirs, and estuaries. For this calculation, the percent meeting standards = 100 x ("amount supporting"+ "amount partially supporting") / "total amount assessed"; where "total amount assessed" = "amount supporting" + "amount partially supporting" + "amount not supporting"; "amount" = miles for rivers, acres for reservoirs, and sq. miles for estuaries. The overall percent of waters attaining standards for the state is then calculated as (% of rivers meeting standards + % of reservoirs meeting standards + % of estuaries meeting standards) / 3.
■ **Data Limitations:** Several years of data are typically needed to assess standards compliance in each water body. Therefore, the rate of change of this measure is relatively slow. In addition, the extent of standards compliance can be affected by changes in the procedures for assessing attainment rather than by actual changes in stream water quality. Results can also be artificially affected by the continuing increase in the number of water bodies which are sampled for standards compliance. Even with these limitations, standards compliance is generally an effective environmental indicator on a statewide basis.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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 • 100.
■ **Data Limitations:** Population estimates are used, assuming a certain growth scenario. Although population growth has a direct effect on solid waste generation, economic factors are also important and are not currently considered in the calculation. In addition, only about 41% 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.

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 Toxics 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 Toxics 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 Toxics 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 (formerly Texas Council on Environmental Technology TCET).
■ **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 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 and the cost-effectiveness of those technologies when considered for the TERP program.
■ **Calculation Type:** Non-Cumulative.
■ **New Measure:** Yes
■ **Desired Performance:** Above projections

Outcome 01-01.10 Percent of New Technology Research and Development (NTRD) Technologies Verified by the EPA

■ **Short Definition:** The percentage of grants funded that are verified by the Environmental Protection Agency based on their commercialization potential after being recommended for certification by the NTRD program (formerly Texas Council on Environmental Technology TCET).
■ **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 non-compliance with the Clean Air Act, and others are near non-compliance. 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 is tracked by a database created for tracking of the proposal status as it reaches each review point. The database indicates whether the grant was for demonstration and/or verification from the EPA. The results of demonstration and/or verification are entered into the database allowing for reporting of the resulting projected decrease in air emissions based on the new technologies verified.
■ **Method of Calculation:** The number of grants funded that receive EPA verification divided by the total number of grants funded for demonstration and verification.
■ **Data Limitations:** The only limitation of the data will be the lack of immediate or timely data provided by the EPA certified testing procedure.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** Yes.
■ **Desired Performance:** Above projections.

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 data base.

■ **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 data base. The measure calculates the number of stationary sources of air pollution in Texas which 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 non-attainment areas in the state or by the NAAQS levels; should the number of non-attainment areas or the level or number of NAAQS change, the number of accounts reviewed will also change.

■ **Calculation Type:** Cumulative.

■ **New Measure:** No.

■ **Desired Performance:** Above projections.

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 data base 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 which 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 non-attainment 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 data base that would easily facilitate calculating this measure.

■ **Calculation Type:** Cumulative.

■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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 comprise a very significant source of air emissions. In some ozone non-attainment areas they are considered the largest source of ozone-forming pollutants. Emissions from these sources are included in strategies associated with ozone non-attainment area State Implementation Plans. Assessments are also used to evaluate the impacts of different vehicle Inspection/Maintenance 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.

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 which 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 which 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_x Reduced Through the Texas Emissions Reduction Plan

■ **Short Definition:** This measure is intended to show the amount of NO_x emissions projected to be reduced through projects funded by TERP incentive grants awarded each year. Note that the corresponding Outcome Measure (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_x 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:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Output 01-01-01.06 — 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.

■ **Calculation Type:** Cumulative
■ **New Measure:** No
■ **Desired Performance:** Above projections

Output 01-01-01.07 — Number of Technology Verifications by the EPA

■ **Short Definition:** The number of technology grants that are verified by the Environmental Protection Agency based on their commercialization potential after being recommended for certification by the TCEQ.
■ **Purpose/Importance:** The service provided by the review of grants for new air emission reduction technologies will expedite the number of projects gaining verification through the Environmental Protection Agency and enable implementation of the technologies for air emission reduction and stimulate new technologies. Demonstrates the success of TCEQ in targeting funding to projects that are strong candidates for verification. Verification 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 source of data will be the number of TCEQ funded projects that result in EPA verification each quarter.
■ **Method of Calculation:** The method of calculation will be the number of projects funded that result in EPA verification each quarter.
■ **Data Limitations:** The agency does not intend to announce RFGAs and award grants on a quarterly basis. There will be quarters when no activity will be reported. TCEQ has no control over the timing of the EPA verification process.
■ **Calculation Type:** Cumulative
■ **New Measure:** Yes
■ **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 which meet federal monitoring criteria. Total possible measurements for continuous monitoring are defined as the number of samples which 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 is it 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.

Efficiency 01-01-01.02 Average Cost Per Air Quality Assessment

■ **Short Definition:** This measure accounts for the funds expended by the Technical Analysis 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 mobiles source assessments.
■ **Source/Collection of Data:** Operating expense data is taken from USAS reports for the Technical Analysis Division. The number of assessments for the period are compiled by staff in the Industrial Emissions Assessment Section for point source assessments and the Area and Mobile Source Assessment Section for both area and mobile source assessments.
■ **Method of Calculation:** Using budgetary figures maintained by the Technical Analysis 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.

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, & 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 of LIRAP Vehicle Retirements

■ **Short Definition:** Average cost of vehicle retirements for cars participating in the Low-Income Vehicle Repair Assistance, Retrofit, & 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 to LIRAP participants who choose to participate in the vehicle retirement program.
■ **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 retirements will be calculated each fiscal year by averaging data collected from participating county quarterly reports. Participating counties report monies allocated to each vehicle retirement program participant.
■ **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 01-01-01.05 — Average Cost Per Ton of NO_x Reduced Through the Texas Emissions Reduction Plan (TERP)

■ **Short Definition:** This measure is intended to show the average cost per ton of NO_x emissions projected to be reduced through projects funded by TERP incentive grants awarded each year.
■ **Purpose/Importance:** The TERP program was established by the 77th Legislature (Senate Bill 5) to offset emission reductions required of construction equipment operation and required accelerated purchase of cleaner diesel engines by providing incentives for the purchase or retrofit of cleaner on- and off-road diesel engines.
■ **Source/Collection of Data:** The grant applications include information that is used to calculate the number of tons of NO_x that will be reduced by that project.
■ **Method of Calculation:** The total tons projected to be reduced by each project funded are divided by the incentive amount for that project. The total tons projected to be reduced by each project 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.

Efficiency 01-01-01.06 — Average Number of Days to Review a Grant Proposal

■ **Short Definition:** The average number of days required for the review of a grant proposal.

■ **Purpose/Importance:** The service provided by the review of grants for new air emission reduction technologies will expedite the certification process through the Environmental Protection Agency and enable implementation of the technologies for air emission reduction and stimulate new technologies. 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 TCEQ database will indicate the date on which each proposal is received and the date on which review was complete.

■ **Method of Calculation:** The sum of the number of days it takes to review each proposal divided by the total number of proposals reviewed in a reporting period..

■ **Data Limitations:** Cyclic limitations will be imposed, as RFP solicitations will be bi-annually.

■ **Calculation Type:** Non-cumulative

■ **New Measure:** Yes

■ **Desired Performance:** Near 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 1hour) 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.

Explanatory 01-01-01.02 **Number of New Technology Grants Approved for Funding**

■ **Short Definition:** This measure shows the number of grants that 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 that approved for funding, providing an indication of the number of grantees the agency must monitor and assist.
■ **Source/Collection of Data:** The TCEQ database provides the number of grants awarded in a given quarter.
■ **Method of Calculation:** The sum of each new technology grant awarded by TCEQ in a quarter.
■ **Data Limitations:** The number of grants awarded is limited by funding constraints and the size of the projects proposed by applicants.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below 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 impacted water bodies, development of water quality standards, and development of effluent standards for wastewater discharges and development of watershed implementation strategies.
■ **Source/Collection:** The Technical Analysis Division (TAD) of the Office of Environmental Policy Analysis and Assessment (OEPAA) performs and reports the Clean Rivers Program Assessment report, Clean Water Act §319 NPS Management Program, and Clean Water Act §319 Annual Report and the Water Quality Management Plan updates from the regional planning agencies. TAD also reports Water Quality Management Plan updates performed under contract for the special planning areas designated by the Governor to the Water Quality Division (WQD) of the Office of Permitting, Remediation and Registration (OPRR) for inclusion in their reporting of Water Quality Management Plan updates. The Water Quality Division of the OPRR performs and reports Water Quality Management Plan updates for effluent limitations and Receiving Water Assessments. The Environmental Planning and Implementation Division performs and reports Total Maximum Daily Loads (TMDLs), which include four tasks (1) issuing Contract Work Orders that detail contract deliverables, which are the building blocks of the TMDLs, (2) submitting TMDLs for Commission adoption, and (3) submitting TMDL Implementation Plans for Commission approval. The Monitoring Operations Program (MOP) of Office of Compliance and Enforcement (OCE) performs and reports Integrated Water Quality Monitoring and Assessment Report and special studies.
■ **Method of Calculation:** The TMDL tasks are tracked in Project Timeline software and reported to the Deputy Director's office. These TMDL tasks are rolled up to report with other surface water assessments. The assessments are tracked manually and reported to the Strategic Planning and Grants Management Division by the respective Division identified along with any explanation of variance from the projected performance of that Division, if required. The sum of all assessments is reported quarterly for the agency by the Strategic Planning and Grants Management Division.

