VII. GUIDE TO AGENCY PROGRAMS - CONTINUED

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Small Business and Environmental Assistance
Location/Division	1st Floor / Building F / Small Business and Environmental Assistance / Office of the Executive Director
Contact Name	Brian Christian
Actual Expenditures, FY 2008	$9,563,841
Number of FTEs as of August 31, 2008	72.5

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Small Business and Environmental Assistance Division (SBEA) provides confidential compliance assistance on air, water, and waste regulations to small businesses and small local governments; works with regulated entities to implement pollution prevention and innovative environmental programs; offers technical assistance for recycling; and educates the public and the regulated community on rules and environmental issues. The SBEA's major activities are described below.

Small Business and Local Government Assistance (SBLGA). Federal and state laws require the TCEQ to provide compliance assistance to small businesses. The commission also offers that service to small local governments. It is confidential, except when there is an imminent threat to the environment. By keeping assistance confidential, and separate from enforcement, the agency encourages entities to seek assistance and achieve compliance. The SBEA offers compliance assistance through:

- direct on-site assistance;
- a toll-free hot line answered by its staff;
- active participation on agency rule, standard permit, and general permit teams;
- regulatory guidance development; and
- advisory committees.

Pollution Prevention. The SBEA implements multiple statutory programs that help prevent pollution and reduce releases into the environment. Major pollution prevention programs include:

- on-site technical assistance to help regulated entities of any size implement operational/process changes, reduce raw-material usage, or deploy new technologies that avoid creating waste or emissions, including along the Texas-Mexico Border;

- the Waste Reduction Policy Act (federal H.R. 5835, Title VI, Pollution Prevention Act of 1990 and Texas Health and Safety Code, Subchapter Q, Sections 361.501 – 361.510, Waste Reduction Policy Act of 1991), which requires hazardous-waste generators and all that report on Form R for the EPA's Toxics Release Inventory to develop pollution prevention plans and annually report their progress;

- programs to collect hazardous household waste and agricultural waste;

- the Pollution Prevention Advisory Committee, which advises the commission on pollution prevention and recycling programs;

- the Resource Exchange Network for Eliminating Waste, or RENEW, program, which establishes an exchange to market wastes for recycling, reuse, or composting;

- the Clean Texas Program, which encourages regulated entities to develop and implement environmental management systems that help achieve compliance and pollution prevention at their sites;

- the Take Care of Texas Program, which encourages the public to reduce its environmental impact; and

- the Texas Clean School Bus Program, which makes grants to school districts and charter schools to cover installation costs of retrofit technologies that reduce particulate emissions inside bus cabins.

Recycling. Several state statutes require the TCEQ to implement programs to encourage recycling, including:

- the Computer Equipment Recycling Program, which requires computer manufacturers in Texas to take back for proper management their own computer equipment with SBEA tracking implementation, assisting manufacturers and retailers, and reporting to the legislature;

- the Recycling Market Development Implementation Program, which requires the TCEQ to work with other state agencies on recycling efforts; and

- technical assistance on both understanding recycling regulations and establishing a recycling business.

Education. The SBEA is the agency's primary educational program, both for the public and the regulated community. The division oversees the Seminar Account, which recovers costs associated with agency seminars and workshops. The division also implements the Teaching Environmental Sciences program for educators.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

The SBEA programs support the following performance measures (all figures are for FY 08):

Output 03-01-02.02 (Key): number of small businesses and local governments assisted

- 201 percent of annual target

Output 03-01-03.01: Number of On-site Technical Assistance Visits, Audits, Presentations, and Workshops on Pollution Prevention and Waste Minimization and Environmental Management Systems Conducted

- 97 percent of annual target

Output 03-01-03.02: number of entities participating in voluntary programs

- 51 percent of annual target

Outcome 03-01.08: tons of emissions and waste reduced and minimized, as reported by the regulated community implementing pollution prevention, environmental management systems, and other innovative programs

