

# Golden Triangle Small Business Advisory Committee

Small Business and Local Government Assistance Section  
Texas Commission on Environmental Quality

Tuesday, December 14, 2010 – 11:30am-1:00pm

Southeast Texas Regional Planning Commission, Transportation Conference Room

[www.texasenvirohelp.org](http://www.texasenvirohelp.org)

Draft Minutes

## Attendees

Candace Broucher, J & R Services  
Lori Palmer, TCEQ - SBLGA  
Greg Gabriele, Triangle Waste  
Carlton Penney, Texas Electric Cooperatives  
Andrew Gardner, TCEQ-SBLGA  
Jeff Rogers, Rogers Lumber  
Linda Gernentz, Indeco Environmental  
Jodie Rogers, Indeco Environmental  
Eddie Hall, Mabry Castings  
Joy Schultz, TCEQ - SBLGA  
Michael Melton, Alternative Waste Management  
Sheila Ware, HPP

## Open Forum

Candace asked Andy what happens within the TCEQ during the Sunset process. Andy explained that Sunset staff met with all parts of the agency; staff responded to over 170 requests for information. He added that this Sunset process seems to be less resource-intensive than the last one in 1999. Candace asked Andy about the disagreement between Texas and the Environmental Protection Agency. He said the disagreement involves many issues related to air permitting, including greenhouse gas air permitting. Texas lost the request to stay the requirement, so larger sources will be required to consider the best available control technology (BACT) for greenhouse gases for new permits and renewals. In other air news, the new ozone standard has been delayed until July so the EPA will have time to review the scientific evidence before making a recommendation. Most of the advocacy issues our section is working on are at the federal level. We have staff participating in national technical subcommittees that provide comments to EPA on proposed rules. Candace asked about wastewater treatment plant reporting requirements. Andy explained that the EPA may require permittees to submit their Discharge Monitoring Reports (DMRs) electronically. Submission of eDMRs requires broadband access, which is not available in many rural areas of the state. There needs to be an alternative process for DMR submittal in areas without broadband access. Linda Gernentz asked how TCEQ would have been involved if the BP oil spill residue had washed up on Texas shores. Andy replied that the General

Land Office and the Coast Guard would have been the main agencies in charge of spill cleanup, and TCEQ worked closely with these agencies in planning in the event the oil spill had reached Texas. He added that hurricane response has improved dramatically in the years since Hurricane Katrina, and as a result the response to Hurricane Ike in 2008 went smoothly.

## **Andy Gardner, Section Manager, Small Business and Local Government Assistance**

The Sunset Review is at the first step in a lengthy process. There will be a hearing on December 15-16, 2010 to hear testimony from Sunset staff, the TCEQ, and the public about the agency. The hearing will be available to view as a webcast at Texas Legislature Online.

The Sunset staff report has recommendations to improve agency operations. The recommendations include:

- continuation of the agency;
- the transfer of authority for making groundwater protection recommendations for oil and gas activities from the TCEQ to the Texas Railroad Commission;
- focusing the efforts of the Office of Public Interest Council (OPIC) on representing the public interest in matters before the commission. Public assistance for individual members of the public should be done within the Executive Director's office;
- removing the uniform standard from the compliance history statute so TCEQ can revamp its approach to compliance history;
- removing the statutory requirement that TCEQ assess the compliance history of entities for which it does not have compliance information (average by default);
- Requiring that the TCEQ structure its enforcement policy in rule;
- Allowing the TCEQ to consider Supplemental Environmental Projects (SEPs) for local governments that would resolve their compliance issue;
- Requiring previous owners of petroleum storage tanks to share responsibility, as appropriate, for contamination from leaking PSTs.

The recommendations include management changes and statutory changes. Management changes must be done within the confines of the current statute. Statutory changes involve crafting legislation to make a change.

The Sunset bill will contain the statutory recommendations adopted at the hearing, and will go through the normal legislative process. The vote will take place on January 12, 2011. The last day for the governor to veto the bill is in mid-June.

**The next SBAC meeting is scheduled for March 15, 2011.**