

WINTER/SPRING

2011

Natural

OUTLOOK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



2010 BORDER
FLOODING

**The TCEQ plays an essential role
in international flood response**



Natural Outlook is published quarterly by the Agency Communications Division at the Texas Commission on Environmental Quality

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Natural OUTLOOK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

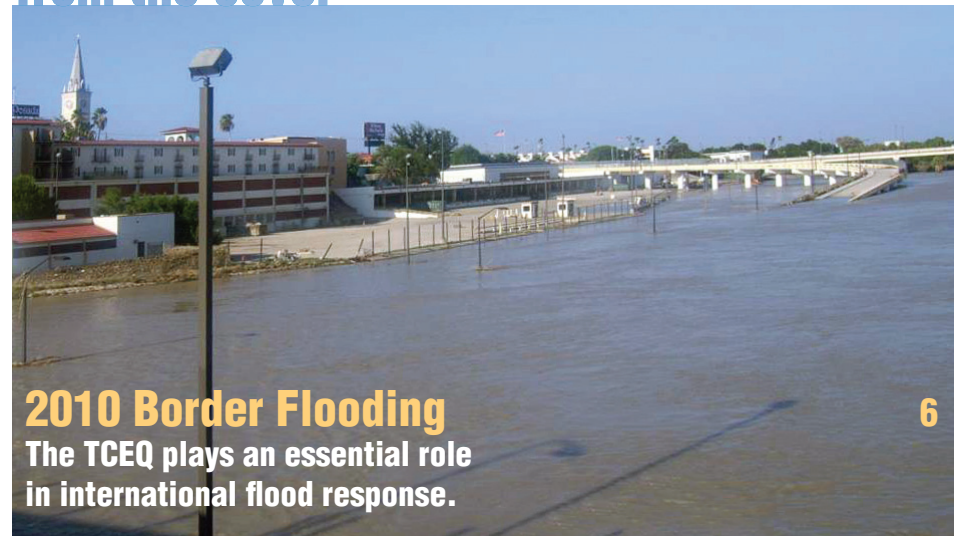
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Our e-mail and website addresses have changed.

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Free environmental-compliance assistance is just a phone call away.

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TCEQ photo by Moe Yarrito, Rio Grande watermaster

TCEQ CHANGES E-MAIL AND DOMAIN TO TCEQ.TEXAS.GOV



Our e-mail and website addresses are changing—but, don't worry, our old addresses still work, too.

The TCEQ has changed employee e-mail addresses to Firstname.Lastname@tceq.texas.gov and group e-mail addresses to end in @tceq.texas.gov.

Our website addresses are changing from www.tceq.state.tx.us to www.tceq.texas.gov.

We are phasing this in, but much of the changeover was rolled out on Jan. 15, 2011.

You may notice these changes in correspondence you receive back from the agency, but not because of e-mail

bounce-backs and rarely from broken website links. Our old e-mail addresses and domain name will still work for at least five years—however, we encourage you to update your bookmarks and e-mail address book.

If you encounter a broken link, try replacing state.tx.us with texas.gov. If that doesn't work, then the page no longer exists or has moved and the broken link is not due to the change to tceq.texas.gov. 🌟

Questions or problems?
Contact webmast@tceq.texas.gov.

TexasEnviroHelp

Free environmental-compliance assistance is just a phone call away

Are you confused about state and federal environmental regulations that affect your business or local government? Did you know that you may need to follow drinking-water rules or file for an air authorization or a storm water permit to conduct business? Or that you must notify the TCEQ that you're generating waste?

To help small businesses and local governments, the Texas Commission on Environmental Quality provides free, confidential environmental-compliance assistance to small businesses and local governments on air, water, waste, and pollution prevention issues, without the threat of enforcement. In addition, the program's helpful website, www.TexasEnviroHelp.org, serves as an information hub with useful links to information on air, water, and waste issues and industry requirements.

The TCEQ's Small Business and Local Government Assistance Program is charged with providing assistance of this kind. Businesses and local governments can request one-on-one assistance and free, on-site environmental-compliance

assessments—and all the information remains confidential from the TCEQ's enforcement process.