■ **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 which occur only once based on completion of the particular grant tasks. Other assessments, such as receiving water assessments (RWAs), special studies and hydraulic studies are performed as needed based on permitting demands for documentation of stream conditions, stream standards, and reasonable uses. Depending upon the complexity of the total maximum daily load assessment, development may require less than a year to greater than five years. Therefore, to demonstrate progress in the TMDL program, TMDL development has been broken down into interim performance tasks. TMDL program performance would be measured by: (1) Number of work orders issued in a fiscal year. Performance: a minimum of one for each project, (2) Number of TMDLs taken to the Commission. Performance: TMDL(s) adopted. (3) Number of Implementation Plans taken to the Commission. Performance: Implementation Plan(s) approved. Within the fiscal year, the performance for the number of surface water assessments varies from quarter to quarter. It's not a straight-line projection and it cannot be normalized. Field work is generally done in the first quarter (fall) and the fourth quarter (summer) when critical low flow conditions occur. Weather conditions may also impact the time required to conduct particular field assessments.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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.
■ **Propose/Importance:** The measure attempts to quantify the groundwater assessment activities of the agency. The measure includes a diverse grouping of assessment types performed and reported by multiple divisions within 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 Technical Analysis Division (TAD) of the Office of Environmental Policy Analysis and Assessment (OEPAA) 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 and reported to the Strategic Planning and Grants Management 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 Grants Management 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 which 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 the distribution cannot be normalized over a given time frame.

Calculation Type: Cumulative.
New Measure: No.
Desired Performance: Above projections.

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 from the database. 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:** 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 which 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 which 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 which 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 % of waters with standards is calculated for each water body type = 100 x (the amount of classified and partially-classified waters / 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.

Explanatory 01-01-02.02 Number of Regional Action Plans Implemented

■ **Short Definition:** Number of regional action plans implemented.

■ **Purpose/Importance:** The measure captures activities related to the implementation of approved comprehensive conservation management plans (Bay Plans) established for the Galveston Bay Estuary Program (GBEP) and the Coastal Bend Bays & Estuaries Program (CBBEP.) Each Bay Plan contains multiple action plans addressing environmental problems within these watersheds.

■ **Source/Collection of Data:** Both the GBEP and the CBBEP initiate and track projects which implement the action plans established under the Bay Plans. These projects will be manually calculated by each estuary program and reported by the Policy and Regulations Division of the Office of Environmental Analysis & Assessment.
■ **Method of Calculation:** Annual measure determined by counting the number of action plans for which projects were initiated in each estuary and adding these together for the total action plans implemented.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **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 7200 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:** 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 state strategic solid waste management plans required by legislation (Chapter 361, Texas Health & Safety Code), and in the development of regional solid waste management plans required by legislation (Chapter 363, Texas Health & 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, only about 41% 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:** Cumulative.
- **New Measure:** No.
- **Desired Performance:** Above projections.

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 Environmental Policy, Analysis and Assessment, 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, 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 Environmental Policy, Analysis and Assessment, 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, 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.

Explanatory 01-01-03.01 — Number of Council of Government Regions in the State With Less Than 10 Years of Disposal Capacity

- **Short Definition:** Out of the 24 Council of Government (COG) regions in the state, the number with less than 10 years of projected municipal solid waste landfill capacity remaining.
- **Purpose/Importance:** To identify those regions of the state with projected capacity shortfalls, which may require more detailed solid waste management planning, possibly at the local level.
- **Source/Collection of Data:** Capacity data obtained through the annual reporting program for municipal solid waste landfills is used.
- **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.
- **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, only about 41% of total waste disposal is determined by actual scale weight, with the majority of waste disposal in the state determined by volume estimates. (It should be noted that this measure makes no distinction between the disposal capacity located in a particular region and the disposal capacity that may be available to a particular region by nature of that capacity being located within a reasonable distance in a neighboring region.)

■ **Calculation Type:** Non-cumulative.

■ **New Measure:** No.

■ **Desired Performance:** Below 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, non-attainment, 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 - 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 quantifies the efficiency of the staff of the Air Permits Division (APD) in reviewing air quality permit applications. 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.

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 the efficiency of the Water Quality Division's staff in 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 Grants Management.

■ **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:** Yes.

■ **Desired Performance:** Above projections.

Outcome 01-02.03 Percent of Water Rights Permit Applications Reviewed Within Established Time Frames

■ **Short Definition:** This measure includes non-contested water right 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 the efficiency of the Water Supply Division's staff in processing permit applications.

■ **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 Grants Management.

■ **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:** Yes.
■ **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, 2, or 3 modifications for industrial and hazardous waste, (2) regulatory flexibility orders for hazardous waste facilities and commercial industrial non-hazardous (storage/treatment only) 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 for UIC Class V Injection Wells, (5) new, registrations, major and minor amendments, and notice and no-notice modifications for municipal 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 or 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:** 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 registrations reviewed under the Texas Clean Air Act and the federal NSR permitting programs (*see additional detail, next section).
■ **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. Applica-

tion 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.

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 FCAA (*see additional detail, next section).

■ **Purpose/Importance:** This measure quantifies the permitting workload of the Air Permits Division staff assigned to review federal operating permit applications. *This count includes those applications that are withdrawn, voided, or denied; 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.

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 section).

■ **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.

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 which were actually issued or approved. For purposes of NSR permits, "issued" means the Executive Director (or designee) of the TCEQ has signed the permits.

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

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

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

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

■ **Calculation Type:** 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) which 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, which resulted in issued or approved permits.
■ **Source/Collection of Data:** The source of the data for this measure is the Title V Permits Information Management System (IMS) database. The data is retrieved by running a query on the Title V Permits IMS.
■ **Method of Calculation:** The measure value is calculated as the sum of the number of federal operating permits issued or approved during the reporting period.
■ **Data Limitations:** A potential limitation of the data is the time lag between completion of a project element and the entry of the tracking element into the database. Generally, this time lag is less than one week.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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 which 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 which 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 division. 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 operations 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 operations 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:** 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:** 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 impacted 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 Non-hazardous Waste Permit Applications Reviewed

■ **Short Definition:** Number of non-hazardous 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 non-hazardous 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 non-hazardous waste landfill facilities, (3) the number of technical completions prepared for municipal solid waste and commercial industrial non-hazardous waste landfills, (4) the number of municipal solid waste and commercial industrial non-hazardous 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 and authorizations reviewed, denied, or withdrawn. Includes all permitting and authorization actions (new, renewed, amended, modified (Class 1 Executive Director(ED), Class 2 and Class 3)) for Underground Injection Control (UIC) Well permits (Class I, Class III, and Class V), radioactive material disposal licenses, hazardous waste permits, commercial industrial non-hazardous waste permits. This also includes regulatory flexibility orders.

■ **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 for new, renewals, major and minor amendments, Class 1ED, 2, 3 modifications and regulatory flexibility orders for hazardous and industrial waste storage, treatment, and disposal facilities and (2) the number of final draft permits for new, renewed and/or amended underground injection control wells, (3) the number of new, renewed, and/or amended radioactive waste license, (4) the number of final draft permits for new, renewals, major and minor amendments, Class 1ED, 2, 3 modifications for commercial industrial non-hazardous solid waste storage and treatment facilities, and the number of applications returned and/or withdrawn. A reviewed application is

defined as: transmittal of the final draft permit from the program to the Chief Clerk's Office or the return/ withdrawal of the application to the applicant either by the applicant's request or as the result of administrative or technical deficiencies. For UIC permits and radioactive material disposal licenses - Date of filing of a final draft document with the Chief Clerk is entered into the appropriate databases by the TCEQ staff member who delivers the product to the Chief Clerk's office. The data is checked by supervisor. For hazardous waste permits and commercial industrial non-hazardous permits, data maintained in agency Paradox database include the facility name, identification number, date application is received, and date reviewed, or returned/withdrawn prior to final draft permit, are entered after the action has occurred. A reviewed application is defined as an application received and the transmittal of the final draft permit from the program to the Office of Chief Clerk.