- 252 percent of annual target

Outcome 03-01.09: amount of financial savings achieved as reported by the regulated community implementing pollution prevention, environmental management systems, and other innovative programs

- 113 percent of annual target

Outcome 03-01.10: tons of emissions and waste reduced and minimized in the Texas-Mexico border region, as reported by the regulated community implementing pollution prevention, environmental management systems, and other innovative programs

- 0.10 percent of annual target

Efficiency 03-01-03.01: average cost per on-site technical-assistance visit

- 84 percent of annual target

Explanatory 03-01-03.01: tons of hazardous waste reduced as a result of pollution prevention planning

- 22 percent of annual target

Explanatory 03-01-03.02: tons of waste collected by local and regional collection and cleanup events

- 168 percent of annual target

Explanatory 03-01-03.03: tons of agricultural waste chemicals collected under TCEQ sponsorship

- 106 percent of annual target

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The SBEA was created in 1999 by merging multiple assistance programs. The SBEA is composed of the former Office of Pollution Prevention and Recycling, the Small Business Assistance Program, and the Local Government Assistance Program. At the same time, the agency deployed more assistance resources to the TCEQ regional offices. The SBEA is located in the Executive Director's Office. Consolidation resulted in greater efficiency and uniformity in the delivery of assistance. The original intent of the functions has not changed.

Section 507 of the 1990 Federal Clean Air Act Amendments require all states to implement a program to help small businesses comply with all facets of the Act, employ an ombudsman to represent small-business interests before the state environmental regulatory agency, and convene a Compliance Advisory Panel (CAP) comprised of individuals that advise the agency on the concerns and interests of small businesses. The state analog to that statute is Texas Water Code, Section 5.135, which goes further to require that compliance assistance be provided across *all* environmental media (not only air). Hence the multimedia approach of the compliance program.

Congress also passed a comprehensive pollution prevention statute in 1990, which was codified in 42 CFR 133 (Pollution Prevention). At the state level, pollution prevention, recycling, and educational activities are driven by multiple statutes found in Texas Health and Safety Code, Chapter 361 and Texas Water Code Chapter 5.

Effective September 1, 2009, SBEA assumed responsibility for the Texas Small Water System Training Program from the Compliance Support Division. The program is funded by an EPA grant and trains operators of small water systems. The program makes up part of the compliance-assistance function of the division.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

For compliance-assistance purposes, a small business is defined as a regulated business with 100 or fewer employees statewide, and a small local government is defined as a city with a population of 50,000 or fewer, a county with 100,000 people or fewer, or a school district with a student population of 100,000 or fewer. SBEA does not use any monetary threshold for defining these entities. Assistance is available based solely on size. Most businesses and governments served are very small—for example, businesses with fewer than 20 employees. The compliance assistance program provides direct assistance to approximately 7,000 businesses and governments per year; 60 percent are first-time callers.

Pollution prevention and recycling assistance are given regardless of business or local-government size.

The division also serves schools and the general public. Educational materials are made available via the TCEQ Web site.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The division is administered by a director, who oversees administrative functions (e.g. the budget). The division is further divided into two sections led by two managers:

- Small Business and Local Government Assistance (SBLGA), which covers the compliance assistance functions described in the SBLGA portion of Question B; and

- Pollution Prevention and Education (PPE), which provides the other services also noted in the sections on pollution prevention, recycling, and education in Question B.

The division has employees located both in the central office and the regions. SBLGA has at least one staff member in 15 of the 16 regional offices. More populous regions, such as Houston, have multiple SBLGA personnel. The PPE staff is primarily located in the central office, though the section also has two employees in Houston and another in Dallas.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Actual expenditures in FY 08 totaled $9,563,841, from the following funds:

Account	Name	Amount
0151	Clean Air Account	$877,517
0153	Water Resource Management Account	$320,331
0549	Waste Management Account	$1,940,746
0550	Hazardous and Solid Waste Remediation Fee	$1,122,932
5094	Operating Permit Fees	$142,757
0001	General Revenue	$58,473
0146	Used Oil Recycling Account	$8,696
5071	Emission Reduction Plan	$4,081,636
0555	Federal Funds	$1,010,753