And by visiting www.TexasEnviroHelp.org you can find a number of compliance-assistance tools, regulatory guidance leaflets, and easy-to-follow checklists for various industries, such as auto body shops, metal finishers, dry cleaners, automotive repair facilities, surface coaters, and auto salvage yards. In addition, you can find air, water, and waste requirements for small businesses. For example, www.TexasEnviroHelp.org offers guidance on calculating your air emissions, explains how to manage hazardous waste, and includes templates for storm water pollution prevention plans, tools for wastewater facilities, and resources for public-drinking-water facilities.

Feel free to call TCEQ's TexasEnviroHelp hotline for more information about these programs, as well as free and confidential assistance with questions on environmental regulations. Call 800-447-2827 Monday through Friday, from 8 a.m. to 5 p.m. For more information on the TCEQ's program and tools, visit www.TexasEnviroHelp.org. 🌟

FINDING SOLUTIONS ALONG THE BORDER

Environmental summits empower communities to take action

El Paso

For the past ten years in El Paso, environmental summits have brought together government agencies, local companies, high-school students, environmental experts, and residents to discuss environmental issues, identify possible solutions, and implement those solutions.

El Paso Environmental Summits

“The goal of the El Paso Environmental Summits is to provide the public with accessible information on environmental and conservation issues,” said Pam Aguirre, a small business and local government compliance assistance specialist in El Paso with the TCEQ’s Small Business and Environmental Assistance Division.

Attendance has grown steadily, from around 120 in 2000 to over 400 in 2010. Keep El Paso Beautiful raises funds to pay for summit expenses, including lunch for attendees. Local businesses and nonprofit organizations have informational booths and students from the fashion design classes at El Paso Community College hold a “Trashion”



Community involvement is the key to the success of the environmental summits.

the upcoming year to find solutions to these challenges.

“The summits are a way to engage people on environmental issues in their communities,” said Brian Christian, director of the TCEQ’s Small Business and Environmental Assistance Division. “This grassroots effort brings together neighborhood associations, colonia residents, nonprofit groups, local business leaders, high-school students, elected officials, and federal, state, and local government agencies for the common goal of identifying and tackling local environmental challenges.”

Topics discussed at the first summit in 2000 were windblown trash, construction debris, illegal dumping of tires, and illegal dumping of grease-trap waste. Some challenges can be resolved in less than a year. Others, such as grease-trap waste, can take longer.

“We were the largest city in Texas that didn’t have any type of processing for grease-trap waste,” said Aguirre. “The closest facility was a landfill in Odessa, which was about 600 miles

round trip. Some grease haulers were dumping grease in the desert or in sewers instead of taking it to Odessa. This was causing grease blockages and other problems. In 2010, ten years after we started working on a solution, we had the grand opening of our first grease-processing facility here in El Paso.”

Topics for the 2010 solution sessions included renewable resources, the environmental impact of hoarding on neighborhoods, and the lack of household hazardous waste disposal options for residents of El Paso County.

The middle- and high-school students who attended the renewable resources session committed to making several public service announcements this year. “They’re going to target kids their own age with messages about renewable resources and conservation,” said Aguirre.

“Seeing young folks who are interested in environmental issues become inspired at the summits is very exciting,” said Ramiro Garcia, TCEQ area director, Border and South Central Texas. “These students are the future

show, where they model clothing made from recycled materials.

Before the summit each year, a steering committee identifies four local environmental challenges to be addressed by attendees in “solution” breakout sessions. Summit participants in each session are then tasked to work together throughout



Rio Grande at Big Bend

leaders who will help address the issues we see in this growing part of our state.”

For more information about the El Paso summit, visit www.facebook.com/pages/El-Paso-Environmental-Summit/155419121141415.

Community Involvement Is Key to Success

A key component, and the one that has made the summits such a success in El Paso, is the emphasis on ownership and community involvement.

