



Small Business Compliance Advisory Panel

DRAFT Meeting Minutes

Thursday, September 11, 2008

Attendees

CAP Members

Mark Shelton – Chair
Rob Curnock
Brent Wade

Sarah Walls
Laurie McReynolds – not present
Ken Legler – not present

Agency Guests

Mark Vickery, Executive Director; Theresa Pella, Air Quality Planning Division; and John Sadlier, OCE

TCEQ Staff Support

Grace Montgomery Faulkner, Small Business Ombudsman & Director, Small Business and Environmental Assistance Division; Brian Christian, Joy Schultz, Anne Marie Callery, Nathan Weiss, Tasha Burns, Christine Bergren, Laressa Wong, Lori Palmer, Charlie Adams, Jane Scheidler, and Dana Lively.

EnviroMentors

Lisa McCurley

Small Business Advisory Committee Members (SBAC)

Joe Polanco, Dallas SBAC

Others

Karla Meyer, SAMA; Erich Birch, Birch, Becker and Moorman, LLP; Gene Speller, Emerald Environmental, and Kim Millette, Emerald Environmental.

Action Items from the September 11, 2008 Meeting

SBLGA will come up with some type of protocol to tie SBAC's with CAP panel more efficiently. It was discussed that more communication is needed either via conference calls or other efficient means.

SBLGA will keep up on progress with filling CAP-board vacancies with Lt. Governor's office.

SIP Regulatory Updates – Keep as a standing agenda item for future meetings.

SBLGA will follow up with Enforcement Division on how we can help with the Executive Director's priorities for FY 2009.

Presentations

Mark Shelton, Compliance Advisory Panel (CAP) chair

Mr. Shelton thanked participants for their attendance, recognized individuals that could not attend because of Hurricane Ike, and then asked for a motion to approve the minutes from the February 28, 2008 meeting. A motion to approve the minutes was made by Mr. Brent Wade and all CAP members approved with no one opposing.

Grace Montgomery Faulkner, Director, SBEA, Ombudsman

Ms. Montgomery-Faulkner addressed the organizational changes within the Texas Commission on Environmental Quality (TCEQ), including the appointment of Mr. Mark Vickery as the new Executive Director. She also noted programs that have been added to the Chief Engineer's office. She relayed to the CAP members that SBEA is working cooperatively with the Lt. Governor's office to get members appointed to fill the vacancies on the panel.

Next, Ms. Montgomery-Faulkner presented the focuses of SBEA:

- Assisted with the development of 38 new rule packages, including household hazardous waste, computer recycling, and pollution prevention equipment tax relief
- Outreach to trade organizations
- Management of Texas Clean School Bus program
- Assistance with the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) and Texas Emissions Reduction Plan (TERP)
- Partnership with the Texas Railroad Commission to provide pollution prevention outreach to the oil and gas companies
- Outreach with the Edward's Aquifer, stormwater, and petroleum storage tank (PST) programs

Mark Vickery, Executive Director

Mr. Vickery began his presentation by explaining to the CAP members that his main focus is to make sure that everything that TCEQ's action benefit the environment. He wants the work to be measured so that we can measure our benefits on the environment.

Mr. Vickery then discussed the air program. He first demonstrated the improvements in air quality in Dallas-Ft Worth and Houston areas based on the 1997 standard. Then he explained the Environmental Protection Agency's (EPA) new standard for air quality. Mr. Vickery said that we have already implemented the "low hanging fruit" measurements to improve air quality. To meet the new standard, TCEQ is going to need to think "out of the box" to develop new control measures to meet attainment. SBEA would need to work with small businesses, especially in the Houston area, to provide assistance on the new control measures. This will be a very challenging and on-going effort.

Mr. Vickery also gave two major priorities for the agency—Houston air quality and dam safety. Two focuses on the Houston air quality will include the new ozone standards and the lowering of toxic emissions. For the upcoming Legislative Session, TCEQ is seeking additional resources to help improve our Dam Safety programs.

Lastly, Mr. Vickery discussed changes in his Administrative Team. Carlos Rubinstein is now the new Deputy Executive Director and Zak Covar is now the Assistant Deputy Executive Director.

John Sadlier, Director, Office of Compliance and Enforcement (OCE)

Mr. Sadlier addressed the panel first in saying that OCE's priorities are directly in-line with the Executive Director's office. He updated the CAP on OCE priorities for FY2007-2009, enforcement policy, and emergency responses for Hurricane Ike.

First, Mr. Sadlier provided details on the OCE priorities of improving Houston air quality and strengthening the dam safety program. In an effort to identify and fix air quality violations in the Houston area, OCE is working to retain seasoned staff and expedite enforcement cases from the Houston region. Secondly, the dam safety program needs to become more robust because 85% of all the dams in the State of Texas are older than 25 year old. Currently, there are 7 investigators to inspect 7,500 dams in Texas. Additional funds have been requested from the Legislature to pay for additional staff. OCE is also working to "re-define" what is considered a dam.

Secondly, he explained that 1,557 agreed orders were issued last year by his office. While the number of enforcement referrals has maintained at an average of 1,800 to 2,200 per year, the more efficient processes of the enforcement staff has allowed more agreed orders to be issued.

