

# Fort Worth Small Business and Local Government Advisory Committee

Wednesday, February 25, 2009 from 2 to 4 PM

Diamond Oaks Country Club, 5821 Diamond Oaks Drive, Fort Worth, TX 76117

[www.sblga.info](http://www.sblga.info)

## FY09 Priorities

1. Interface with local legislative delegation.
2. Integrate representatives of local governments into membership and identify local government issues to discuss.
3. Act as an advocate for small businesses and local governments in Texas.

## Attendees

FWSBLGAC Members: Owen Daniel, Tag Coolidge, Cliff Westbrook, Debbie Emmerson, Mike Chernosky, Sarah Walls, Steven Baker, Wendy Cooper, Lisa Owens, Kim Millette, Ryan Jones, Jeannette Pennington, Becky Richards, Tim Schulz.

TCEQ: Brian Christian, Andy Gardner, Amy Lukens, Lori Rose, Tasha Burns, Tinicha McKinney

## Action Items – Tasha Burns, SBLGA

- Draft a letter to EPA regarding the Small Business Ombudsman position – Debbie Emerson
- Recruit small construction businesses to join the Fort Worth SBLGAC – All members
- Notify committee of comment period for the proposed increase in water fees – Amy Lukens (Completed)
- Find where in the process the new rules regarding water testing parameters for labs are currently – Amy Lukens
- Keep committee updated on the new 18 NESHAPs coming out – Amy Lukens
- Find which industries are the biggest polluters in Texas – Amy Lukens

## Introductions: Owen Daniel, Co-Chair

- Recognized Tag for his tenure and commitment as SBLGAC Chairman
- Introduced Owen as the new Chair for the Fort Worth SBLGAC
- Introduced Amy Lukens as the new Coordinator for the Fort Worth SBLGAC

## Information from Austin – Brian Christian, SBEA Division Director & Andy Gardner, SBLGA Section Manager

- Staff positions:
  - Brian Christian is now the Director of Small Business and Environmental Assistance, overseeing Small Business and Pollution Prevention.
  - Andrew Gardner is now the Section Manager of Small Business and Local Government Assistance.
- Priorities: The commission has expressed interest in heightening awareness and protection of water in Texas.

## *Updates and new issues:*

### *Air quality report:*

- Texas' air quality is improving! DFW met the 1997 Standard (85 ppb) that was set by EPA. A plan or program will be submitted to EPA outlining that the standard was met.
- New ozone standard: The EPA passed a new eight hour ozone standard of 75 ppb. On March 12, 2009 Governor Rick Perry will recommend non-attainment areas to the EPA (Cities- Austin, San Antonio, Tyler, Longview, Marshall s – Counties – Collin, Dallas, Denton, Hood, Johnson, Parker, Rockwall, and Tarrant)
  - Across the country compliance deadlines will range between 2013 and 2030 depending on each city's current air quality.
- Challenges: The DFW area will have a challenge meeting the new standard. The “low hanging fruit” (big polluters) have been picked and focus will be on area sources (minor sources) of air contaminants because TCEQ can not regulate personal vehicles. Tracking of rules may be even more important for the FWSBLGAC now that new rules will be increasingly affecting small business.
- Emission Programs: Discussed emission reduction programs such as TERP (Texas Emission Reduction Plan), SIP (State Implementation Plan), CARB (California Air Resource Board), and Federal emission standards.

### *Water report:*

- There are new proposed increases in water fees. For years service fees have been lower than the cost to supply water.
- Areas that will experience fee increase: Consolidated Water fees (Wastewater), Public Health Services (Water Supply), and Water use fees (Water rights).
- Reasons for increase of water fees: The TCEQ is funded with fees from the regulated community. The State's general revenue has covered expenses for water services. Due to reduction of funds in the state's general revenue there is a reduction in funding to support water service expenses, which results in the increase of fees in this area.
- Small communities may see a higher proportionate increase in fees since there is cap of \$75,000.00 and some large cities are already paying the capped amount (ie: Houston). There is not a cap on how much of the increased fees can be passed onto clients. There is legislation to remove or increase this cap in the future.
- The comment period is March 13<sup>th</sup> to April 13<sup>th</sup> <http://www.tceq.state.tx.us/agency/waterfees.html>
- **Attend the public hearing in Austin on April 7, 2009**, at 10:00 a.m. at the TCEQ, 12100 Park 35 Circle, Building E, Room 201S

### *Legislative update:*

- Enhances to TERP (Texas Emission Reduction Program) through Senate Bill (SB) 16. The new bill also covers not only mobile but stationary sources.
- House Bill (HB) 1560 removes Extra Territorial Jurisdiction requirements for landscaping irrigation license or permit responsibilities for cities with populations of 20,000 or more.
- SB 1095 filed (related to auto salvage) moves licensing requirements to a new agency and requires proof of a storm water MSGP permit to obtain a license. Also requires electronic database recordkeeping.

## **Open Forum – Owen Daniel, Co-Chair**

- Tag discussed new testing parameters for labs. The new parameters require reporting very low and difficult-to-detect levels of contaminants. The new requirements will result in higher cost for labs which will be passed on to clients. Labs were not included in the development of the rule.
- Non Ferrous Founders' Society (NFFS). New foundry NESHAP rules in the Federal register.
- Eighteen new NESHAPs are coming out soon. Amy Lukens will keep the committee up-to-date on new developments.
- Several members of the committee are also members of the Small Business Ombudsman Technical Subcommittee. Rule comments can be submitted through this committee. <http://www.epa.gov/sbo/index.htm>

## **Report to the CAP:**

- No new reports. Next meeting will be June 4<sup>th</sup>, 2009 10:30am to 3:00pm.
  - The next meeting will be web cast
  - Two current vacancies

## **Topic of the Day – Emergency Power Initiative, Minor Source NOx, & PST Super Guide: Amy Lukens and Lori Rose**

- The Small Business Local Government Assistance Program is currently working with regional Field Operation Division (FOD) to reach out to public water systems and waste water treatment facilities that do not have emergency power. (Amy Lukens)
- SB 221 and SB 361 are 2 of 4 bills related to emergency power requirements, and both require an engineer to approve the emergency power plan.(Andrew Gardner)
- Minor Source NOx rules went into effect for the Dallas Fort Worth Metroplex March 1, 2009. Check to see if your stationary engine is regulated with our guidance document: <http://www.tceq.state.tx.us/assistance/sblga/nox-dfw.html> (Amy Lukens)
- A new PST Super Guide will be coming out to increase compliance with above and below ground petroleum storage tanks. (Lori Rose)

### **Meetings for Fiscal Year 2009**

Wednesday, May 27, 2009 @ 2 pm  
Wednesday, August 5, 2009 @ TBA

### **Location:**

Diamond Oaks Country Club  
5821 Diamond Oaks Drive  
Fort Worth, TX 76117