Aguirre feels that the process empowers the community and gives them a sense of commitment. “The summits give people an opportunity to learn, voice opinions, and be a part of the solution,” she said.

“People are taking ownership in finding solutions they can be a part of,” said Commissioner Carlos Rubinstein. “They identify concerns in their own communities that they can actually do something about. They know they are there to identify issues and come together with solutions.”

New Summits Inspired by Success in El Paso

“El Paso was successful in bringing a variety of groups and people together and I wanted to see that in other places along the border,” said Commissioner Buddy Garcia. “I felt that El Paso had a good template that could be replicated elsewhere.”

Using the El Paso model, the TCEQ worked with local legislative sponsors—Representative Eddie Lucio III in the Lower Rio Grande Valley and Senator Judith Zaffirini in Laredo—to make two new summits a reality in 2010. Both legislators were actively involved in every aspect of the summits—from

participating on the steering committees and helping craft the agendas, to sending out fundraising letters, to speaking at the events. The leadership and participation of Senator Zaffirini and Representative Lucio were crucial in making the two new summits a success.

As in El Paso, local nonprofit environmental groups, businesses, and government agencies had booths at the Lower Rio Grande Valley and Laredo summits to display information about their environmental programs.

Lower Rio Grande Valley Summit

Representative Lucio welcomed 175 attendees, stating that the Rio Grande Valley is one of the fastest-growing regions in the nation, having an effect on agriculture and manufacturing, both of which rely heavily on a good-quality water supply.

Speaker of the Texas House of Representatives Joe Strauss was on hand to speak about environmental issues and encourage participants to take an active role in finding solutions for future generations.

Chairman Bryan W. Shaw, Ph.D., spoke about the environmental challenges along the border. Commissioner Garcia addressed air quality, sustainable economic development, and illegal dumping of waste. Commissioner Rubinstein spoke about flooding and water conservation.

Plans are already under way for the next summit, which will be held in McAllen on Oct. 28, 2011. “We want to rotate the summit each year to different locations within the Harlingen Region to increase participation and awareness,” said David Ramirez, director of the TCEQ’s Region 15, with headquarters in Harlingen. “This will help to ensure that

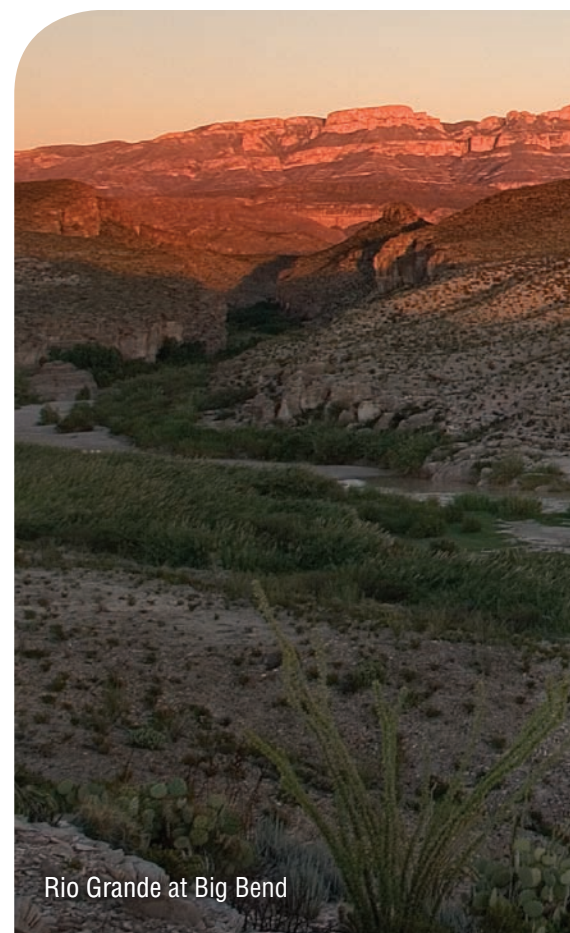
people in Cameron, Willacy, Hidalgo, and Starr counties are able to participate.”

