

VI. Guide to Agency Programs—Continued

A. Please complete the following chart	
TNRCC Program Information — Fiscal Year 1999	
Name of Program	Executive Director
Location/Division	Executive Director
Contact Name	Jeff Saitas, Executive Director
Number of Budgeted FTEs, as of June 1, 1999	10
Number of Actual FTEs as of June 1, 1999	10

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Provides guidance to staff on policies and ensures compliance with statutory obligations of agency.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

This program was created under Texas Water Code §5.108, amended by Acts 1985, 69th Legislature, chapter 795, §1.001, effective September 1, 1985 to oversee and manage the daily operations of the agency.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Not applicable.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Executive Director interacts with the executive directors or chief administrative officers of other state agencies in an informal monthly gathering to discuss common administrative issues and to exchange ideas on issues facing all state agencies. He also meets on a monthly basis with the chief executive officers of the Texas Water Development Board and Texas Parks & Wildlife Department to discuss common issues and common areas of oversight and responsibility. There are also periodic planning meetings between the executives and staffs of the three agencies to conduct planning sessions to address commonalities. The Commissions/Boards of the three agencies meet annually for joint board/commission planning meetings.

The Executive Director meets on a regular basis with officials at the Lower Colorado River Authority and at the General Land Office as well.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The budget for the Executive Division for Fiscal Year 2000 is projected at \$630,205. Funding for this program is appropriated through strategy 04-01-01 Central Administration. The funds are all derived from state funding sources attributable to the administrative function associated with fees from technical programs, e.g., the Clean Air Account fees, Municipal Solid Waste Fee Program, & Water Utility Fee Programs.

There are no grant monies in this program's budget.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes. The current funding level adequately funds the initiatives of executive management and the requisite needed to ensure those initiatives are executed.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Similar functions on an adjusted level are carried out by the Deputy Directors in the offices that report to the Executive Director, e.g., oversight, management, & direction of staff.

External programs of a similar nature are found in the various other environmental state agencies with which the Executive Director interacts on a regular basis.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

There are regularly scheduled meetings between the Executive Director and his direct reports to discuss issues and plan and execute initiatives to address the objectives and mission of the Commission. As discussed in item G above, there are regularly scheduled meetings to discuss commonalities and plan for cooperative efforts on issues.

The Executive Director regularly participates in stakeholder meetings and meets with the agency's customers in informal settings as well as formal settings, e.g., conferences, forums, etc.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Agency Communications
Location/Division	Executive Director
Contact Name	Andy Saenz, Division Director
Number of Budgeted FTEs, as of June 1, 1999	32
Number of Actual FTEs as of June 1, 1999	28

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Agency Communications coordinates agency response to all media inquiries, prepares and distributes agency news releases, and coordinates news conferences. In addition, the division continuously improves the quality and streamlines the delivery of print and electronic information to the public. This involves oversight of writing, editing, design, layout, reproduction and distribution of agency publications and materials, and oversight of the organization and presentation of the TNRCC public Web site. The agency library is also part of this division.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The functions of this program were consolidated into the current division in January of 1997.

Agency Communications is responsible for ensuring that statutory requirements for the ADA/EEOC statement, as required by the federal Americans with Disabilities Act. Agency Communications is also responsible for ensuring the proper use of the state seal as required by the Secretary of State, and for monitoring compliance with General Appropriations Act requirements regarding agency publications. The biennial report to the Legislature is also produced by the division.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The functions of this program have remained constant, but the services used to accomplish these functions are constantly changing. For instance, the Internet has and will continue to change how the agency presents information. Agency Communications is now responsible for coordinating the use of

this medium as it relates to internal and external communication. Agency communications is an ongoing program that fulfills a continuous need to provide information and publications to the general public and media outlets.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

This program serves the public and agency staff. For example, the Media Relations section fielded 2,310 media contacts in FY98. In FY98, staff distributed 220,785 publications, 245,424 forms, and 4,699 rules. Of publication orders received, 80 percent were received from the public, 20 percent from agency staff. Staff handled 1,077 production projects ranging from print publications, to stationery, to public event materials. The library staff fielded 2,294 reference questions, roughly half from the public, and the rest from staff.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

Division staff interact with members of the media one-on-one and through organized press releases and events, and work daily with upper management and a network of subject matter experts throughout the agency. Agency policy mandates that all employees are to send media inquiries to this division, or if not possible, to let division staff know when they handle a media contact, to ensure consistent communications.

