



## Golden Triangle Small Business Advisory Committee

Small Business and Local Government Assistance Section  
Texas Commission on Environmental Quality  
Tuesday, September 11, 2007  
**Draft Meeting Minutes**

Meeting convened at 11:30 AM. Candace Broucher, GTSBAC Chairperson began with the introduction of members and guests in attendance.

### **Brian Christian, Section Manager, Small Business and Local Government Assistance**

Mr. Christian gave an update on the recent changes in the commissioners' office, including Chairman White's departure and the appointment of Buddy Garcia as the new chairman. Other recent personnel changes discussed included Matt Baker's move to Director of Enforcement and Grace Montgomery Faulkner becoming the new Director of Small Business and Environmental Assistance. Mr. Christian described SBLGA's successes for fiscal year 2007, including continuity of service during times of great change and a better working relationship with the rest of the agency. He wants SBLGA to be involved much earlier in the rulemaking process. He is promoting the idea of "field trips" for rule writers so they can see how the implementation of rules affects small businesses. Projects planned for fiscal year 2008 include: outreach on new air standards that affect small business, Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), Texas Emission Reduction Program (TERP), Clean School Bus Program; Phase II Municipal Separate Storm Sewer System (MS4) workshops; Petroleum Storage Tank outreach for each major region; and providing advance notice of expiring wastewater permits.

Donna Swain asked if a bill limiting idling school buses passed during the last session. Lori will check on this. **[ACTION]**. Charlie Adams explained that LIRAP was not available in this area because vehicle emissions tests are not required in this area. Commissioner Everette "Bo" Alfred asked if the tightening of air emissions standards would lead to auto emissions testing for the Beaumont area. Mr. Christian answered that the EPA is considering new standards that may push more areas into a nonattainment status, which could result in consideration of more options to bring areas back into attainment. Candace Broucher asked if big businesses were "grandfathered" and therefore exempt from new air rules. Mr. Christian explained that facilities would not automatically be "grandfathered," and that the process for developing the State Implementation Plan (SIP), including modeling, would help determine what requirements would be necessary for attainment.

### **Matt Baker, Director, Enforcement Division**

Mr. Baker invited SBAC members to feel free to call him with questions. He briefly covered the factors involved in determining a compliance history score. He acknowledged that the current process hurts small businesses because their total numbers of inspections tend to be less, and that the agency is considering ways to revise the formula.

Mr. Baker encouraged all SBAC members to read the penalty policy. He explained that the policy was intentionally vague to provide some flexibility in decision making. He stated that having previous similar violations will result in an enhanced penalty. Cases that can not be settled within the Enforcement Division may go into litigation or to the Attorney General's office. He suggested that handling enforcement cases early usually leads to better outcomes. Mr. Baker stated that one of the biggest problems he sees is small businesses not responding to notices of enforcement. He stated that it is in your

best interest to respond; you have the right to dispute your violation and your penalty could even be reduced based on your circumstances.

Mr. Baker then discussed future plans for the penalty policy. The policy will become more punitive for repeat violators. Petroleum storage tank certificates may likely be revoked for entities with default orders. Certificate revocations for default orders may be extended to the dry cleaning industry. Penalty adjustments for economic benefit are also planned in order to remove the benefit of delayed and avoided costs of compliance. Culpability will be considered in penalties case by case. The agency is also working on standard penalties for programmatic violations such as paperwork errors. Some changes to the penalty policy will be written in the rules and others will not.

Commissioner Alfred asked how Supplemental Environmental Projects (SEPs) work. Charlie Adams explained that entities facing TCEQ fines can elect to have some or all of the money diverted to environmental projects in their own communities. Local governments can use 100% of their fines for SEPs and businesses can use 50% of their fines for SEPs.

## **Open Forum**

Rob Rowell explained how the Environmentor program works. He said that the program should be promoted more since many people in the agency are unaware of it. Informational brochures about Enviromentors were passed out.

Karin Warren asked how STEERS (the electronic system) works for paperwork violations. Mr. Baker explained that the violations are treated the same as hard copy violations.

Dickie Plessala asked about municipal solid waste violators. Mr. Baker replied that sham recyclers have been a big focus of the agency since the Helotes fire. Mr. Plessala said that it is important for people to be educated about municipal solid waste handling. He went on further to state that when homeowners get a tree cut down by a contractor on their property, it needs to be properly disposed of; the homeowners are being charged for it.

Randy Chelette had a concern that TCEQ is unable to enforce maintenance contract requirements on aerobic septic systems due to a recent change in the law, and asked if the SBAC could help repeal the law. Mr. Christian pointed out that TCEQ employees are not allowed to lobby for laws, but the private citizens in the SBAC can.

## **Dry Cleaning Rules, Christine Bergren, SBLGA Team Leader**

Christine Bergren explained that new rules were put into place to prevent pollution and move the industry toward less polluting chemicals. She distributed a letter sent out by the TCEQ outlining the changes brought by HB3220. Solvent fees have changed, with the fee for perc increasing from \$15 to \$20 per gallon, and the fee on other solvents declining from \$5 to \$3 per gallon. Christine also discussed changes to the existing Perc Dry Cleaner NESHAP. All perc using dry cleaners must submit a “notification of status of compliance” with all provisions of the revised rules to the TCEQ no later than July 27, 2008. The Small Business and Local Government Assistance program will be doing some outreach to dry cleaners to make them aware of the new rules.

## **Closing Remarks**

Brian Christian encouraged all to participate in the Take Care of Texas program and visit the new website.

Candace Broucher announced that the next meeting will be held November 6 at the Southeast Texas Regional Planning Commission at 2210 Eastex Freeway in Beaumont. Lori will send maps out to members [**ACTION**].

Ms. Broucher thanked everyone for coming and adjourned.