For more information about the Lower Rio Grande Valley summit, visit www.valleyes.org.

Laredo Summit

At the summit in Laredo, held on the campus of Texas A&M International University, Commissioner Garcia encouraged Texas border residents to expand their knowledge of environmental issues, and Commissioner Rubinstein noted the importance of engaging the public, particularly students.

Senator Zaffirini received a standing ovation from 174 enthusiastic attendees for her keynote address, in which she recalled environmental progress in Texas. She also stressed the need for empowering and engaging community residents on environmental issues.



Rio Grande at Big Bend

Keynote speaker Tom Harris, CEO of Tyonek Native Corporation in Alaska, discussed interdependent solutions. Laredo Mayor Raul Salinas and Webb County Judge Danny Valdez read a joint proclamation proclaiming the day as Laredo Environmental Day.

Throughout the day, participants met in breakout sessions to discuss solutions for illegal dumping, conservation, and water quality.

For more information about the Laredo summit, visit www.laredoenvironmentalsummit.org.

Next on the Horizon

The environmental summits in El Paso, Laredo, and the Lower Rio Grande Valley have definitely proven to be a successful outreach vehicle for the agency, as well as a way to actively engage these communities in working

Success in El Paso

Following are a few of the many accomplishments that have resulted from the collaborative community involvement in the El Paso summits:

- Creation of a program of community toolsheds located at all 14 fire stations in El Paso, where citizens can “borrow” rakes, shovels, trimmers, trash bags, and bottled water for small community cleanups.
- Creation of the first Environmental Court in Texas.
- Creation of an emissions trading program with Mexico.
- Cleanup and recycling of an abandoned pile of 350,000 tires. 🇺🇸

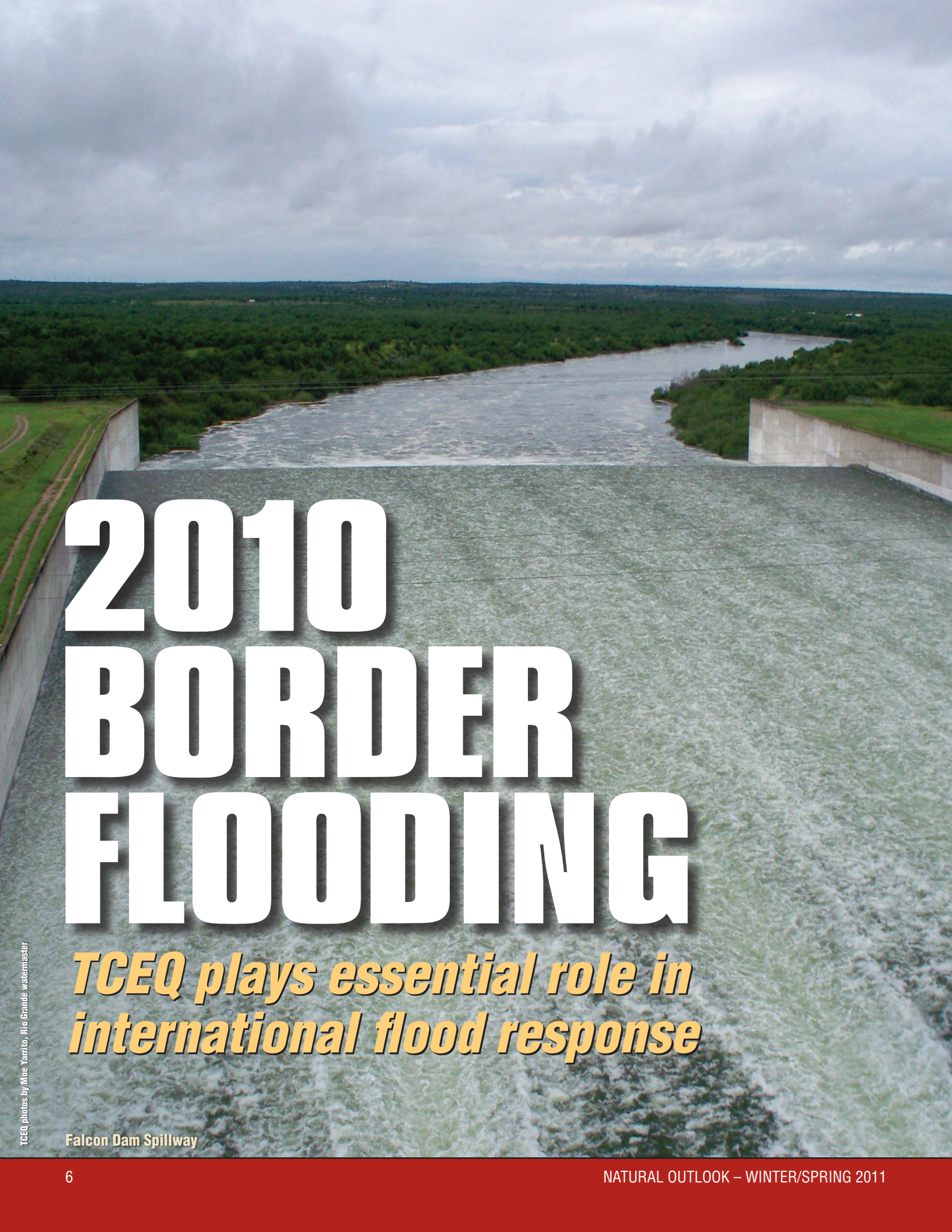
to improve their environment and quality of life. With the goal of expanding this model to other parts of the state, the next new summit location will be in the Central Texas area.

