

# Golden Triangle Small Business Advisory Committee

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

Tuesday, March 15, 2011 – 11:30am-1:00pm

Southeast Texas Regional Planning Commission, Transportation Conference Room

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

Draft Minutes

## Attendees

Charlie Adams, TCEQ - SBLGA	Lori Palmer, TCEQ - SBLGA
Candace Broucher, J & R Services	Jeff Rogers, Rogers Lumber
Greg Gabriele, Triangle Waste	Donna Swain, Senator Tommy Williams Office
Andrew Gardner, TCEQ-SBLGA	Kent Wallace, Associated Marine
Michael Melton, Alternative Waste Management	Sheila Ware, HPP

## Open Forum

Candace asked Charlie about Texas House Bill 1914. This bill would mandate financial assurance requirements for facilities that collect, transport, or process grit trap and grease trap waste. Currently, the Texas Health and Safety Code states that financial assurance "may" be required; the bill would change the wording of the Health and Safety Code from "may" into "shall". Traditionally, financial assurance has been required for waste processing; this bill would also require financial assurance for the collection and transportation of waste. The bill would also require additional financial assurance for "significant non-compliance with permit limits", which was defined in the bill to include a notice of enforcement or two or more notices of violation within the last five years. The bill was introduced by Representative Wayne Smith of Harris County. Donna Swain will check into this bill. Andy also showed the committee the website [www.capitol.state.tx.us](http://www.capitol.state.tx.us), and explained how to sign up for e-mail alerts for specific bills. He also explained that the SBEA division does bill analysis to identify impacts to small businesses and small local governments that would result from the bill. The information on the bill's impacts goes back to the legislator who introduced the bill.

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

The Sunset bill has been filed; the House version is HB 2694 and the identical Senate version is SB 657. It's a good idea to track this bill; other environmental bills could get attached to the Sunset bill as amendments.

The bill includes:

- continuation of the agency for 12 years;
- consolidation of the public assistance functions, to be placed at the executive director level;
- compliance history (which has both management and statutory recommendations, so it will be changed; extensive stakeholder involvement is anticipated);
- penalty policy (putting the framework in rule);
- Supplemental Environmental Projects (SEPs) for local governments to resolve compliance issues;
- Railroad Commission taking of surface casing letters function;
- Public Utility Commission taking CCN and Utility Rate function;
- reinstatement of the common carrier provision for delivery of fuel to petroleum storage tank facilities; fees could be used for removal of out of service tanks.

The last day for the governor to veto the bill is in mid-June.

Jeff asked about the new Multi-Sector General Permit for stormwater. Lori explained that the current MSGP will expire on August 14, 2011. At that time the new permit will become effective and renewal application forms will be accepted. Operators will have until November 21 to submit a renewal Notice of Intent or No Exposure Certification form. The general permit and fact sheet are now available to the public. The public comment period is ongoing until April 12. Proposed changes to the MSGP include changes to some benchmark levels and waiver options for years 3 and 4 if sampling results during years 1 and 2 are below the benchmark levels.

The EPA is having a comment period until March 20, 2011 as part of a periodic retrospective review of regulations to ensure they are not ineffective or excessively burdensome as called for in Executive Order 13563. The National Subcommittee will be making comments.

The next SBAC meeting will be held in June after the Sunset bill deadline.