For publishing, specific staff are assigned to each office of the agency to help coordinate print and Internet publishing needs. Agency policy mandates that all publishing is run through the division for quality and quantity control. A centralized library and publications distribution point is maintained to serve both the public and agency staff.

A special projects unit produces the agency's biennial report to the legislature, a quarterly magazine on environmental issues, and speeches for the three TNRCC commissioners.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Agency Communications maintains an interagency contract with the General Services Commission for printing services.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The FTE cap has necessitated outsourcing graphics and distribution functions as appropriate.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Agency Communications is not a regulatory program.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Agency Communications is not a regulatory program.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart	
TNRCC Program Information — Fiscal Year 1999	
Name of Program	Chief Engineer's Office
Location/Division	Executive Director
Contact Name	Dan Wittliff, Chief Engineer
Number of Budgeted FTEs, as of June 1, 1999	27
Number of Actual FTEs as of June 1, 1999	27

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Chief Engineer's Office includes TNRCC's Chief Engineer, who serves as both technical advisor to the executive director of the agency and senior technical advisor for the Commission, and is also responsible for promoting the use of innovative technologies and determining whether pollution control equipment at a facility qualifies under state law for a property tax exemption. The Toxicology and Risk Assessment Section (TARA), also located in this office, provides toxicological support for agency activities, evaluating environmental concentrations for the potential to cause adverse health or welfare effect.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Chief Engineer's Office was created in 1994 to arbitrate technical and professional disagreements between commission staff from all technical programs and the technical consulting community, the regulated community, concerned citizens, or the Board of Professional Engineers.

The Toxicology and Risk assessment Section (TARA), created in the mid-1980's at the Texas Air Control Board, evaluates monitoring data collected in various environmental media, contributes toxicological expertise to agency enforcement and emergency response activities, coordinates all agency human health risk assessment activities, and conducts the toxicological and effects evaluations for air permit applications.

The Innovative Technology program was created in 1993 to identify and encourage the use of environmentally beneficial innovative technologies within all programs at the Texas Natural Resource Conservation Commission..

The Pollution Control Equipment Tax Exemption program, created in 1993 by constitutional amendment, ensures that compliance with environmental mandates, through capital investments, does not result in an increase in a facility's property taxes by the local appraisal district.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Originally, the Chief Engineer position was created to provide a senior technical authority in the commission. In 1995, the Proposition 2 tax exemption program was assigned to the Chief Engineer for program direction. Subsequently, because of its strong multi-media technical content, the Innovative Technology Program was also assigned to the Chief Engineer's Office, as was the TARA Section, which moved from the Office of Air.

The services and functions of the Pollution Control Tax Exemption program have not changed since its inception. The program will be needed as long as section 11.31 of the Tax Code remains as written.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Chief Engineer responds to requests for assistance from consulting engineers, environmental scientists, business developers, Legislators, other regulators, business owners, lawyers, and concerned citizens.

TARA responds to requests for toxicological support/information from all customers which include parties both internal and external to the agency.

Any Texas business which installed pollution control property is eligible to apply to the Pollution Control Tax Exemption program. Applications have been received from 573 companies. In order to be eligible to receive a positive use determination a company must have installed pollution control property after January 1, 1994.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

TARA assists the agency in making decisions that are protective of human health and the environment, responding to requests for comments from other TNRCC program areas and the regional offices.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Chief Engineer occasionally works with cities and counties to resolve permitting issues or to present changes in agency rules or policy, and TARA often interacts with staff of other state and federal agencies.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The Chief Engineer's Office is funded adequately.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Two programs external to the agency with similar or related services and functions to those provided by TARA are the Bureau of Environmental Epidemiology at the Texas Department of Health (TDH), and various programs at USEPA. The major factor which distinguishes TDH work from TARA work is that TDH evaluates community health and health status, irrespective of impacting cause. The distinguishing factor between EPA and TARA work is that EPA addresses issues at the national level, leaving TNRCC to address state-level issues.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

TARA works closely with both TDH and EPA, in a mutual sharing of the latest data, to assure that environmental decisions are based on sound science. TARA also coordinates with TDH to assure that the agencies present a consistent message to the public.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

There are 4 major categories of work that TARA conducts.