“The biggest benefit of the environmental summits is direct involvement with the local communities,” said Chairman Shaw. “Our great state has vastly different regions, each with their own environmental challenges. It is

paramount that our agency continue to interact with regional stakeholders. Only through such interaction will we be able to understand the specific challenges in each region and truly appreciate how regulations adopted in Austin impact local communities.” 🇺🇸

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For information on other TCEQ border initiatives, visit www.tceq.texas.gov/goto/border.





2010 BORDER FLOODING

TCEQ plays essential role in international flood response

TCEQ photos by Moe Yarrido, Rio Grande watermaster

Falcon Dam Spillway

As torrential rains from Hurricane Alex and a tropical depression fell in South Texas and northern Mexico from late June through early July 2010, record flooding occurred along the Rio Grande. As the waters started to rise, the TCEQ responded quickly, performing essential duties to help control flooding and minimize damage to communities along the border.

As the liaison between the U.S. International Boundary and Water Commission (IBWC) and the Texas Division of Emergency Management, the TCEQ played an instrumental role in coordinating efforts to control the flooding.

TCEQ staff acted as the “eyes and ears” of the IBWC by patrolling floodgate levees saturated by the floodwater and notifying it of any cracks or other problems discovered along 160 miles of the Rio Grande from Falcon Dam downstream to Brownsville, and 270 miles of floodway levees in Hidalgo, Cameron, and Willacy counties. This allowed the IBWC to concentrate its efforts on any issues identified by the TCEQ. In addition, specialized teams of TCEQ employees conducted 75 water and wastewater inspections; three landfill inspections; and inspections of 2,799 lateral gate, levee, temporary pump, and other irrigation and flood-control features in the affected counties.

An unprecedented information flow from Mexican officials to Texas emergency management officials through the TCEQ and the IBWC, and the close coordination among all these response partners, will serve as a model for future disaster management efforts across border jurisdictions. ♻️



