



Small Business Compliance Advisory Panel (CAP)

Meeting Minutes

Friday, December 10, 2010

Attendees

CAP Members

Mark Shelton – Chair
Rob Curnock
Brent Wade
Sarah Walls
Laurie McReynolds – not present
Billy Bob McAdams – not present

Agency Guests

Diane Mazuca, Special Assistant to Executive Director; Susana Hildebrand, Chief Engineer; and Mike Wilson, Assistant Director, Air Permits Division

TCEQ Staff Support

Brian Christian, Andy Gardner, Joy Schultz, Anne Marie Callery, Laressa Wong, Tara Lindgren, Peggy Loudder, David Hastings, Michelle Bost, Jane Scheidler, Lori Palmer, Tasha Burns, Lynn Ownes, John Aquilino, Jason Robinson, Amy Rivera, Nathan Weiss, Glenda Swierc.

EnviroMentors

Nic Andreani, Michael Whitehead, Ghulam Sumdani

Small Business Advisory Committee Members (SBAC)

Joe Polanco, Dallas SBAC

Others

Kim Millette, Emerald Environmental; Jason Lincoln, Talon; Paul Santos, Talon; Angela Miles, Talon; Rey Chavez, SAMA; Karla Meyer, SAMA

Presentations:

Mark Shelton, Compliance Advisory Panel (CAP) chair

Mr. Shelton thanked participants for their attendance, recognized individuals that could not attend, and then asked for a motion to approve the minutes from the September 25, 2009, meeting. A motion to approve the minutes was made and all CAP members approved with no one opposing.

Brian Christian, Director to the Small Business and Environmental Assistance Division

Mr. Christian introduced Mr. Jason Robinson as the Rural Ombudsman, counterpart to the Small Business Ombudsman. He explained that SBEA was looking for someone with real world local government experience, e.g., city manager, public works, and the role of the position.

- Mr. Robinson was the Public Works Director for the City of Ovilla and started with the agency on August 1, 2010.
- He will be meeting with local governments about rural concerns.
- He will enhance and improve outreach in Texas rural communities, and serve as a point of contact for customers, facilitate SBLGA assistance and local governments' advocacy of rule making.

Mr. Christian then spoke about the state of the division. The division will continue its role to work with other offices within the agency. As a result, our relationship with other agency offices has been strengthened. Our new focus is advocating on issues arising from federal regulatory actions.

Mr. Andy Gardner, Section Manager for Small Business and Local Government Assistance

"If you're not at the table, you're on the menu".

SBLGA has become more involved with Technical Subcommittees with EPA, example: Autobody, NESHAP and Construction, Texas Association of Builders – effluent level. We are on board with these subcommittees to provide advocacy on issues arising from federal actions.

Many new marketing tools have been developed based on recommendations from the CAP. These include updated outreach materials, new PSAs, updated Web banners and our website has been renamed to <www.TexasEnviroHelp.org>.

This past year has been very busy with Petroleum Storage Tank (PST) outreach. Our staff held workshops across the state with over 900 attendees and giving out 11,000 Super Guides. The site visit program provided visits to 129 PST facilities. New tools have been developed for inventory control and we will continue to dedicate resources to this project.

The Recycling industry is expanding. A new Web page has been developed and the Site Visit program has been expanded to include visits for Electronic Recyclers.

Air Pollutant Watch List (APWL) - we are working closely with other parts of the agency and have assisted with developing APWL protocol. There are areas with potential health concerns on the list. We are working to get sites off the list.

Question: Mr. Shelton asked, "How are we on curve of PST outreach"?

Answer: We are at the peak of a long list of outreach.

Susana Hildebrand, Chief Engineer

Status of Air Quality

EPA sets health-based standards for clean air, called National Ambient Air Quality Standards (NAAQS), for 6 criteria air pollutants:

- Ground-Level Ozone (O3)
- Particulate Matter (PM)
- Nitrogen Dioxide (NO2)
- Sulfur Dioxide (SO2)
- Carbon Monoxide (CO)
- Lead (Pb)

Perception is that Air Quality is getting worse, this is incorrect. Air quality is actually improving, but the standards are lowering. Texas has the biggest improvement (on our worst ozone days) across the country in ozone levels. The whole state has ozone emission decreases.

