

Golden Triangle Small Business Advisory Committee

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

Tuesday, June 21, 2011 - 11:30AM - 1:00PM

Texas Commission on Environmental Quality Region 10 Office, Beaumont, TX

www.TexasEnviroHelp.org

Draft Minutes

Attendees

- Charlie Adams, TCEQ - SBLGA
- Lori Palmer, TCEQ - SBLGA
- Candace Broucher, J & R Services
- Donna Swain, Senator Tommy Williams Office
- Linda Gernentz, Indeco Environmental
- Sheila Ware, HPP
- Eddie Hall, Mabry Castings
- Karin Warren, City of Beaumont
- Michael Melton, Alternative Waste Management

Open Forum

An SBAC member told the committee he was recently investigated in response to a complaint. He has a pile of black sand on his property that is normally kept in place with grass. Due to lack of rain, recent winds carried some of the sand onto his neighbor's property. It was suggested that he include the impact of the record drought in his response letter to the agency.

Charlie Adams, Small Business and Local Government Assistance

The Sunset Bill, House Bill 2694, passed, which continues the TCEQ for 12 years. The changes coming include:

- The TCEQ commissioners will be required to resign if they accept campaign contributions for an elected office. The TCEQ is also required to develop a policy regarding negotiated rulemaking. Surface casing letters for groundwater protection program for oil and gas activities will be transferred from the TCEQ to the Railroad Commission. The purpose for the letters is to ensure drilling for oil and gas will not cause contamination for area water wells.
- Compliance History: The penalty enhancement for compliance history will be limited to 100% of the base penalty. A Notice of Violation will only count toward compliance history for one year from the date issued. The categories will also be changed: "poor performer" will become "unsatisfactory", "average" will become "satisfactory", and "average by default" will become "unclassified performer".

- **Enforcement Policy:** The enforcement policy will be adopted by rule and made available to the public on the TCEQ website. The policy will include a deterrence to prevent economic benefit for noncompliance. As with most rulemaking, there will be opportunities for public input.
- **Supplemental Environmental Projects:** Local governments will be allowed to apply their fines toward compliance costs in the form of an SEP.
- **PST:** Common carrier liability will be reinstated to prevent delivery of gasoline into underground storage tanks that have not been issued a delivery certificate. Fees from the program may be used for removal of PSTs meeting certain criteria.
- **Water Usage during Drought:** During a period of drought the executive director may temporarily suspend water rights. Rules will be adopted defining drought and addressing terms and conditions. (Letters suspending junior water rights in several areas of the state have recently been issued.)
- **Texas On-site Wastewater Treatment Research Council (TOWTRC)** will be abolished duties will be transferred to TCEQ.

The budget for TCEQ for 2012/2013 is \$693 million, a \$305 million reduction from 2010/2011. The cap for the number of full-time employees (FTEs) was reduced by 235 FTEs. There are reductions in funding for several programs, including TERP, Air Check Texas, PST Remediation, Superfund, Air Quality Planning, and Local Solid Waste Planning. There will also be a new inspection program for Aggregate Production (sand and dirt pits) that will result in 4 additional FTEs. There will also be a new television recycling program.

Upcoming Events

The Public Drinking Water Conference will be August 9-10 in Austin. There is no date currently set for the next Household Hazardous Waste collection event, but Lori will send an email to the committee when a date is confirmed [ACTION.] The next meeting will be **September 13, 2011 at the TCEQ Regional Office** in Beaumont.