Eagle Pass International Bridge



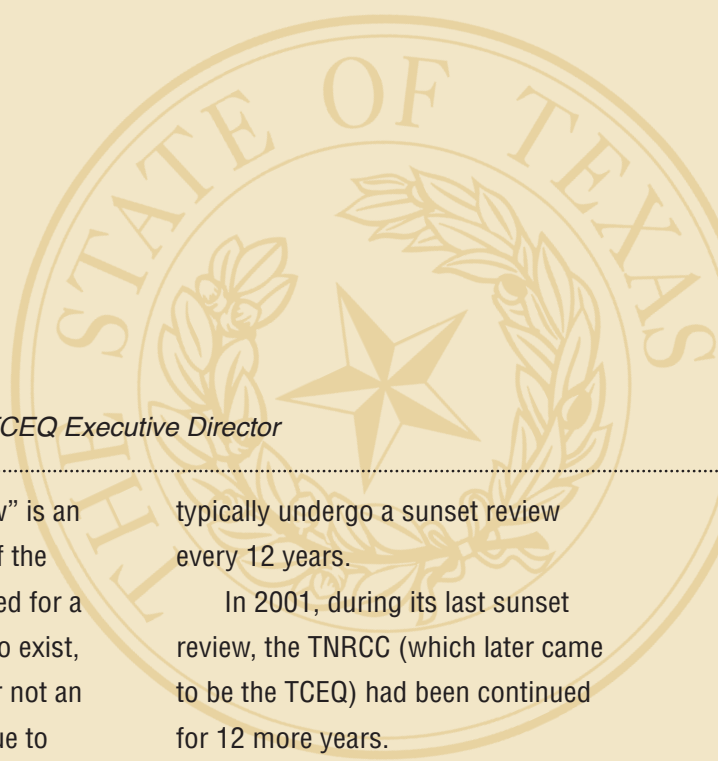
Starr County



Laredo

THE TCEQ SUNSET REVIEW EXPERIENCE

Process update and next steps



by Jennifer Sidnell,
Special Assistant to the TCEQ Executive Director

A “sunset review” is an assessment of the continuing need for a state agency to exist, by determining whether or not an agency’s functions continue to be needed. The process works by setting a date on which the agency will be abolished unless legislation is passed to continue its functions. This creates an opportunity for the Legislature to look closely at an agency and make fundamental changes to an agency’s mission, operations, or functions, if needed.

The Texas Sunset Advisory Commission consists of 12 members of the Texas Legislature, appointed by the lieutenant governor and the speaker of the House of Representatives. A report generated by Sunset Commission staff provides an assessment of an agency’s programs and functions. This assessment enables the Legislature to draw conclusions about the necessity for the agency to continue.

There are about 130 state agencies that are subject to the Texas Sunset Act. The act, which became effective in 1977, specifies each agency’s review date. Agencies

typically undergo a sunset review every 12 years.

In 2001, during its last sunset review, the TNRCC (which later came to be the TCEQ) had been continued for 12 more years.

However, Senate Bill 2 of the first-called special session of the 81st Legislature advanced the date of the TCEQ’s sunset review by two years, from 2013 to 2011. The TCEQ was one of several agencies whose sunset review date was moved forward.

TCEQ Completes Self-Evaluation Report

To prepare for the upcoming review, the TCEQ organized an internal Sunset Review Team and identified points of contact (POCs) throughout the agency for the sunset project. The first objective of the Sunset Review Team was to work with the POCs to draft the TCEQ’s sunset self-evaluation report.

The TCEQ submitted this report (*Protecting Texas by Reducing and Preventing Pollution: TCEQ Sunset Evaluation Report*, SFR-089) to the Sunset Commission on Oct. 26, 2009. The report’s structure and questions,

which were set by the Sunset Commission, were designed to provide the Sunset Commission with an overview of the agency—including its key functions, performance, history and major events, funding, and organization—and detailed information on its programs. The TCEQ’s self-evaluation report can be found on the TCEQ’s website, at www.tceq.texas.gov/goto/selfevaluation.

Sunset Commission Staff Conducts Review

In April 2010, the Sunset Commission staff conducted its introductory briefing with the TCEQ to discuss its expectations and general timeline for agency review. Following this meeting, the TCEQ began preparation for its initial presentation to the Sunset Commission staff on the agency’s primary programs and activities. The presentation was made in May 2010 by TCEQ Executive Director Mark Vickery and General Counsel Les Trobman.