■ **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 Non-hazardous Waste Permits Issued**

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

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

■ **Source/Collection of Data:** Using an agency data base 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 non-hazardous 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.

Explanatory 01-02-03.02 **Number of Hazardous Waste Permits Issued**

■ **Short Definition:** Number of hazardous waste permits, UIC permits, and radioactive material authorizations issued.

■ **Purpose/Importance:** This measure reflects agency workload with regard to the number of permits issued.

■ **Source/Collection of Data:** Using an agency data base maintained by the Office of Permitting, Remediation and Registration , this measure will be reported by calculating, the number of permits and licenses issued for industrial and hazardous waste facilities, commercial industrial non-hazardous (storage and treatment) waste facilities, UIC Class I injection well permits, UIC Class III injection well permits, UIC Class V injection well

permits and authorizations and radioactive waste licenses. A permit 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.

Explanatory 01-02-03.03 **Number of Solid Waste Sites Remediated by Responsible Parties**

■ **Short Definition:** Number of solid waste sites remediated by responsible parties.

■ **Purpose/Importance:** This measure reflects the number of solid waste and commercial industrial non-hazardous waste cleanups completed by responsible parties.

■ **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 non-hazardous waste landfill facility cleanups completed and funded by responsible parties in accordance with their approved plans during the reporting period. This includes all remediation activities (including groundwater and landfill gas remediation) at permitted municipal solid waste and commercial industrial nonhazardous waste landfill facilities. A cleanup is considered complete upon issuance of a letter by the agency to the responsible party indicating remediation activities have been completed.

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

■ **Data Limitations:** None identified.

■ **Calculation Type:** Cumulative.

■ **New Measure:** No.

■ **Desired Performance:** Above projections.

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 processed to formal action during the reporting period to include: notification of certification issuance, denial/disapproval, or examination failure.

■ **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 professionals or companies.

■ **Source/Collection of Data:** The Compliance Support Division staff scan or enter data into the Occupational Licensing databases from the applications that are received.

■ **Method of Calculation:** This measure is calculated by running a query of the Occupational Licensing database of all applications for environmental professional licensure and registration processed by the agency during the reporting period.

■ **Data Limitations:** None identified.

■ **Calculation Type:** Cumulative.

■ **New Measure:** No.

■ **Desired Performance:** Above projections.

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 the Occupational Licensing databases after examinations are administered by the commission's designated agents, the Compliance Support Division, and Field Operations Division staff.
■ **Method of Calculation:** This measure is calculated by running a query of the Occupational Licensing databases 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.

Output 01-02-04.03 Number of New Licenses and Registrations Issued

■ **Short Definition:** The number of new and newly upgraded licenses and registrations issued during the reporting period.
■ **Purpose/Importance:** This measure indicates the number of licenses that were issued to 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 Occupational Licensing databases.
■ **Method of Calculation:** This measure is calculated by running a query of the Occupational Licensing database for new and newly upgraded licenses and registrations issued during the reporting period.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Output 01-02-04.04 Number of Licenses and Registrations Renewed

■ **Short Definition:** The number of licenses or registrations re-issued to previously certified environmental professionals and companies during the reporting period.
■ **Purpose/Importance:** This measure indicates the number of licenses and registrations that were renewed and will continue as current licensed or registered entities.
■ **Source/Collection of Data:** This information currently exists in the Occupational Licensing databases and is updated accordingly as applications are received.
■ **Method of Calculation:** This measure is calculated by running a query of the Occupational Licensing database of all licenses and registrations re-issued to individuals and companies during the reporting period.

■ **Data Limitations:** Licensed individuals and companies may have change of addresses that go unreported to the agency. This may result in the loss of the license or registration due to failure to renew.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections

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 licensing program per license issued.
■ **Source/Collection of Data:** Operator Licensing Section expenditure figures are obtained from USAS for the reporting period. Licensing and registration data is maintained in the Occupational Licensing database as applications and examinations are processed.
■ **Method of Calculation:** This measure is calculated by taking the Operator Licensing Section USAS reporting period expenditure figures, annualized, divided 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.

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 Occupational Licensing databases.
■ **Method of Calculation:** This measure is calculated by querying the Occupational License database for all active licenses and registrations.
■ **Data Limitations:** The measure serves as a workload indicator because not all license applications require the same amount of work.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Explanatory 01-02-04.02 — **Number of Jurisdictional Complaints Received**

■ **Short Definition:** Number of jurisdictional complaints received.
■ **Purpose/Importance:** This measure provides workload information as all complaints must be investigated. Complaints of regulated entities are investigated to assure compliance with rules, regulations, and statutes designed to protect human health and the environment.

■ **Source/Collection of Data:** Complaints may be received by telephone, in writing, or in person and the information is entered into the Consolidated Compliance and Enforcement Data System upon receipt by Compliance Support Division staff.
■ **Method of Calculation:** This measure is calculated by querying the database for all complaints received during the reporting period.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

Outcome 01-03.01 Percent of Scheduled Licensing Activities Complete

■ **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 Application1/9/04; 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 to1st ANOD-9/21/04-10/20/04-30 days; TCEQ Issues 2nd ANOD & 1st Comparative Merit (CM)Request for Info (RFI)10/21/04-11/19/04-30 days; Applicant Response to 2nd ANOD & 1st CM RFI 11/20/04-12/19/04-30 days; TCEQ Issues 3rd ANOD, if necessary & 2nd CM RFI 12/20/04-1/18/05-30 days; Applicant Response to 3rd ANOD & 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 TNOD11/20/05-1/18/06-60 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 & 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 Effect12/9/07.
■ **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 FY08.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-Cumulative.
■ **New Measure:** Yes.
■ **Desired Performance:** Above Projections.

Outcome 02-01.01 Percent of Texas Population Served by Public Water Systems Which Meet Drinking Water Standards

■ **Short Definition:** This measure will report the total Texas residential population of all community public water systems (PWSs) which have not had maximum contaminant level (MCL) violations.

■ **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 reflects the percent of the population in Texas served by drinking water systems which 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 which is submitted to 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 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 data bases, the measures will report the total Texas residential population of all PWSs which 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.

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) which 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 & 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 Which Prevents Connection Between Potable and Non-potable Water Sources

■ **Short Definition:** Percent of Texas population served by public water systems protected by a program which prevents connection between potable and non-potable water sources.
■ **Purpose/Importance:** To indicate what percentage of the population is served by public water systems, which 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 Texas Commission on Environmental Quality 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 which have implemented a program which 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 Which Meet Primary Drinking Water Standards

■ **Short Definition:** Number of public drinking water systems which 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 which 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 which 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 which have not had maximum contaminant level or Treatment Technique MCL violations as described by the Drinking Water Standards.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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 Drinking Water Quality (DWQ) Team on a monthly basis. Original data is kept in the Central Records facility. It is also maintained electronically. Chemical data is kept in data base tables called G:\inven\map_70 ,G:\inven\organic all chemical and G:\inven\orgpos. 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.

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 which 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 Grants Management.
■ **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 which 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 Grants Management.
■ **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 Certificates of Convenience and Necessity Applications Processed

■ **Short Definition:** Number of certificates 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 which 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 Grants Management.
■ **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 and Field Operations Divisions. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (EPA, OAG, or Remediation or Field Operations Divisions 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.

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 and Field Operations Divisions 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 or Field Operations Divisions 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/ regula-

tions/ 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.

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 and Field Operations Divisions. An enforcement action is defined as issuance of an order, compliance agreement, or referral to an appropriate agency or division (EPA, OAG, or Remediation or Field Operations Divisions 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.

Outcome 03-01.04 Percent of Identified Noncompliant Sites and Facilities for Which Appropriate 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 which 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 or Field Operations Divisions for Superfund, voluntary cleanup, or emergency removal action), as determined according to agency guidelines. Each of these actions taken will be evaluated to determine whether or not the action was completed within internal agency time frames in order to determine whether appropriate action was taken, using the date of screening as the start date and the date of the order, compliance agreement, or referral as the end date.
■ **Method of Calculation:** The percentage will be calculated by taking the total number of cases with actions taken within appropriate time frames against noncompliant facilities divided by the total number of cases with formal action taken, multiplied by 100 to derive a percentage.
■ **Data Limitations:** Time frames for completion of enforcement actions involve processes which 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.

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 minus the total number of occupational certification cases screened and approved for enforcement action, dividing this difference by the total number of licensees inspected/ investigated (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.