Finally, Mr. Sadlier addressed the Hurricane Ike situation. He explained that emergency response teams are on stand-by to prepare for emergencies. Emergency events during storm response may include getting public water supplies, wastewater treatment plants and other basic services back on-line. He explained that there is also a strike team and mobile command post available to do environmental sampling and to assist with storm debris management. Information relating to the hurricane's aftermath is located on the TCEQ website. Waivers have been granted on enforcement issues. Much time has been devoted to addressing these issues.

Charlie Adams, Technical Specialist, Small Business and Local Government Assistance

Mr. Adams provided an overview of the new National Emission Standards for Hazardous Air Pollutants (NESHAP) issued by the federal government:

- Dry Cleaners that use perchloroethylene (PERC): bans transfer machines and it requires leak detection
- Foundries: requires controlling fugitive and particulate emissions
- Paint Stripping & Surface Coating: require the use high volume, low pressure (HVLP) spray guns, spraying indoors and painters training
- Metal Fabrication: requires measures to control emissions during metal prep, grinding/polishing, welding, and painting

Then Mr. Adams explained how SBLGA is conducting outreach to assist small businesses reach compliance with the new standards:

- Sent letters to small businesses notifying them how they may be affected by the new NESHAP regulations
- Developed frequently asked questions (FAQ's)
- Created notification forms
- Developed website resources
- One-on-one assistance

Brian Christian, Manager, Small Business and Local Government Assistance (SBLGA)

Mr. Christian provided an update on the activities of SBLGA:

- SBLGA staff is being reallocated to use resources more effectively. One additional staff member is being added to the Houston and Dallas-Ft Worth regional offices as those are our biggest regions. We are taking away our San Angelo region representation; therefore, the area will be split up among the other regions for assistance
- Request for Assistance (RFA) have increased from 7,100+ in FY07 to 7,900+ in FY08. We provided assistance to 4,000+ new facilities
- Compliance Commitment (C2) site visits have increased from 75 businesses in FY07 to 85 in FY08. 23 new participants were new to the program. Our goal for FY09 is to get 40 new participants in the program
- EnviroMentor matches increased from 52 in FY07 to 64 in FY08. In addition, SBLGA focused on recruiting new EnviroMentors and our goal is to increase the total number of participants to 84 for FY09
- Our target outreach goal is to provide outreach to 54,000 small business and local governments. We provided outreach to 108,000+ in FY08
- Statewide projects (agency priorities) that we are involved in are SIP (State Implementation Plan), AirCheck Texas Program (in partnership with the Chief Engineer's office) and the TERP program
- Public Water Systems – an effort where SBLGA worked closely with Field Operations, including referring entities that did not want to work with SBLGA for investigations
- Wastewater Plants – Record-keeping is a problem, so we held 7 workshops to help improve compliance.
- Storm Water – 11 workshops were held and reached over 1,900 customers
- Website – we are aiming to improve our web-based tools and make the site more user friendly and less intimidating
- 28 publications were produced over FY08.

Priorities for FY09 include:

- Major – rebidding of our site visit contract. The contract needs to be in place and in effect by fiscal year 2010
- More outreach scheduled for WW Recording Keeping/Reporting and Outdoor Burning
- PST SuperGuide – 14 modules are being developed
- Continued support for the SIP

Nathan Weiss, Natural Resource Specialist, SBLGA

Mr. Weiss informed the CAP members on the regulatory updates for Dry Cleaners. He stated that the amendments to the regulations are based on health effects. He stated that no transfer machines were allowed after July 28, 2008, even though there are very few in Texas at this moment. Machines now have to be “non-venting”. New requirements include monthly PERC leak inspections and weekly PERC leak checks. Monthly requirements now include the record keeping of HI/LO pressures on the systems. New record-keeping requirements include the fact that records now have to be kept for 5 years along with maintenance records being kept for 5 years also. Our job is focused on the issue of making new owners aware of new requirements. Mail-outs are a great source in helping “get the word out” on the new requirements.

Theresa Pella, CEO, Air Quality Planning Division:

Mrs. Pella updated the CAP on the State Implementation Plan. She stated that on March 12, 2008, the EPA lowered the 8-hr ozone standard to 0.075 parts per million (ppm). She informed the CAP that the States' designation recommendations are due to the EPA by March 2009, and they will make their final designations in 2010. SIP revisions are due 3 years after their designations. Mrs. Pella also updated the CAP on other SIP issues, including revisions for regional haze. She also informed the CAP of the recent court decision to vacate the Clean Air Interstate Rule, which may affect the Texas SIP. Further updates will be provided at the next CAP meeting.

Discussion of effectiveness of SBLGA Program:

Mark Shelton – What can CAP do for SBLGA?

- More unity with SBAC groups
- Stronger link between SBAC and CAP – more communication
- Suggested more conference calls during SBAC meetings for CAP members to be involved in
- Suggested CAP members produce articles for “The Advocate” – Mark volunteered to author an article.

Sarah Walls – Meetings are excellent and very well prepared. She is willing to do more to help SBLGA in our efforts of outreach.

Brent Wade – He was very impressed at SBLGA's efforts and said the program has made a big difference.

Rob Curnock – He stressed it is real important to raise awareness of what the CAP does, whether it is via web casts, publications or other available means.