For almost the next five months, the Sunset Commission staff scheduled individual office and division meetings with TCEQ staff members to develop a detailed understanding of the TCEQ’s programs, functions, roles, and responsibilities. These meetings resulted in additional follow-up questions and information requests from the Sunset Commission staff. In all, over 50 meetings were conducted and more than 130 additional information requests were made by Sunset Commission staff.

Sunset Commission Staff Completes Report

In early November 2010, the Sunset Commission staff completed its report on the TCEQ. The report addressed the following eight issues:

1. Texas has a continuing need for the TCEQ.
2. The TCEQ’s public-assistance efforts lack coordination and focus.
3. The TCEQ’s approach to compliance history fails to accurately measure entities’ performance, negating its use as an effective tool.
4. The TCEQ’s enforcement process lacks public visibility and statutory authority.
5. The TCEQ does not have the tools necessary to effectively protect surface water availability during drought or emergency conditions.
6. Gaps in the regulation of petroleum storage tanks and the coming expiration of the remediation fee threaten the state’s ability to clean up contaminated sites.
7. The TCEQ lacks guidance on how to fund the Texas Low Level Radioactive Waste Disposal Compact Commission.
8. The statutory cap on emissions limits the TCEQ’s ability to adequately fund the Title V Air Permit Program.

Each of these issues contained multiple recommendations that would

require either statutory change or management action in order to be implemented.

The report also included “Water and Wastewater Utility Regulation Transfer,” a supplement to the Sunset Staff Report on the Public Utility Commission (PUC). This supplement identified and discussed one issue: whether the state could benefit from combining regulatory functions related to gas and water utilities under the umbrella of the PUC. The supplement recommended that utility-related functions that are currently under the TCEQ or the Railroad Commission be transferred to the PUC.

The Sunset Staff Report on the TCEQ was released together with the report on the Texas On-site Wastewater Treatment Research Council (TOWTRC). This discussed the proposition that Texas does not need a separate, stand-alone council to fund on-site sewage research, and made three recommendations, including abolishing the TOWTRC and transferring its functions to the TCEQ.

Sunset Commission Holds Public Hearing

In December 2010, the Sunset Commission conducted a public hearing on its reviews of several agencies. This hearing provided the Sunset Commissioners with an opportunity to receive a formal presentation of the Sunset Staff Report on the TCEQ by their (Sunset Commission) staff, to hear presentations by the TCEQ commissioners and executive director,

and to take more than six hours of public testimony on the report's findings, issues, and recommendations.

At the hearing, TCEQ Executive Director Mark Vickery testified, "I embrace the Sunset process and support the recommendations in the staff report. I recognize that we can't improve as an agency without conducting a process such as the Sunset review, and welcome its recommended changes. Finally, I recognize that TCEQ can enhance some of its processes to better protect public health and the environment."

Following the public-testimony hearing, the Sunset Commission met

in January 2011 to adopt Commission Decisions on the Sunset Advisory Staff Recommendations for the TCEQ, as well as the PUC- and TOWTRC-related recommendations affecting the TCEQ. Several new issues that were proposed and presented by the public during the public hearing were also considered.

To read the *Sunset Commission Decisions* on the TCEQ and the TOWTRC, please download the report at www.sunset.state.tx.us/82ndreports/tceq/tceq_dec.pdf.

Next Steps

- Based on the decisions made by the Sunset Commission,

the Sunset Commission staff is working with the Legislative Council to draft the TCEQ sunset legislation that will contain the adopted recommendations and new issues.

- The TCEQ sunset bill will follow the normal process through the Legislature, subject to legislative amendments and deadlines.
- The TCEQ will follow progress on the bill and provide input, information, and assistance to Sunset Commission staff as requested during the legislative process. ♻️



Photo © iStock.com/Pamela Moore

LITTLE FISH MAKES BIG BEND COMEBACK

Endangered Rio Grande silvery minnow is reintroduced in Texas

The Rio Grande silvery minnow was once the most common native fish in the Rio Grande, found in large schools all along the river, from northern New Mexico to the Gulf of Mexico. But by the 1970s, the species had dwindled to occupying only a small stretch of the middle Rio Grande near Albuquerque, New Mexico, about 7 percent of its historic range. In 1994, the silvery minnow was placed on the federal endangered species list.

