

# A Message from the Executive Director

By Carol Batterton, Executive Director



## **WEAT Government Affairs Website Ready for the 82nd Session!**

Thanks to the hard work of **Holly Tichenor**, WEAT Government Affairs Committee Chair, along with **Heather Cooke**, Vice Chair, and Julie Nahrgang, WEAT staff, the WEAT Government Affairs website is ready to be your resource for legislative information for the upcoming session. The Government Affairs page can be accessed at: <http://weat.org/governmentalaffairs.shtml>. By clicking on the Legislative button at the bottom of the page, you will find the Sunset Advisory Commission reports on the Texas Water Development Board and the Texas Commission on Environmental Quality. You will also find a table of bills filed for this session that WEAT is tracking. We have added a “print table” function that allows you to print the bill tracking table anytime you wish. WEAT Government Affairs members, as well as WEAT staff, will be working during the session to keep this information as up to date as possible for our members.

## **Sunset Staff Report on TCEQ**

The Sunset Advisory Commission released its staff report on TCEQ on November 18, 2010. Key findings and recommendations which impact the wastewater and water quality industry include:

### ***Texas has a continuing need for the Texas Commission on Environmental Quality***

- Continue the Texas Commission on Environmental Quality for 12 years.

### ***TCEQ’s public assistance efforts lack coordination and focus***

- Charge the Executive Director with providing assistance and education to the public on environmental matters under the agency’s jurisdiction.
- Focus Office of Public Interest Council’s (OPIC’s) efforts on representing the public interest in matters before the Commission.
- Require the Commission to generally define, by rule, factors OPIC will consider in representing the public interest and establish OPIC’s priorities in case involvement.

### ***TCEQ’s approach to compliance history fails to accurately measure entities’ performance, negating its use as an effective regulatory tool***

- Remove the uniform standard from statute and require the Commission to develop a compliance history method to be applied consistently.

- Remove the requirement to assess the compliance history of entities for which TCEQ does not have adequate compliance information.
- Expand the statutory components to allow TCEQ to consider other factors in evaluating compliance history.

### ***TCEQ’s enforcement process lacks public visibility and statutory authority***

- Require the Commission to structure its general enforcement policy in rule and publically adopt its resulting enforcement policies.
- Increase TCEQ’s administrative penalty caps.
- Authorize TCEQ to assess administrative penalties for dam safety violations.
- Authorize TCEQ to consider Supplemental Environmental Projects for local governments that would improve the environment.

### ***The state could benefit from combining regulatory functions related to gas and water utilities in the Public Utility Commission***

- Transfer responsibility for regulating water and wastewater rates and services from TCEQ to PUC.
- Eliminate the existing water and wastewater utility application fees and adjust the Water Utility Regulatory Assessment Fee to pay for utility regulation at PUC.
- Require Office of Public Utility Council to represent residential and small commercial interests relating to water and wastewater utilities, contingent on the transfer to PUC.

WEAT’s officers and Government Affairs Committee will be reviewing this document and preparing comments. A hearing to accept public testimony on the staff report was scheduled for December 15-16, 2010. The Sunset Advisory Commission will take final action on the report January 12, 2011. Sunset recommendations typically form the basis for legislation related to the agency during the legislative session. The Sunset report is available in full on WEAT’s website at <http://www.weat.org/govt/TCEQSunsetStaffReport.pdf>. If you need more detailed information on the Sunset process, go the Sunset Advisory Commission’s website at <http://www.sunset.state.tx.us/>.