Outcome 03-01.06 Tons of Emissions and Waste Reduced and Minimized as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs

■ **Short Definition:** Tons of air emissions, discharges to water, wastes reduced and minimized and material use, water use, and energy use reductions as reported by the regulated community participating in pollution prevention, environmental management systems and innovative programs.
■ **Purpose/Importance:** This measure provides an indication of Pollution Prevention and Environmental Management staff's ability to encourage the regulated community to implement pollution prevention and waste minimization practices and technologies. The measure provides a measurable indicator of emissions and waste reduced and minimized in Texas as a result of pollution prevention/waste minimization and environmental management system implementation efforts. It also serves as an indicator of water and energy conservation materials use reduction and other efforts in Texas.
■ **Source/Collection of Data:** Environmental performance reporting data submitted by the regulated community are documented for entities participating in Clean Texas Cleaner World, Resource Exchange Network for Eliminating Waste (RENEW) and site assistance visits. Provided by participating entities through required performance reporting and voluntary surveys, reduction information is collected by Pollution Prevention and Industry Assistance staff and entered into a Paradox database.
■ **Method of Calculation:** Tons of hazardous waste, tons of nonhazardous waste, tons of air emissions decreased, tons of discharges to water, and tons of RENEW materials transferred during the reporting period is calculated and compared to the previous year's level. Material use, water use, energy use and land use data will also be collected. Each reporting facilities' reductions totals are then summed to calculate total tons reduced.
■ **Data Limitations:** Reduction information is provided by businesses through required performance reporting and voluntary surveys. Tons of emissions and waste prevented/minimized is based on previous year's data. Expanding facilities must often rely on estimates to determine a reduction number during periods of increased production.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Outcome 03-01.07 Amount of Financial Savings Achieved as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Other Innovative Programs

■ **Short Definition:** Dollar amount of savings voluntarily reported by the regulated community resulting from reduced purchases of raw materials, avoided disposal costs, and compliance costs through Pollution Prevention and Environmental Management technical assistance activities.
■ **Purpose/Importance:** This measure provides an indication of Pollution Prevention and Environmental Management staff's ability to encourage the regulated community to implement pollution prevention and waste minimization practices, innovative programs and environmental cost accounting practices. The measure provides a measurable indicator of the financial savings achieved through pollution prevention/waste minimization and innovative programs.

■ **Source/Collection of Data:** Implemented projects and cost savings information is documented for facilities who have participated in pollution prevention and environmental management site assistance visits, and training workshops, Clean Texas Cleaner World, and other innovative programs. Provided by participating entities through required performance reporting, voluntary surveys, reduction information is collected by Pollution Prevention and Industry Assistance staff and entered into a Paradox database.
■ **Method of Calculation:** Dollar savings is voluntarily calculated by the regulated entity for each facility and documented on a survey instrument provided by the commission to show the financial savings during the reporting period and compared to the previous year's level. Each reporting facilities' financial saving are then summed to calculate statewide savings.
■ **Data Limitations:** Financial information is provided by the regulated community on a voluntary basis through an annual survey based on previous year's data. The regulated entity relies on both documented costs savings and estimates based on environmental cost accounting principles to measure environmental compliance costs.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections

Outcome 03-01.08 Tons of Emissions and Waste Reduced and Minimized in the Texas-Mexico Border Region as Reported by the Regulated Community Implementing Pollution Prevention, Environmental Management Systems, and Innovative Programs

■ **Short Definition:** Tons of air emissions, discharges to water, wastes reduced and minimized and material use, water use, and energy use reductions as reported by the regulated community participating in pollution prevention, environmental management systems and innovative programs.
■ **Purpose/Importance:** This measure provides an indication of Pollution Prevention and Environmental Management staff's ability to encourage the regulated community along the Texas-Mexico border region to implement pollution prevention and waste minimization practices and technologies. The measure provides a measurable indicator of both pollutant reductions and sustainable resource consumption emissions and waste reduced and minimized in Texas as a result of pollution prevention/waste minimization and environmental management system implementation efforts. It also serves as an indicator of water and energy conservation materials use reduction and other efforts in Texas.
■ **Source/Collection of Data:** Implemented projects and emissions and waste reduction information are documented for facilities who have participated in pollution prevention and environmental management, Resource Exchange Network for Eliminating Waste (RENEW) Workshops and site assistance visits. Provided by participating entities through voluntary surveys, reduction information is collected by Pollution Prevention and Industry Assistance staff and entered into a Paradox database.
■ **Method of Calculation:** Environmental performance reporting data submitted by the regulated community are documented for entities participating in Clean Texas Cleaner World, Resource Exchange Network for Eliminating Waste (RENEW) and site assistance visits. Provided by participating entities through required performance reporting and voluntary surveys, reduction information is collected by Pollution Prevention and Industry Assistance staff and entered into a Paradox database.
■ **Data Limitations:** Reduction information is provided by the regulated community through required performance reporting and voluntary surveys. Tons of emissions and waste prevented/minimized is based on previous year's data. Expanding facilities must often rely on estimates to determine a reduction number during periods of increased production.

■ **Calculation Type:** Non-cumulative.
■ **New Measure:** Yes.
■ **Desired Performance:** Above projections.

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 Air Program Point Source Database, this measure is calculated by adding the total number of inspections/investigations completed for air entities during the reporting period. An 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. Number does not include citizen complaint 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.

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.

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 water program databases and/or Workplan Activity reports, 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. 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 a water program database, 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. 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 Field Operations Division databases, 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. 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 Division 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, the Field Operations Division 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.

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 the Field Operations Division, 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 Inspection to Report Completion

■ **Short Definition:** Average time to complete an inspection/investigation of air sites.
■ **Purpose/Importance:** The measure reflects how efficiently the agency completes investigations of air sites.
■ **Source/Collection of Data:** An inspection/investigation is considered complete when investigation is conducted, report is written, approved by management 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. Using air program databases and calculations, this measure is derived by calculating the total number of calendar days between date of inspection and date of completion divided by the total number of completed air investigations reported under Output 02-01-01.01 for air entities during the reporting period.
■ **Method of Calculation:** This measure is derived by calculating the total number of calendar days between date of inspection and date of completion divided by the total number of completed air investigations reported under Output 02-01-01.01 for air entities during the reporting period.

■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

Efficiency 03-01-01.03 — Average Time (days) From Water Inspection to Report Completion

■ **Short Definition:** Average time to complete an inspection/investigation of water sites.
■ **Purpose/Importance:** The measure reflects how efficiently the agency completes investigations of water sites.
■ **Source/Collection of Data:** 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. Using water program databases and calculations, this measure is derived by calculating the total number of calendar days between date of inspection and date of completion divided by the total number of completed water investigations reported under Output 02-01-01.03 for water entities during the reporting period.
■ **Method of Calculation:** This measure is derived by calculating the total number of calendar days between date of inspection and date of completion divided by the total number of completed water investigations reported under Output 02-01-01.03 for water entities during the reporting period.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

Efficiency 03-01-01.04 — Average Time (days) From Waste Inspection to Report Completion

■ **Short Definition:** Average time to complete an inspection/investigation of waste sites.
■ **Purpose/Importance:** The measure reflects how efficiently the agency completes investigations of waste sites.
■ **Source/Collection of Data:** 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. Using waste program databases, 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 waste investigations reported under Output 02-01-01.05 for waste entities during the reporting period.
■ **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 waste investigations reported under Output 02-01-01.05 for waste entities during the reporting period.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **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 or Field Operations Divisions 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:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

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 or Field Operations Divisions 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:** 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 or Field Operations Divisions 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:** 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:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

Output 03-01-02.01 Number of Commercial Lab Inspections

■ **Short Definition:** Number of commercial environmental laboratory inspections conducted for purposes of awarding, maintaining, or renewing accreditation according to Texas Water Code Section 6.01 et seq.
■ **Purpose/Importance:** On-site inspections are conducted prior to accreditation and at least every two years after accreditation is awarded. Inspections verify compliance with accreditation requirements.
■ **Source/Collection of Data:** Each inspection is documented in an inspection report prepared and maintained by the Compliance Support Division. The Inspection information is entered into the Consolidated Compliance and Enforcement Database System (CCEDS). An inspection is considered complete when the inspection has been conducted, a report has been written, management has approved, and manager's approval date has been reflected in the database.
■ **Method of Calculation:** This measure is calculated by querying the database for all inspections approved during the reporting period.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **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 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:** 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:** Yes.
■ **Desired Performance:** Below projections

Output 03-01-02.04 — 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 Notices of Formal Violations

■ **Short Definition:** Average number of days to file notices of formal violations.
■ **Purpose/Importance:** Reflects agency efficiency in filing notices.
■ **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 notices of formal violations will be calculated as the sum of the number of days from screening to the mailing date of the initial draft 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 draft orders will already have been counted in this category.

