

Golden Triangle Small Business Advisory Committee

Small Business and Local Government Assistance Section

Texas Commission on Environmental Quality

Tuesday, December 15, 2009 – 11:30am-1:00pm

Southeast Texas Regional Planning Commission, Transportation Conference Room

www.sblga.info

Attendees

Andrew Gardner – TCEQ

Bob Dickinson - SETRPC

Brian Christian - TCEQ

Candace Broucher - J & R Services

Donna Swain - Sen. Tommy Williams

Gary Sitton - Hardin Fuels

Greg Gabriele - Triangle Waste

Heather Ross - TCEQ

Jeff Rogers - Rogers Lumber

Kent Wallace - AMSI

Larry Batman - Hardin Fuels

Leanna Sheppard - SETRPC

Linda Gernentz - Indeco Environmental

Lori Palmer - TCEQ

Michael Melton - Alternative Waste

Management

Mike Hancock - Safety Medic

Consulting

Mike Tentrup - City of Port Arthur

Taylor Shelton - City of Port Neche

Open Forum

Jeff Rogers said he has his first stormwater inspection coming up in a few days, and is not sure what to expect. Heather explained what to expect during an investigation. Greg Gabriele wants to add a chipper to his landfill, which is covered by a Type V registration for processing, and wants to know if he will need a modification for his registration. Lori will get more information from him so she can answer his question [ACTION ITEM]. Linda Gernentz asked whether the Texas Department of Transportation (TXDOT) or the responsible party is responsible for cleaning up spills on the highway. Heather responded that in the event of a wreck, the responsible party should clean up the spill; if they refuse, TXDOT works with the TCEQ state lead to clean up the spill, and may charge up to three times the amount required to cover the clean up costs to the responsible party.

Heather Ross, Regional Director for TCEQ Region 10 – Beaumont Office

Heather started her position as the new Regional Director in October. She started in the agency as an intern, and later worked as an investigator in the water section. She served as Water Section Manager and Air Section Manager before becoming the Regional Director. Her philosophy is that TCEQ employees are public servants, and she wants to know if the community is receiving the level of service they expect. She encouraged small businesses and local governments to seek help from Small Business and Local Government Assistance. She understands that small businesses account for a large part of this region. The rules can be challenging and vague at times, so please call or come to the office if you need help or have questions.

Candace asked if anyone has been investigated recently. Michael Tentrup said he has frequent inspections at the landfill. He said the TCEQ employees investigating the facility have been courteous and professional, and they understand the rules well, but sometimes they don't understand the operation. Heather said that sometimes investigators will take a field trip to a site just to learn the process, not to investigate, and told the committee to call if they have issues with inspections at their facilities. Michael said he would be willing to have employees come to his site just to watch and learn. Brian Christian added that in some instances rule writers have been taken on tours of facilities to get a better understanding of the operations before writing rules. Michael Melton encouraged mutual respect between the investigator and the business being investigated, and told the committee that if they are making an effort to get into compliance, the agency will work with them. He also encouraged businesses to have their paperwork in order before an investigation.

Brian Christian, Division Director, Small Business and Environmental Assistance

Brian began the update from Austin with an update on the sunset review process. During the last sunset review in 2000, the agency name changed from Texas Natural Resource Conservation Commission to Texas Commission on Environmental Quality. The last sunset review also resulted in environmental management systems and compliance history. The agency was continued until 2013, but the review was moved up to 2011 during the last legislative session. The sunset commission consists of 12 members (10 legislators and 2 public individuals) who look at every aspect of the agency's operations and consider changes to improve the agency. The first step was for TCEQ to submit a self-evaluation report, which is available on the public website. The agency has the opportunity to elevate issues that need attention, such as compliance history. There will be opportunities for public participation during late winter and early spring; many external stakeholders will be contacted this summer. Then the sunset commission will formulate recommendations for changes and conduct hearings to adopt the recommendations. The statutory recommendations adopted by the Sunset Advisory Commission hearing will be considered by the 82nd Texas Legislature in 2011.

New Ozone Standard – In 2008 the EPA lowered the ozone standard to 75 ppb. In 2009, the new administration is re-reviewing the ozone standard and will soon propose a new standard that could be as low as 60 ppb. The new standard will be finalized in August 2010. The TCEQ will have a year to study emissions, science, and traffic patterns to determine which counties will be included in non-attainment areas and make recommendations for the State Implementation Plan (SIP). The new standard will likely lead to an expansion of non-attainment areas. Emissions from area sources may be looked at as a result.

Michael Melton asked about flexible air permits. Brian explained that EPA has proposed to approve and disapprove elements of the TCEQ's air permitting program. The agency is working with EPA to address the concerns, though the agency's position is that air quality has improved. Changes could include issues such as public notice.

Greenhouse gases (GHG) - Last week the EPA found that GHGs threaten the public health and welfare indirectly by affecting climate. This endangerment finding allows the

EPA to regulate GHGs as any other pollutant in the Clean Air Act. In the proposed GHG rules, the EPA has tried to keep restrictions only on the largest sources. The EPA Administrator has stated that she wants to look at innovative technologies that will not affect small businesses as much. The TCEQ is following GHG legislation closely; the agency believes that greenhouse gases should not be regulated in the Clean Air Act.

The Environmental Trade Fair will be held May 4-5, 2010 at the Austin Convention Center. This year the trade fair will feature educational tracks for small businesses.

Jeff Rogers, Rogers Lumber

Jeff was awarded a TERP rebate grant of approximately \$97,246 for purchase of a 2010 Kenworth truck. This is the second TERP grant he has been awarded; he also participated in the first TERP grant round. He explained that the TERP program assists with purchases of newer, less polluting vehicles, and requires recipients to destroy the old vehicle engine. There will be a TERP incentive grant round coming up in the spring of 2010.

The next Small Business Advisory Committee meeting will be held March 9, 2010 from 11:30 until 1:00pm.