



Small Business Compliance Advisory Panel (CAP)

Meeting Minutes

Friday, August 31, 2012

Attendees

CAP Members

Mark Shelton – Chair
Rob Curnock
Brent Wade
Laurie McReynolds
Sarah Walls – not present
Billy Bob McAdams – not present

Agency Guests

Susana Hildebrand, P.E., Chief Engineer; Michael Honeycutt, Ph. D., Director;
Toxicology

TCEQ Staff Support

Brian Christian, Andy Gardner, Will Wyman, Tara Lindgren, Joy Schultz, Anne Marie Callery, John Bently.

EnviroMentors

Erich Birch, Gene Lindemann

Others

Kim Millette, Emerald Environmental; Mike Millette, Emerald Environmental;
Rey Chavez, SAMA; Jenifer Carter, SBAC

Opening Remarks:

Mark Shelton, Compliance Advisory Panel (CAP) chair

Mr. Shelton thanked participants for their attendance and paid tribute to the late Ken Legler. Mr. Shelton also recognized individuals that could not attend and introductions of all attendees were made. A motion to approve the minutes from the August 29, 2011, meeting was made and seconded with no one opposing.

Presentations:

Brian Christian, Director to the Small Business and Environmental Assistance Division

Organizational changes: Mark Vickery, long-time Executive Director (ED) has retired. Zak Covar is the new ED with Richard Hyde as Deputy ED. Toby Baker is the new Commissioner, replacing former Commissioner Buddy Garcia. The agency has reorganized by media (air, water, waste).

Sunset Update: House Bill 2694 – The TCEQ was unanimously approved by the Sunset Commission to continue for 12 more years.

SBEA and the Agency: We are all doing more with less, which has led us to branch out on how we can deliver information. A drought and drought workshop video have been posted to YouTube. This enables us to reach people that otherwise would not have access to this information. The Agency has become increasingly involved with oil and gas issues, and our division is increasingly involved in outreach to affected parties in the different plays across the state.

Andy Gardner, Section Manager for Small Business and Local Government Assistance Section

Drought and water systems: Emergency Drinking Water Task force is working to prevent outages for water systems. Existing systems are searching for new sources. Outreach and workshops are being created to promote asset management and source assessment for very small systems.

Oil and Gas: Water re-use, public water systems, and waste disposal guidance have been developed. New small businesses are getting involved in a new industry, and they aren't aware of the compliance issues related to supporting the oil and gas exploration.

Compliance History: Big changes include – the facility can review their compliance history before it goes public; the compliance history is for five years; Notices of Violation fall off after one year; the impact of a Notice of Enforcement begins to decrease after three years; complexity points will help level the playing field for small entities; participation in the Compliance Commitment program and achieving C2 can improve the compliance history score by 10%. There is hope that changes in the compliance history calculation will assist small businesses who apply for general permit coverage.

Susana Hildebrand, P.E., Chief Engineer

Ms. Hildebrand presented information pertaining to litigation and court decisions related to Clean Air Act regulations, including Greenhouse Gas rules, Flexible Permits, Sulfur Dioxide, Cross-state Rule, and Mercury Toxic Rule.

Michael Honeycutt, PhD, Division Director for Toxicology

Dr. Honeycutt presented information pertaining to the development of the National Ambient Air Quality Standards and the apparent mis-use of statistics and manipulation of epidemiological studies to develop the proposed particulate matter and ozone standards, which have a diminishing return with respect to positive effects for public health and an increasing cost of compliance.

Mark Shelton, CAP Chair

Open floor for comments, concerns and questions

Conversation ensued about the CAP writing a letter to support the TCEQ litigation against EPA.

There were no more questions and the meeting was adjourned.