■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

Explanatory 03-01-02.01 Amount of Administrative Penalties Required to Be Paid in Final Administrative 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 which is paid to TCEQ, this is 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 to General Revenue in final administrative orders issued.
■ **Data Limitations:** None identified.
■ **Calculation Type:** 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 which 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 which must be spent on supplemental environmental projects approved by the agency.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** N/A.

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 and the Enforcement Division.
■ **Method of Calculation:** Using databases maintained by the Financial Administration Division and the Enforcement Division, this measure will be reported by dividing the total amount of administrative penalties received during the fiscal year by the total amount of administrative penalties required to be paid in Administrative Orders issued during the fiscal year, then multiplying by 100.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** N/A.

Output 03-01-03.01 — Number of On-site Technical Assistance Visits, Audits, Presentations, and Workshops on Pollution Prevention/Waste Minimization and Environmental Management Systems Conducted

■ **Short Definition:** Total number of pollution prevention/waste minimization and environmental management systems on-site technical assistance visits, audits, workshops and presentations conducted by Pollution Prevention and Environmental Management staff.
■ **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, audits, 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, audits, 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 Entities Participating in Performance-based Regulatory Programs

■ **Short Definition:** Number of entities approved or authorized to participate 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 programs authorized under the commission under 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, pollution prevention site assistance visits, and the number of Air Flexible Permits issued, the number of Regulatory Flexibility Orders issued, and other programs authorized as innovative by the execu-

tive director. This information is maintained by the Small Business and Environmental Assistance Division and Office of Permitting, Remediation, & Registration in a computerized database. The measure counts new members accepted into authorized innovative programs in that report period. If a company joins Clean Texas Cleaner World again after completing its three-year commitment, it would be counted as a new member in the fourth year.

■ **Method of Calculation:** Query of database.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Output 03-01-03.03 Number of Quarts of Used Oil Diverted From Landfills and Processed

■ **Short Definition:** Number of quarts of used oil diverted from landfills and processed
■ **Purpose/Importance:** This number indicates the amount of used oil which, 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, which were 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 January 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 January 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:** Non-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 Hazardous Waste Reduced as a Result of Pollution Prevention Planning

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

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

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

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

■ **Data Limitations:** Data is dependent upon accurate and timely reporting by facilities. In addition, the data reported reflects actual values from 2 years prior. For example, data reported in August 2000, will represent data received from industry in 1999, which is for their calendar year 1998.

■ **Calculation Type:** Non-cumulative.

■ **New Measure:** No.

■ **Desired Performance:** Above projections.

Explanatory 03-01-03.02 Tons of Waste Collected by Local and Regional Collection and Cleanup Events

■ **Short definition:** The tons of waste collected through household hazardous waste, and empty pesticide container collections and cleanup events, including river and lake and rural cleanups, coordinated, sponsored or assisted by TCEQ.

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

■ **Source/Collection of Data:** Manual count of agency records. This data reports submitted by entities holding events. Staff maintains the data in a spreadsheet data base.

■ **Method of Calculation:** Summation of all related events in Texas.

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

■ **Calculation type:** Cumulative.

■ **New Measure:** No.

■ **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 data base.
■ **Method of Calculation:** Summation of weights of wastes collected at events reported by contractors.
■ **Data Limitations:** None.
■ **Calculation type:** 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 which either transport, store, process, recycle or burn for energy recovery, scrap tires.
■ **Method of Calculation:** The Field Operations Division registers and maintains data on these facilities. The number is a sum total of all entries in the database.
■ **Data Limitations:** None identified.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Outcome 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 which would otherwise actually qualify for "no further action" status.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

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 which 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:** 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 which 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 Registration, Review, and Reporting 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 which 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 which will require emergency response actions is unpredictable.

■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

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 Registration, Review and Reporting 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 Registration, Review, and Reporting 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.

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 which 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 Reimbursement 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 Registration, Review, and Reporting 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 Registration, Review, and Reporting 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.

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 Registration, Review, and Reporting 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 Registration, Review, and Reporting 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.

Output 04-01-02.01 Number of Immediate Response Actions Completed to Protect Human Health and Environment

■ **Short Definition:** The number of immediate response actions completed to protect human health and the environment.
■ **Purpose/Importance:** This measure reflects the number of immediate response actions completed by the Site Discovery & Assessment Program during a reporting period to protect human health and the environment.

■ **Source/Collection of Data:** Using an agency database maintained by the Site Discovery & Assessment Program, 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 impacting 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 Site Discovery & Assessment Program 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 Site Discovery & Assessment Program, 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 & 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 which have completed necessary response actions through either the removal, decontamination, or control of contamination to levels which 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 non-responsible 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 and complete necessary cleanups.

■ **Source/Collection of Data:** Site owners/operators or prospective purchasers voluntarily submit an application and an agreement to the VCP. VCP personnel evaluate the site's eligibility to remain in the VCP and review the applicant's goals for site cleanup, including their schedule for conducting necessary site investigation and cleanup. 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 which 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 Evaluations Under Way

■ **Short Definition:** The number of state and federal Superfund sites undergoing evaluation.

■ **Purpose/Importance:** Reflects the number of state and federal Superfund sites that are undergoing the evaluation phase of the Superfund process.

■ **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 undergoing the evaluation phase of the Superfund process.

■ **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 which are federal facilities. Additionally, the agency cannot accurately predict how many federal sites will be discovered and added to the program during any given year. Since Superfund sites are abandoned or inactive sites, each site is unique and has inherent unknowns (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:** No

■ **Desired Performance:** Above projections.

Output 04-01-02.05 Number of Superfund Cleanups Under Way

■ **Short Definition:** The number of state and federal Superfund sites undergoing cleanup.
■ **Purpose/Importance:** Reflects the total number of state and federal Superfund sites that are in the cleanup phase.
■ **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 undergoing the cleanup phase of the Superfund process.
■ **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 which are federal facilities. Additionally, the agency cannot accurately predict how many federal sites will be discovered and added to the program during any given year. Since Superfund sites are abandoned or inactive sites, each site is unique and has inherent unknowns which may be discovered during the cleanup phase (i.e., unanticipated groundwater impacts or increased soil impacts not revealed in the evaluation phase). Since the program is required to address soil and groundwater contamination concerns for each site, accurately predicting when a site will progress from the cleanup phase to cleanup completion is difficult.
■ **Calculation Type:** Non-cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Output 04-01-02.06 Number of Superfund Cleanups Completed

■ **Short Definition:** The 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 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 which are federal facilities. Since Superfund sites are abandoned or inactive sites, each site is unique and has inherent unknowns which may delay attainment of the projected cleanup completion date.
■ **Calculation Type:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Above projections.

Output 04-01-02.07 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 04-01-02.08 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:** Yes. New measure designed to capture preliminary applicant and facility data for Dry Cleaner Remediation Program

■ **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.
■ **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:** Yes. New measure designed to capture efficiency data relative to processing applications for the Dry Cleaner Remediation Program.
■ **Desired Performance:** Below projections.

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 Site Discovery & Assessment Program 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 us the Site Discovery & 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, 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:** 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:** 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:** 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 which 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:** Cumulative.
■ **New Measure:** No.
■ **Desired Performance:** Below projections.

APPENDIX E

TCEQ Workforce Plan, Fiscal Years 2005-2009

I. Overview of Texas Commission on Environmental Quality

The Legislature created the agency in 1993 by consolidating the Texas Water Commission, the Texas Air Control Board, and the 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 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.

The TCEQ's annual budget for fiscal 2004 is $451.3 million, an increase of 15.3 percent compared with the previous fiscal year. The bulk of the increase is due to the increase in funds for the Texas Emissions Reduction Plan, and the addition of a new program called the Dry Cleaner Environmental Response Program. House Bill 1366 created a dry cleaner remediation fund to help pay for cleanup of eligible contaminated sites. The bill also set standards for dry cleaning facilities and the management of hazardous waste.

Of the agency's FY 2004 total budget, assessment, permitting, and prevention goals receive the largest share at 56 percent, within which air quality programs constitute the major component. Pollution cleanup takes 12 percent of the budget, while enforcement and compliance assistance uses 10 percent. The remaining 22 percent of the budget covers the agency's indirect administration expenses.

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 FY2005-2009 mission through the following goals and objectives:

- **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 by 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 2007 from the 1992 level; and to 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 ensuring 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 that offer incentives for demonstrated environmental performance while providing strict, sure, and just enforcement when environmental laws are violated.

- ◆ Through fiscal 2007, 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 ensuring timely and cost-effective cleanup based on good science and current risk factors.

