

**Texas Commission on Environmental Quality
Small Business Compliance Advisory Panel
Meeting Minutes
Friday, August 26, 2005, 9:30 AM to 2:00 PM**

Attendees:

CAP: Rob Curnock, Jack Godfrey, Mark Shelton, Brent Wade, Ken Legler, and Wendy Cooper for Sarah Walls

SBAC: Tag Coolidge, Ft. Worth SBAC; Joe Polanco, Dallas SBAC; Michael Harris, Michele Feenstra San Antonio Manufacture's Association; Gunter & Joan Warncke, Jack Holmes, Tony Facciolo, Houston SBAC

SBEA: Tamra-Shae Oatman, Israel Anderson, Andy Gardner, Tasha Burns, Daphne McMurrer, Melinda Houlihan, Christine Bergren, David Hudson, Glenda Swierc, Will Wyman, and Matthew Koether

TCEQ: Kathleen White, Chairman; Glenn Shankle, Executive Director; Mark Vickery, Deputy Executive Director; John Steib, Deputy Director, Office of Compliance & Enforcement; Leonard Olson, Director of Intergovernmental Relations

EnviroMentors: Michael Whitehead, W&M Environmental; Lisa McCurley, HCE, Inc; Rob Rowell, City of Groves

Other: Karen Brown, EPA; Bob Peacock, Clean Cut, LLC; Ted Valoria, Sponge Jet, Inc; Donnie Dipple, Texas Ag Industries Association; Mary Miksa, Texas Association of Business; Ingrid Garner, Lower Colorado River Association; Ree Parham, Texas Department of Licensing & Registration; Candilyn McLane, Brazos Valley Council of Governments; Jeanette Pennington, Midstate Environmental Services

Action Items

- The CAP will support the Commissioners, as needed, in seeking funding for small business compliance assistance.
- The CAP will stay involved with the Enforcement Process Review and will keep interested parties informed of any relevant developments.
- The CAP will invite Texas Municipal League and Texas Association of Counties to their next meeting.
- The CAP will support the San Antonio Manufacturers Association and sign the "e-waste" petition.
- The CAP will request that the TCEQ Air Permits Division investigate the technical feasibility of an innovative process of abrasive blasting using sponge media and consider appropriate PBR changes.
- The CAP will request a link from TCEQ's home page directly to SBLGA's page.

Karen Brown, Small Business Ombudsman, EPA

Ms. Brown summarized the role of the small business advocate as required by the Clean Air Act. She noted that the Texas Small Business program is the benchmark in the U.S. She also discussed the importance of small business involvement in rule making to ensure that rules are fair and easy to understand.

Chairman White

Chairman White agreed with Ms. Brown about small businesses having a voice in rule making. She expressed her support for SBLGA being involved in rule making and when needed, being able to voice a dissenting/minority opinion. She reiterated that SBLGA will be included from the beginning of the rule making process.

Chairman White discussed the difficulty of communicating the need for programs, such as small business assistance, that are not supported by fee revenue. Mark Shelton indicated that the CAP would be happy to work with the Commissioners to carry a message supporting funding for compliance assistance programs.

Action: The CAP will support the Commissioners, as needed, in seeking funding for small business compliance assistance.

Chairman White noted that the CAP had been very involved in the Enforcement Process Review. She encouraged the CAP to continue this involvement by watching for and commenting on the upcoming penalty policy and compliance history rule. She also stated that the Commissioners will explore the possibility of dedicating more resources to having enforcement coordinators and compliance assistance staff near businesses across the state.

Action: The CAP will stay involved with the Enforcement Process Review and will keep interested parties informed of any relevant developments.

Glenn Shankle, Executive Director

Mr. Shankle expressed his support for having small business input from the beginning of the rule making process.

He reminded the CAP that TCEQ had recently completed an audit of assistance and outreach functions. With the audit results, TCEQ hopes to identify some areas of improvement. Throughout the audit, the Commissioners expressed the desire to get more resources to assisting small businesses and small local governments, perhaps through expansion of available contracts.

Mr. Shankle addressed questions from the meeting participants regarding the dry cleaner rule, potential field citations, and getting the word out about new rules. He applauded *The Advocate* as a publication that keeps small businesses and local governments informed of rule changes.

Mark Vickery, Deputy Executive Director

Mr. Vickery expressed his commitment to local governments and addressing any problems they may be encountering. He also discussed opening the CAP meetings to a larger audience and possibly even videoconferencing.

Action: The CAP will invite Texas Municipal League and Texas Association of Counties to their next meeting.

Mr. Vickery responded to CAP questions concerning legislative changes of importance to small businesses. He noted that the Texas Emission Reduction Program (TERP) was continued and funded. This could be of interest to small businesses and local governments in non-attainment areas.

The group discussed other potential policy changes, such as a review of the Effects Screening

Levels (ESL's) and remediation standards.

John Steib, Deputy Director of Compliance & Enforcement

Mr. Steib informed the CAP that the Commission has reviewed all the Enforcement Process Review topics, except compliance history and penalty policy. These issues are scheduled for discussion during the September 16, 2005 work session.

He also described the Risk-Based Investigation Strategy TCEQ will use to target investigations where the greatest risk is, using geography, SIC codes, and types of emissions.

Mr. Steib expressed his support for compliance assistance, saying that the return on investment when SBLGA gets involved is very high.

Michele Feenstra, SAMA

Ms. Feenstra provided the CAP with a copy of a petition requesting that TCEQ consider rule making to treat electronic waste as universal waste. The CAP discussed and agreed to sign the petition.

Action: The CAP will support the San Antonio Manufacturers Association and sign the "e-waste" petition.

Leonard Olson, Director of Intergovernmental Relations

Mr. Olsen said of the 1500 bills that passed last session, 193 impact the TCEQ and 44 will require rule changes. He noted that a listserv is available to inform the interested public when rule changes occur.

Bob Peacock, CLEAN CUT, LLC

Mr. Peacock is petitioning for a rule change on the PBR for abrasive blasting. He requested CAP support. The CAP agreed to recommend that TCEQ Air Permits Division (APD) investigate the new innovative process, evaluate the technical merits, and consider the implications for PBR changes.

Action: The CAP will request that the TCEQ Air Permits Division investigate the technical feasibility of an innovative process of abrasive blasting using sponge media and consider appropriate PBR changes.

Tamra-Shae Oatman, SBLGA

Ms. Oatman presented a list of proposed projects for SBLGA in FY 2006 and the CAP approved them. She also presented minutes from the November 5, 2004 meeting for CAP approval.

Action: The CAP will request a link from TCEQ's home page directly to SBLGA's page.

Next Meeting Has Been Tentatively Scheduled for Friday, February 24, 2006