Exposure Assessment and Enforcement -TARA reviews multi-media monitoring data collected around the State and assesses the extent to which the general public is likely to be exposed. They also provide toxicological assistance in enforcement actions taken against companies found to be in violation of TNRCC rules and regulations, and in agency Emergency Response activities.

Risk Assessment - In support of RCRA permitting activities, TARA conducts multi-media risk assessments of hazardous waste combustor emissions, assuring that pollutants which have the potential to build up in the food-chain do not pose an unacceptable risk to the general public. TARA also reviews risk assessments submitted to the agency in support of soil cleanup activities.

Multi-Media Assessment -TARA conducts in-depth analyses of emerging environmental issues at the national level, such as the multi-media assessment of mercury in the environment, and provides technical assistance on multi-media issues to other TNRCC Programs, such as contributing to agency comments on EPA's Persistent Bioaccumulative and Toxic Pollutants (PBT's) initiative.

Air Permitting and Special Projects - TARA is responsible for conducting the toxicological and effects review of air permit applications. TARA also provides expert testimony at some public meetings and hearings, and provides toxicological assistance in permit-related rule-making activities.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

The Chief Engineer responds to complaints made by staff against permittees or their consultants and by permittees or consultants against staff.

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Intergovernmental Relations
Location/Division	Executive Director
Contact Name	Stephen Minick, Division Director
Number of Budgeted FTEs, as of June 1, 1999	7
Number of Actual FTEs as of June 1, 1999	7

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Intergovernmental Relations Division is responsible for:

- # coordination of communications with legislative offices and members, stakeholders and other governmental agencies in matters related to legislative issues and agency policy or program initiatives;
- # preparation for legislative sessions and development and coordination of the agency’s legislative agenda;
- # assisting legislative members in addressing requests for information or assistance to constituents in dealing with agency;
- # tracking and categorizing legislative contacts;
- # training of agency staff for resource witness appearance, and legislative process;
- # coordination of agency assessment of proposed legislation and the analysis of the impacts to agency programs and responsibilities; and
- # management of agency legislative affairs, including coordination of agency recommendations with bill sponsors, coordination and preparation of agency resource witnesses for legislative hearings, monitoring and reporting of hearings and other legislative activities.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Intergovernmental Relations function has been a part of the TNRCC since its creation from predecessor agencies in 1992 and 1993.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Most changes in this function have been procedural and related to ongoing efforts to improve delivery of service through changes in operating procedures, staff responsibilities, policies and information management tools. The need for the function will be ongoing.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Intergovernmental Relations function serves the following constituents:

- # State legislators and leadership offices (Governor, Lt. Governor, Speaker) and federal Congressional delegation (House and Senate);
- # Constituents of federal and state legislators;
- # Federal and state natural resource and environmental agencies;
- # Entities regulated by the TNRCC;
- # Public interest, environmental, trade, business or other special interest association representing agency regulated communities or other customers;

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Division is headed by a director who reports directly to the Executive Director. Staff include legislative liaisons with broad responsibilities for coordinating the various responsibilities of the division within major subdivisions such as environmental medium (air quality, water quality, solid waste management) or function (permitting, enforcement, administrative). Other staff are responsible for internal coordination of projects, and information collection, management and reporting and routine administration. The primary role of the division is to insure communication by working closely with all of the program areas of the agency, as members of both formal and informal teams, to insure that IGR staff are aware of and up to date on all agency program and policy directions affecting the agency's stakeholders.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The IGR Division is involved with local governments based on their roles as regulated entities (licensees, permit holders, etc.), program administrators who have been delegated regulatory or permitting authority at the local level, or grantees that have received state financial assistance for various programs.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current funding sources and those assumed to be available through the next biennial budget cycle are estimated to be appropriate to achieve the objectives of the IGR function.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Under existing procedures and agreements with other agency programs, IGR staff are included as participants in the development of significant policies, rules, program changes, and legislative initiatives to insure that the division is informed of those activities that need to be coordinated and communicated externally and to insure that duplication of efforts does not occur.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not applicable

