

# A Message from the Executive Director

By Carol Batterton, Executive Director



## TCEQ Sunset Review

Senate Bill 2 which was passed in the Special Session of the Texas Legislature moved the Sunset Review date for the Texas Commission on Environmental Quality up two years to 2010-2011. Sunset Review is a process that was established by the Texas Legislature in the 1970s to provide for greater openness in government decision-making and to improve government accountability.

Sunset is the regular assessment of the continuing need for a state agency to exist. The Sunset review process looks at an agency and evaluates whether the agency's functions should continue to exist and/or how can it be improved. The process works by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. This creates a unique opportunity for the Legislature to look closely at each agency and make fundamental changes to an agency's mission or operations if needed.

The Sunset process is guided by a 12-member body appointed by the Lieutenant Governor and the Speaker of the House of Representatives. Assisting the Commission is a staff whose reports provide an assessment of an agency's programs, giving the Legislature the information needed to draw conclusions about program necessity and workability.

The following excerpt from the Sunset Advisory Commission's website gives guidance to the public on how to participate in the process:

### How Can the Public Participate in Sunset?

Members of the public who participate in the review process can provide valuable information to the Sunset Commission about how well or poorly an agency performs its functions. Individuals and organizations usually participate by identifying potential issues for study and by commenting on proposed changes to the agency. The public can participate in the review of an agency by:

- **Input with Staff.** The staff seeks input during the review at which time interested persons and organizations may voice their concerns about the agency. Please submit your input on the input form and send us your comments.

- **Reviewing Sunset Documents.** Sunset documents, including reports and decision materials, are made available to the public on a regular basis to keep the public informed on the progress of the review.

- **Testifying at Public Hearings.** The Commission holds public hearings on each agency under review. These hearings offer the public an opportunity to testify on the agency and related recommendations. Multiple

agencies are considered within one meeting and many interest groups, professional trade associations, and members of the public may attend and provide testimony to the Commission. If you would like to testify before the Commission, witness affirmation forms are available at the meeting.

- **Taking Part in the Legislative Session.** Generally, if an agency is to be continued, a bill must be passed by the Legislature. The public can participate in the same way as with any other legislation.

WEAT will be closely monitoring Sunset Review of TCEQ and will look for opportunities for constructive input into this process. If you have any suggestions or comments for improvement or addition to TCEQ functions, please let me know. For more information on the Sunset Review process, see [www.sunset.state.tx.us](http://www.sunset.state.tx.us).

## CWQ Fee Increases

As a result of legislation passed in the last session and rules recently adopted by TCEQ, many holders of wastewater permits will see an increase in the next billing for their Consolidated Water Quality (CWQ) fee. According to TCEQ and members of the legislature, this fee increase is necessary to offset declining General Revenue Appropriations to the agency for water quality programs. The CWQ fee supports a wide range of activities including storm water, Total Maximum Daily Load development, wastewater inspections, confined-animal feeding operations, sludge, and the Clean Rivers Program.

The recently adopted rule increases rates and minimums for all the fees by a percentage across the board to generate revenue at a level sufficient to support the agency's appropriations from Account 153. The new rule also increases the multiplier from 1.00 to an amount up to a maximum of 1.75.

House Bill 1433 passed by the 81st Session of the Legislature increases the statutory cap set in the Texas Water Code for the Consolidated Water Quality Fee from \$75,000 to \$100,000. That legislation also allows for annual adjustments based on the consumer price index up to a maximum amount of \$150,000.

TCEQ is encouraging wastewater permit holders to contact the agency to discuss their fee assessment. CWQ fee billings will go out in October and utilities should prepare for potential increases. If you need information on your utility's fees, send an email to [wqap@tceq.state.tx.us](mailto:wqap@tceq.state.tx.us) or call 512-239-4671.