- ◆ By fiscal 2007, 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 85 percent of the leaking petroleum storage tank sites.

■ **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 September 1, 2006.

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.

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 and environmental trends indicate the agency will encounter program changes, new mandates, challenges in the field of information technology, and problems with employee retention.

Retirement and Attrition

Retirement and attrition are expected to have a significant impact on the agency's workforce. Approximately 600 employees (21.55 percent of the agency) are projected to be eligible to retire by the end of fiscal year (FY) 2009. Additional losses are expected through attrition, estimated at 12.7 percent, 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 also will be issues as agency management endeavors to respond to the loss of employee skills.

Information and Technology

To maintain the agency's level of service and to meet increasing requirements, the TCEQ must

Table E-1. TCEQ Offices and Functions

Office	Composition and Role in the Agency
Office of the Commissioners (Commissioners)	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. The commissioners establish overall agency direction and policy and make final determinations on contested permitting and enforcement matters.
Office of the Executive Director (Executive)	The executive director is hired by the commissioners. This office includes Agency Communications, Small Business and Environmental Assistance, and Intergovernmental Relations. The office implements commission policies; makes recommendations to the commissioners about contested permitting and enforcement matters; and approves uncontested permit applications and registrations.
Office of Administrative Services (OAS)	The deputy of OAS provides oversight to the Chief Financial Officer, Budget and Planning, Financial Administration, Information Resources, Human Resources and Staff Development, and Support Services. The office provides service and support to agency staff and external customers, including providing essential infrastructure required to maintain business operations.
Office of Compliance and Enforcement (OCE)	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. 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.

continued on next page

Table E-1. TCEQ Offices and Functions *(continued)*

Office	Composition and Role in the Agency
Office of Legal Services (OLS)	The deputy of OLS provides oversight to three divisions: Environmental Law, Litigation, and General Law. 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.
Office of Environmental Policy, Analysis, and Assessment (OEPAA)	The deputy of OEPAA oversees Environmental Planning and Implementation, Policy and Regulations, and Technical Analysis. The office has four major functions: strategic environmental analysis and assessment; the coordination of all agency policy development and rulemaking; the coordination of border affairs; and the technical analysis of data to support these functions. The office also handles projects having agency-wide impact, such as development of legislative implementation strategies, coordination of bill reviews, and monthly regulatory forums.
Office of Permitting, Remediation, and Registration (OPRR)	The deputy of OPRR provides oversight to Air Permits; Waste Permits; Water Quality; Water Supply; Remediation; and Registration, Review, and Reporting. 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.

respond to a number of issues in the field of information technology. These include providing direction to ensure proper coordination; development and implementation of key information technology programs; ensuring quality of data; enhancing and developing methods for data sharing; and information engineering.

The agency must also deal with changing customer demands, including increasing expectations for Web-enabled access to agency information and processes. Enhanced electronic reporting requirements will be required, and the agency will need to expand continuous water monitoring technology to meet data-user needs. Various databases and water

quality standards will also need to be modified. Acquiring, implementing, and supporting new technology will continue to impact agency initiatives and workloads across all program areas.

Budget and Economic Conditions

Budget reductions, economic conditions, non-competitive salaries, and travel restrictions will continue to impede management efforts to attract, develop, and retain highly qualified staff. Compensation issues include lack of competitive entry pay relative to that of outside employers, both public and private; limited merit dollars; reductions in health care benefits; and limited cost-of-living increases, as provided by legislative mandates. Workloads impede employee efforts to participate in training. Travel restrictions, in particular, have the potential to impact efforts to ensure that staff maintain current knowledge of scientific and technological changes.

Demographic Trends

Demographic trends–such as the aging of the TCEQ workforce and decreasing college enrollments in the key areas of engineering and computer science–will require agency management to develop strategies to address potential skill gaps. The number of attorneys graduating from law school in Texas continues to rise, and an increasing number of individuals are passing the State Bar. This trend potentially may improve the agency's applicant pool for attorneys, but competition is expected to remain high for qualified applicants. As the state's minority populations increase, managers will continually seek to hire a diverse and competent workforce that is representative of the state's available labor force.

New Requirements and Initiatives

New federal and state requirements, as well as agency initiatives, will continue to have an agency-wide impact. Program changes will occur that will require the expansion and reduction of existing program coverage, the elimination of programs, and the addition of new programs. One of these programs, which was established by the Legislature, requires the agency to develop a "strategically directed regulatory structure" to promote performance-based regulation.

Among the TCEQ's expected program changes are the following:

- increased engineering and toxicological support;
- creation of regulatory incentives to promote environmental management systems (the way an organization deals with the environment);
- promotion of technical assistance on pollution prevention to reduce public exposure to pollutants and contaminants;
- development of environmental laboratory accreditation and laboratory certification programs that ensure safe drinking water;
- response to challenges associated with expectations for tighter control technology for hazardous air pollutants under new federal air rules, and new and revised rules affecting nonattainment of ozone standards, on-site sewage facilities (OSSFs), and landscape irrigation;
- enhanced use of spatial data–information that identifies the geographic location and characteristics of features and boundaries on the surface of the earth, such as political and administrative boundaries and the actual location of Superfund sites and industrial and hazardous waste sites;
- automation, integration, and upgrading of the separate financial, budget, timekeeping, and human resource systems;
- increased workload associated with the agenda for the commission's open meetings, which creates a need for increased efficiencies in management of agency litigation; and
- outside technical support for the Office of Public Interest Counsel, in response to requirements of the Texas Water Code, Section 5.274(b).

Processing Permits and Restoring Water Quality

Reducing the time it takes to review and process permit applications will remain a focal point. Another major effort will continue to involve the implementation of total maximum daily loads (TMDLs). A TMDL is a technical analysis that determines the maximum amount of specified pollutants a body of water can receive and still meet its water quality standards. The agency will seek quality improvement gains through continuous process redesigns.

Compliance Assistance

Customer demands will increase as new legislation regarding compliance history drives more businesses and local governments to seek TCEQ assistance. Regulations will become increasingly complicated, and more regulated entities will become aware of TCEQ services through field staff. As a result, the agency expects an increase in the demand for compliance assistance, which could cause periods of peak workloads.

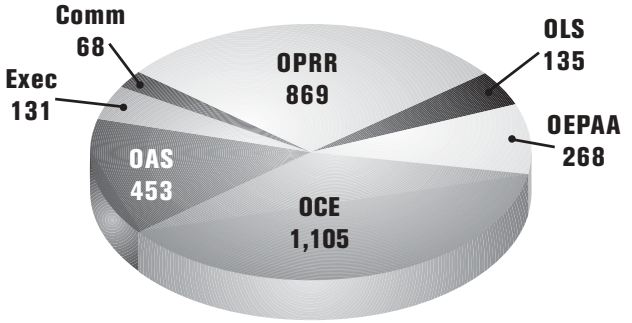
II. Current Workforce Profile (Supply Analysis)

As of March 1, 2004, the TCEQ employed a total of 2,862 employees. The following chart (Figure E-1) profiles the agency workforce by office, as of August 31, 2003. Both the March and August totals provide an actual head count of employees, not full-time equivalents (FTEs), and do not include contractors or temporary personnel.

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 2004 to employ 3,038 FTEs located in the Austin office and in the 16 regional offices throughout the state. In 2003, 820 employees–or 29.45 percent of the total workforce–were located in the regional offices (see Figure E-2).

Figure E-1. TCEQ Workforce by Office

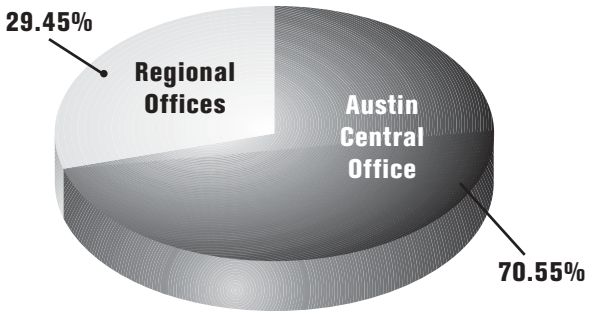


LEGEND

Comm - Office of the Commissioners
Exec - Office of the Executive Director
OAS - Office of Administrative Services
OCE - Office of Compliance and Enforcement
OLS - Office of Legal Services
OEPAA - Office of Environmental Policy, Analysis, and Assessment
OPRR - Office of Permitting, Remediation, and Registration

Data captured 8/31/03 from the Human Resources Information System.
Data includes separations.

Figure E-2. Location of TCEQ Employees



Data captured 8/31/03 from the Human Resources Information System.