Question: Mr. Shelton asked if ozone is measured every 24 hours.

Answer: Yes, samples are taken every hour and are calculated using an 8 hour average.

NAAQS Schedule - New proposed ozone standard tentatively scheduled for release in July 2011. The new standard could be lowered from 85 ppb to 60-70 ppb. TCEQ feels 85 ppb is protective. In Texas asthma concerns are in the winter months, not during ozone season. In addition, air transported into a metro area maybe higher then proposed lower standard. Small Business impact is that some industries will be required to meet new rules aimed at lowering VOC and NOx emissions. TCEQ is also concerned with the State Implementation Plan timeline being condensed.

- Final rule July 2011
- State recommendation design after rules; March 2011
- Final designations due August 2011
- State Implementation Plan due December 2013

Greenhouse Gas (GHG) - Reporting is required for some GHG sources. The new rule was triggered by an EPA Endangerment finding which set the stage for EPA to adopt the Light-Duty Vehicle GHG Emissions Standards. These standards will begin with model year 2012 vehicles.

EPA completed its reconsideration of Johnson memo on pollutants covered under Prevention of Significant Deterioration (PSD) on March 29, 2010. This affirmed the existing position that PSD permitting is not triggered for a pollutant until a final nationwide rule requires actual emissions control.

GHG SIP Call and PSD Federal Implementation Plan for GHG – Dec. 1, 2010.

SIP call would require states to revise their SIPs to ensure that their PSD regulations cover GHG emissions.

Mike Wilson, Assistant Division Director for Air Permits

Air Permit Division is busy with rule changes

TCEQ is currently working with EPA to address the State Implementation Plan (SIP) Gap. Changes include additional public notice for case-by-case air permits.

Air Permits is currently reviewing Maintenance/Startup/Shutdown (MSS) for different industries.

New rulemaking expected for Portable facilities, Agriculture Standard Permit (SP), Oil and Gas PBR, PM 2.5, and Thermoset Resin SP.

Diane Mazuca, Special Assistant to the Executive Director

Sunset Review update

Our review was moved up by two years. The initial review is complete and consisted of 40 meetings between TCEQ and Sunset Advisory Committee (SSAC). The follow up review was 60 meetings with TCEQ agency staff on programs and activities. The agency received 160 individual requests for information.

Staff report posted November 17th with management and statute recommendations. Comments received from this report will be posted before December 15th.

Some of the SSAC Recommendations were to continue the TCEQ for 12 years, transfer groundwater protection recommendations regarding oil & gas activities to the Railroad Commission, transfer water utility rates and CCN activities to Public Utility Commission, revise compliance history rating process, improve public assistance and education and many others. There is a Sunset Advisory public meeting scheduled for December 15, 2010 at 12:30 pm. Participants wishing to participate may sign up the day of the meeting to testify.

Mark Shelton, CAP Chair

Open floor for comments, concerns and questions

Question: Mr. Shelton asked whether SBEA will become involved in greater assistance to the public.

Answer: SBEA anticipates more engagement with the public. Examples include the Environmental Summits already being held along the Texas/Mexico border

Question: Are we getting calls on water rights? What should CAP members know about construction storm water (SW)? Will there be a budget update at next meeting?

Answer: A budget update will be provided after the legislature adjourns.

Andy – water rights- SBLGA helped on drought hotline but not too many came in during the drought. Water supply and inter-basin transfer are statewide issues that the agency is dealing with. SBLGA is trying to get smarter on surface water rights so we can provide more assistance for future droughts. For SW, the calls have slowed down since the EPA is reevaluating the construction SW permit's effluent limit for turbidity. In addition, SW calls have lowered due to no general permits being renewed in 2010. The Multi-Sector General Permit will be renewed August 2011 and we expect SW calls to increase at that time.

Question: Can we get an update on SW effluent limits?

Answer: Yes, at the next meeting after the legislative session.

There were no more questions and the meeting was adjourned.

Action Item: Discuss SW effluent limits.