SBEA receives funding from the following budget strategies:

A.1.1—Air Quality Assessment and Planning
A.1.2—Water Assessment and Planning
A.1.3—Waste Assessment and Planning
A.2.1—Air Quality Permitting
A.2.3—Waste Management and Permitting
B.1.1—Safe Drinking Water
C.1.1—Field Inspections and Complaints
C.1.2—Enforcement and Compliance Support
C.1.3—Pollution Prevention Recycling
D.1.2—Hazardous Materials Cleanup
F.1.1—Central Administration

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The EPA is also required to have a small business assistance program and ombudsman (Section 507, 1990 Federal Clean Air Act Amendments). The EPA counterpart is known as the asbestos and small business ombudsman, located in the Small Business Program. The program has some similarities to its state counterparts, but important differences as well.

The program is similar in that there is an ombudsman, a national-level CAP, and a compliance-assistance hot line. The program also advocates on behalf of small businesses within the EPA. The national program also helps disseminate information among all of the state programs for small-business assistance.

The program is different in that it serves more as a clearinghouse of information to state programs and less as a direct compliance-assistance unit (though it does have its hot line). Direct on-the-ground assistance, and the degree to which it is performed, is left to the states. Further, the guidance documents it creates are based solely on federal rules.

The EPA's Office of Pollution Prevention and Toxics manages programs under the Toxic Substances Control Act and the Pollution Prevention Act of 1990. The Pollution Prevention Act establishes a national policy encouraging source reduction and waste minimization, and the EPA program finds ways to accomplish those ends. The program is similar to Texas' in that it provides tools and technical assistance to help states and businesses prevent pollution. The state program differs in that it requires pollution prevention planning and reporting.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Because of the different natures and products of the programs, there is no duplication of effort. Coordination is achieved through participation in regular conference calls with the EPA and other state programs. The state has also participated in national conferences with the EPA and other programs as resources have allowed. All states also have to report their activities annually. Additionally, the TCEQ is active in the EPA Region 6 Pollution Prevention Roundtable, which ensures adequate coordination. There are no inter-agency agreements or contracts.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The division assists local units of government with compliance assistance and technical matters on recycling and innovative programs through contacts to state associations and one on one. Additionally, the division receives notifications of proposed local events to collect hazardous household waste for conformance with TCEQ rules.

Additionally, the Texas Department of Agriculture has a Rural Affairs program that helps develop small businesses in rural communities. Its mission is distinct from the TCEQ's, and its scope is broader in that it covers multiple facets of small-business operations (e.g. business-plan development). SBEA periodically assists Rural Affairs with information on complying with environmental rules.

At the federal level, SBEA works with the EPA's small-business ombudsman and its Pollution Prevention Program. Further, SBEA has extensive experience with administering EPA grants.

K. If contracted expenditures are made through this program please provide:

- **the amount of those expenditures in fiscal year 2008;**
- **the number of contracts accounting for those expenditures;**
- **a short summary of the general purpose of those contracts overall;**

- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

The SBEA follows all agency procedures to ensure accountability for funding and performance. Contracts are assigned to a single manager who must adhere to agency policies and procedures. The contract manager maintains regular contact with contractors to ensure conformance with work plans.

In FY 08, SBEA's contract expenditures totaled $1,386,763.10. Twelve contracts supported the following activities:

- mail-house service for large-volume mailouts from the division;
- temporary staffing to help cover calls to the compliance-assistance hot line;
- training for local governments on implementing environmental management systems;
- testing the use of compost to preserve water and water quality;
- developing public awareness and education programs, including public service announcements;
- coordinating lake and river cleanup programs in communities across Texas;
- supporting and measuring the success of the Texas Department of Transportation's Drive Clean Across Texas Program;
- researching energy policy, including policy on renewables; and
- compliance audits for small businesses and small local governments.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

None

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Not Applicable

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not Applicable