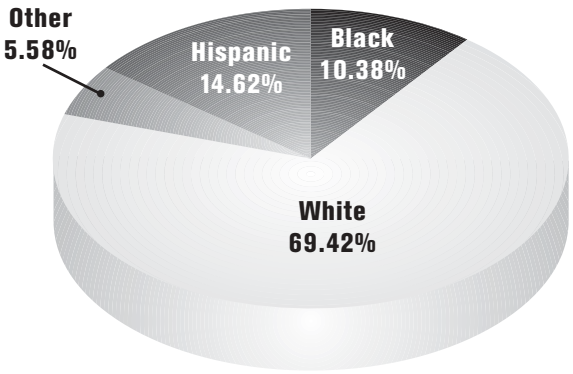
In response to the agency's initiative to relocate employees to the field offices, 107 (13.04 percent) of the regional employees are matrix-managed staff who work in a regional office, but are supervised from the Austin office.

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.

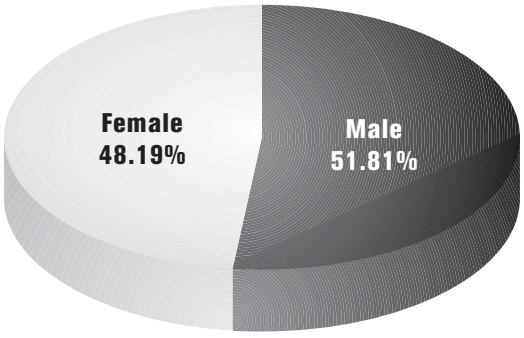
Figures E-3 and E-4 profile the agency's workforce during FY 2003. Blacks and Hispanics made up 25 percent of the agency's workforce, with other ethnic groups representing over 5 percent. The TCEQ workforce was 51.81 percent male and 48.19 percent female.

Figure E-3. Ethnicity of TCEQ Workforce, FY 2003



Data captured 8/31/03 from the Human Resources Information System.

Figure E-4. Gender of TCEQ Workforce, FY 2003



Data captured 8/31/03 from the Human Resources Information System.

TCEQ Workforce Compared to Available Texas Workforce

The TCEQ workforce is made up of six employee job categories, as established by the Equal Employment Opportunity Commission (EEOC). These categories are: official/administrator, professional, technical, paraprofessional, administrative support, and service/maintenance. In FY 2003, the Legislature assigned responsibility for certain TCEQ functions to the Texas Building and Procurement Commission, thus eliminating the agency's use of the service/maintenance category.

Table E-2 compares the agency's workforce as of August 31, 2003, to the qualified, available workforce identified by the Texas Commission on Human Rights (TCHR). The EEOC column represents the percentages of Blacks, Hispanics, and females within the available Texas workforce.

Workforce Qualifications

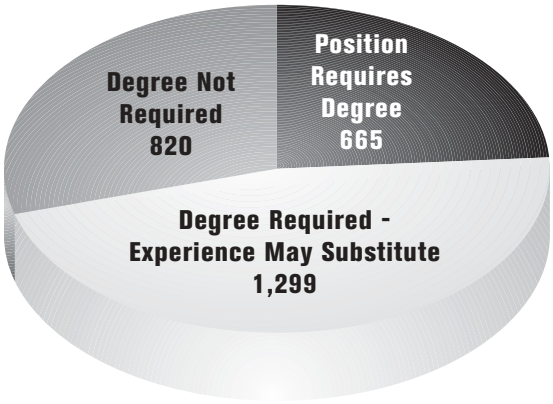
To implement, enforce, and manage the state's permitting and regulatory programs for air, water, and waste, the TCEQ employs a highly qualified workforce.

Of the agency's staff, approximately 23.90 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 or 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.

Table E-2. TCEQ Workforce Compared to Available Texas Workforce, 8/31/03

EEO Job Category	Black		Hispanic		Female	
	EEOC	TCEQ	EEOC	TCEQ	EEOC	TCEQ
Officials/administrators	7.27%	6.59%	11.61%	12.28%	31.63%	33.53%
Professional	9.31%	7.48%	10.85%	11.59%	46.93%	38.62%
Technical	13.67%	12.84%	18.89%	16.89%	39.36%	37.16%
Paraprofessional	17.94%	12.77%	31.41%	10.64%	55.81%	80.85%
Administrative support	19.59%	19.83%	25.62%	23.67%	79.87%	86.5%
Service and maintenance	18.36%	0%	44.15%	0%	24.86%	0%

Figure E-5. Education Requirements of TCEQ Employees



Data captured 8/31/03 from the Human Resources Information System.

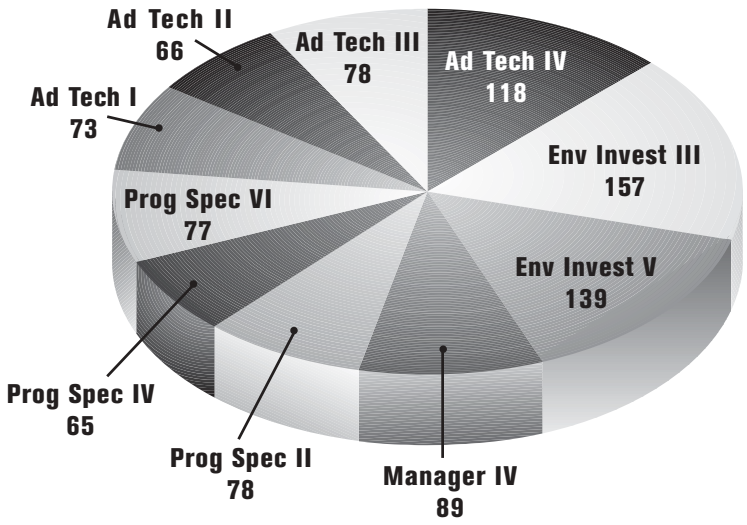
Workforce Profile by Job Classification

Although approximately 89 percent of the agency's employees are categorized as professional and paraprofessional, the work completed by TCEQ employees is diverse, requiring the use of over 300 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 FY 2003: Administrative Technicians I, II, III, and IV; Environmental Investigator III and V; Manager IV; and Program Specialist II, 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

Figure E-6. Employees in Most Commonly Used Job Classifications at the TCEQ, FY 2003

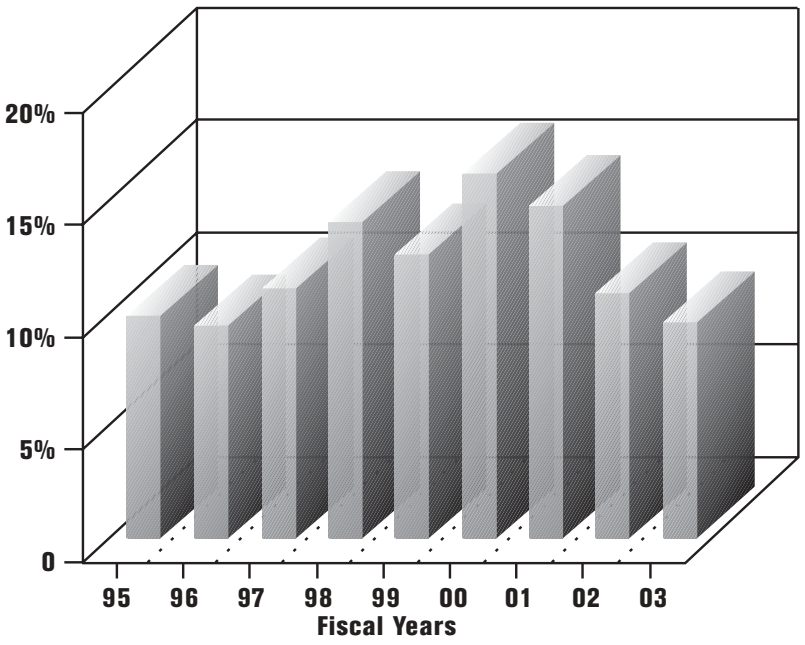


on investment. The agency's use of contracted workers increased slightly between FY 2001 and FY 2003 (from 119 to 134).

Employee Turnover

With a turnover rate of 9.59 percent in FY 2003, the TCEQ has benefited from the effects of the current economy on the job market. Turnover has steadily declined since the TCEQ reached a 10-year high of 16.05 per cent in FY 2000 (see Figure E-7). Despite the retirement incentive enacted by the 78th Legislature–which prompted 76 TCEQ employees to retire on August 31, 2003–total separations decreased from 323 in FY 2002 to 267 in FY 2003.