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Not applicable

VI. Guide to Agency Programs—Continued

A. Please complete the following chart.	
TNRCC Program Information Fiscal Year 1999	
Name of Program	Small Business and Environmental Assistance
Location/Division	Executive Director
Contact Name	Israel Anderson, Division Director
Number of Budgeted FTEs as of June 1, 1999	83
Number of Actual FTEs as of June 1, 1999	65.5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Small Business and Environmental Assistance Division provides confidential environmental technical assistance without the threat of enforcement action. Staff provide pollution prevention and compliance assistance to the regulated community. Among the division's top priorities are small business and local government assistance, on-site technical assistance, and environmental public awareness programs. Services include regulatory assistance seminars, technical workshops, trade fairs, waste collection events, toll-free hotline assistance and recognition of environmental excellence.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Small Business and Environmental Assistance Division was created in January 1999 as a result of the consolidation of all compliance assistance activities of the TNRCC into a single divisional unit within the Executive Director's Office. A key facet for FY2000 is the placement of twenty compliance assistance positions in the sixteen regional offices of the agency. The program's purpose is to improve the efficiency and effectiveness of customer services provided by TNRCC to protect public health and the environment by proactively addressing opportunities to prevent problems and educate citizens, developing more effective local partnerships and regionally based compliance assistance initiatives, improving relationships between field staff and central office programs, and building upon current expertise and programs.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The Small Business and Environmental Assistance Division, created in 1998, is comprised of the former Office of Pollution Prevention and Recycling, the Small Business Assistance Program and the former Local Government Assistance Program and Regulatory Outreach Program.

The division is integrating activities and identifying opportunities for using multi-media approaches to problem solving. There will not be a time in the foreseeable future when the mission will be accomplished or the program will no longer be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

Customers include small businesses, industrial facilities, local governments, federal and state facilities, institutions, agricultural producers, schools, and individuals.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The program is centrally administered by the division director and has 20 positions located in the agency's 16 regional field offices.

G. If the program works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The program works with local units of government such as municipal owned water and wastewater plants, municipal and county owned and run solid waste landfills, transfer stations, citizens collection points, water supply districts, municipal utility districts (MUDs) water control and irrigation districts and river authorities. All of these entities are considered members of the regulated community.

H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The 73rd Legislature created the Recycling Market Development Board (RMDB) in 1993 (Texas Health and Safety Code Chapter 361) to coordinate recycling market development work among several state agencies. The Board consists of the Chairman of the TNRCC, the Commissioner of the General Land Office, the Executive Director of the General Services Commission, the Executive Director of the Texas Department of Economic Development, and the Executive Director of the Texas Department of Transportation.

The Recycling Program at the General Land Office (GLO) supports the “Buy Recycled” program to encourage business, industry, and government to purchase recycled-content products.

The Waste Minimization Program at the Railroad Commission of Texas provides (RRC) pollution prevention technical assistance to the oil and gas industry. This RRC program targets the oil and gas industry under their jurisdiction.

HB 2022 was passed during the 76th Legislative Session which provides for the Governor to designate the Small Business Advocate at the Texas Department of Economic Development (TDED).

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

Internally, the division is coordinating across sectional boundaries to ensure that our attempts to provide customers with assistance are multi-media and based on pollution prevention techniques.

The GLO Recycling Program provides public awareness of recycled-content products and supports the TNRCC’s “Texas Recycled” program which promotes Texas manufacturers of recycled-content products. The division coordinates technical assistance activities with the RRC Waste Minimization Program through the EPA Region VI Pollution Prevention Roundtable. The division will continue to coordinate with TDED and the newly created Small Business Advocate to provide environmental regulatory and compliance assistance expertise.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

The activities of the Small Business and Environmental Assistance Division staff both in the central office and in the regional offices will be guided ultimately by the agency's compliance planning process, including assistance activities, and will be a part of the agency's broad planning process. Environmental assistance is an agency-wide function with the new division providing an additional conduit to provide assistance to our customers and leadership on proactive approaches to environmental protection.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

Not Applicable

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Not Applicable