Today, the future looks a little brighter for the small fish. After an absence of nearly fifty years, the silvery minnow swims again in the Big Bend reach of the Rio Grande.

Silvery Minnows Released in Texas

In 2008, the U.S. Fish and Wildlife Service (FWS), in collaboration with the TCEQ and other members of the Rio Grande Silvery Minnow Recovery Team, released 445,000 minnows from New Mexico breeding facilities into the Rio Grande—at Big Bend Ranch State Park, Big Bend National Park, and the Adams Ranch del Carmen, a privately owned conservation area. Another 509,000 were released in 2009 and 448,444 in 2010. More releases are planned in future years.

“The silvery minnow in the Big Bend is designated as an experimental non-essential population,” said Herman Settemeyer, who, as coordinator of the TCEQ’s Interstate River Compact Program, was a member of the team that developed the minnow’s recovery plan.

This designation is allowed under section 10(j) of the Environmental Species Act, which encourages the reintroduction of a species by reducing

regulations, giving local communities flexibility in establishing parameters for reintroduction.

Comeback in the Rio Grande

In the spring of 2010, biologists collected eggs in the Big Bend reach to see what species were spawning, and identified some silvery minnow eggs. During subsequent monitoring efforts, biologists also documented larval and juvenile silvery minnows.

“This was the first reproduction that we’d documented from this population,” said Aimee Roberson, a wildlife biologist with the FWS who worked on silvery minnow conservation out of the FWS’s New Mexico Ecological Services Field Office until taking a position in the Alpine, Texas, office several years ago to coordinate the Big Bend reintroduction.

Future monitoring efforts will be targeted to document the survival of these eggs to larval, juvenile, and adult life stages.

“After working several years on this project, it’s exciting to see this result,” added Roberson. “I think it’s indicative that we are moving in the right direction and moving toward successfully reestablishing this species in the Big Bend reach.” 🌿



Photo courtesy of Ray Matthews/TPWD



Photo courtesy of Aimee Roberson/FWS

The Rio Grande Silvery Minnow

(Hybognathus amarus)

Description | The Rio Grande silvery minnow is a small, stout fish with moderately small eyes and a small mouth. Adults rarely exceed four inches in length.

Habitat | Rio Grande silvery minnows prefer slow-moving water with a sandy or silty bottom.

Diet and Feeding | Rio Grande silvery minnows eat algae and diatoms (microscopic algae) from the nutrient-rich silty bottoms of quiet stretches. They also pick up pollen, bacteria, and organic debris while nibbling.

Reproduction | The Rio Grande silvery minnow is a pelagic spawner, meaning that it releases its eggs directly into the water to incubate when the conditions are right. One female can release more than 4,000 eggs in a 12-hour period. In contrast to some fish eggs that take months to incubate, the minnow's eggs hatch in about 24 hours into larvae that can swim in just three to four days.

Endangered Species | The Rio Grande silvery minnow was placed on the federal endangered species list in 1994. The exact reason for the silvery minnow's dwindling numbers is unknown, but biologists hypothesize that changes in the Rio Grande—construction of dams, decreasing water quality, introduction of non-native fish, and channelization that narrowed and sped up the river—led to the decline. ♻️



Photo of Gary Garrett courtesy of Ray Matthews/TPWD



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TCEQ BIENNIAL REPORT AVAILABLE ONLINE

The TCEQ's *Biennial Report to the 82nd Legislature* is now available on our website at www.tceq.texas.gov/goto/leg rpt.

The report, which is published the December prior to every regular legislative session, highlights agency programs, initiatives, activities, and accomplishments for fiscal years 2009 and 2010.

The following information is included in the biennial report:

- Accomplishments and Innovations
- Agency Activities
- Legislation from the 81st Session
- Agency Resources
- Assessment of Complaints Received
- Permit Time-Frame Reduction and Tracking 