Figure E-7. TCEQ Turnover, FY 1995-FY 2003



Nonetheless, the agency continues its targeted recruitment strategy directed at bringing in qualified, diverse applicant pools for vacant positions. Based on an average of the past five fiscal years, an attrition rate of 12.77 percent is projected. In efforts to identify and recruit a workforce representative of the state's available labor force, the agency participated in approximately 80 recruitment events during FY 2002 and 2003 and the first quarter of FY 2004. The agency chose these events to target students, as well as professionals, in the fields of engineering, accounting, finance, and information technology.

Retention also remains a focus of management. With approximately 600 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 develop and retain skilled employees.

III. 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. Without these skills, the agency could not effectively and consistently provide its services and products. As the population of Texas increases and new programs are added, demands for agency services will increase.

To meet these demands, the TCEQ workforce must achieve increased levels of proficiency in all critical skills. In addition, accelerating technologi-

cal advances will increase the need for higher levels of proficiency in information management, including electronic reporting; Web development and maintenance; and database development, management, and integration.

Offices have projected a need for the allocation of additional FTEs for their programs. Specific offices of the agency have identified the following needs:

- The Office of Environmental Policy, Analysis, and Assessment anticipates a need for additional staff to

Table E-3. Critical Workforce Skill Clusters within the TCEQ Offices

1. Problem Solving
- Analysis
- Critical thinking
- Decision making
- Innovation
- Negotiation, conflict management

2. Information Management
- Database development, management, and integration
- Software proficiency
- Web development and maintenance
- Electronic reporting
- Computer-assisted tools
- Graphic design
- Cataloging
- Application development
- Programming design and construction

3. Technical Knowledge*
- Agency policies, procedures, and programs
- Local, state, and federal laws, rules, and regulations
- Environmental knowledge (science; engineering; and air, water, and waste programs)
- Technical analysis
- Policy analysis and development
- Statistical analysis
- Regulation analysis and development
- Financial analysis
- Litigation skills
- Audit skills
- Inventory management

* Specific skills listed in this cluster may be unique to a certain office.

4. Project Management
- Organizing
- Planning
- Managing multiple priorities
- Quality analysis and process improvement
- Coordination

5. Communication
- Written–composition and editing
- Verbal–public speaking and presentation
- Interpersonal sensitivity
- Translating technical information into terms for laypersons
- Marketing and public relations
- Teamwork
- Customer service

6. Management and Leadership
- People skills
- Performance management
- Strategic planning
- Conducting training
- Mentoring
- Meeting planning and facilitation
- Contract management
- Grant management
- Financial management
- Delegation

7. Administrative and Support
- Word processing
- Tracking and record keeping
- Mail processing

Table E-4. Critical Skills Checklist and Gap Analysis

LEGEND

CO – Office of the Commissioners
ED – Office of the Executive Director
OCE – Office of Compliance and Enforcement
OLS – Office of Legal Services
OPRR – Office of Permitting, Remediation, and Registration
OAS – Office of Administrative Services
OEPAA – Office of Environmental Policy, Analysis, and Assessment

Skill Category	Skill	CO	ED	OCE	OPRR	OLS	OAS	OEPAA
Problem solving	Analysis			High				
	Critical thinking							
	Decision making				High		High	
	Innovation				High		High	
	Other: Negotiation and conflict management						High	
Information management	Database development, management, and integration	High			High		High	
	Software proficiency	Med	Med		High			
	Web development and maintenance	Med	Low		High	Med	Med	
	Computer-assisted tools	High			High			
	Graphic design				Low			
	Electronic reporting	High			High	Med	High	
	Other:							
	• Cataloging		High					
	• Application development (includes programming design and development)				High			
	• Knowledge transfer from contractors to staff				High			
Technical knowledge (may be unique to a certain office)	Agency policies, procedures, and programs							
	Local, state, and federal laws, rules, and regulations				Med			
	Environmental knowledge (includes science; engineering; and air, water, and waste programs)	Med		High	High		Low	High
	Policy analysis and development						High	
	Statistical analysis	High			Med			
	Regulation analysis and development							
	Technical analysis	High		High				High
	Litigation skills	High						
	Audit skills	High		Med				
	Inventory management							
	Other:							
	• Mediation							
	• New technology			Low				
	• Financial Analysis							High

continued on next page

Table E-4. Critical Skills Checklist and Gap Analysis *(continued)*

Skill Category	Skill	CO	ED	OCE	OPRR	OLS	OAS	OEPAA
Project management	Organizing							
	Planning							
	Managing multiple priorities			Med				High
	Quality analysis and process improvement				High			
	Coordination							
	Other: TMDL implementation							High
Communication	Written–composition and editing	High						
	Verbal–public speaking and presentation	Low						
	Interpersonal sensitivity							
	Translating technical information into terms for laypersons	High					High	
	Teamwork							
	Marketing and public relations							
	Customer service							
	Other:							
Management and leadership	People skills				High			
	Performance management				High			
	Strategic planning				High		High	
	Conducting training						Med	
	Mentoring							
	Meeting planning and facilitation							
	Contract management							
	Grant management			Med				High
	Financial management							
	Delegation							
	Other:							
Administrative and support	Word processing							
	Tracking and record keeping				High			
	Mail processing							
	Other:							
Other types of skills	Other:							

handle an increasing workload, to respond to new program requirements, and to meet requirements mandated by federal statutes.

- The Office of Permitting, Remediation, and Registration anticipates a need for additional staff to perform statistical analysis required by expanding federal programs and information management functions.

The agency also anticipates an increasing need for contracted skills and outsourcing.

Table E-3 shows sets of critical "skill clusters" that are currently available within the seven offices of the agency and that must remain available for the agency to conduct business.

IV. Gap Analysis

The TCEQ conducted the agency's workforce analysis by office. Definitions were developed for each critical workforce skill to ensure consistency in identifying gaps. Table E-4 illustrates the gaps that are expected to develop during the next five years in each office. Each office assigned a priority to each skill gap, based on its impact to the delivery of agency products and services.

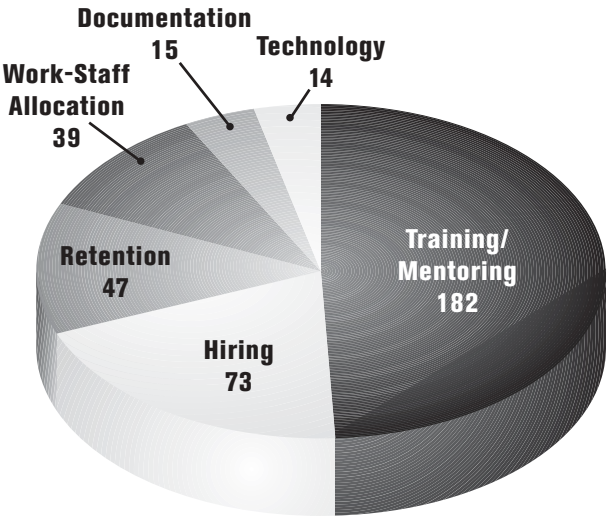
V. Strategy Development

The TCEQ anticipates implementing key strategies, which are discussed in the following sections, to address expected skill gaps. A succession planning team was established in fiscal 2003. The team will research and provide to management options for effective succession planning strategies that will build a viable talent pool to contribute to the current and future success of the agency. Figure E-8 shows the strategies and which ones are more commonly identified by agency offices.

Training and Mentoring

The agency will give emphasis to training and mentoring solutions. To develop or enhance critical workforce skills, staff will participate in online, on-the-job, and classroom training. Employees will be assigned to work closely with experienced staff and subject-matter experts on special projects in order to develop and sharpen specific skills.

Figure E-8. Strategies to Address Skill Gaps



Hiring

The agency will give increased emphasis to hiring for specific skills. Managers will submit requests to hire above the entry level to offer more competitive compensation to individuals who possess the most critically needed skills. Management will also coordinate with HRSD in recruitment efforts to target diverse and qualified candidates. While some areas of the agency propose to request additional FTEs, the agency will continue to contract with external sources to perform work and will consider outsourcing options to improve efficiencies and cost savings.

Retention

Strategies to retain individuals who possess essential skills include professional development and recognition. Managers will also provide opportunities for promotions based on increased responsibilities

and will use merit increases and administrative leave awards to reward performance.

Work and Staff Allocation

The agency will address skill gaps through the realignment of work or staff or both. To minimize the loss of institutional and procedural knowledge, managers will require backups for many critical functions. Management will also restructure jobs, revise functional job descriptions, and include subordinates in higher-level decision making, as appropriate.

Documentation

The agency will implement documentation solutions to address some skill gaps. This includes increased requirements for documentation of job standards; operating processes and procedures; rulemaking and policy development decisions; and agency actions that can guide future decision making.

Technology

The agency will address gaps through increased use of existing technology–for example, information technology solutions, webcasts, electronic reporting, and redesign of systems. 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.