

US EPA ARCHIVE DOCUMENT

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
STATE INNOVATION GRANT PROGRAM**

EPA Grant #97670401-01

FY2006 Second Quarter Report - January 2006 to March 2006

Submitted August 4, 2006

OBJECTIVE 1: STRATEGICALLY DIRECTED REGULATORY STRUCTURE

This objective will: 1) support the development of the Strategically Directed Regulatory Structure in partnership with EPA; 2) support the development of permitting incentives for entities participating in CLEAN TEXAS / NATIONAL ENVIRONMENTAL PERFORMANCE TRACK (NEPT); 3) measure and communicate results to state, regional and national partners.

Task 1.1 Identify potential types of permits to integrate EMS activities and incentives.

Status: Ongoing

As noted in the first quarter report, the TCEQ developed a State Innovations grant proposal to work with the agriculture sector on a project to replace traditional permits with an EMS. TCEQ did not receive the grant for the EMS-based models for livestock. However, the agency has applied to the U.S. Department of Agriculture to fund this project. Even if the TCEQ does not receive grant funding, The Small Business and Environmental Assistance Division (SBEA) will continue to work with the Office of Permitting, Remediation, and Registration (OPRR) to find opportunities to integrate EMS activities within permits.

Task 1.2 Work with agency staff to integrate EMS into the permitting programs via an internal workgroup.

Status: Ongoing

SBEA continues to work with OPRR to enhance EMS activities within permits. SBEA will participate in more pre-application meetings with OPRR and prospective applicants.

Task 1.3 Conduct at least one pilot project under the "Strategically Directed Regulatory Structure" interim rules and final rules by September 1, 2005.

Status: Ongoing

On March 1, 2006 the new municipal solid waste rules were adopted (Title 30, Texas Administrative Code, Chapter 330), which went into affect on March 27, 2006. The new rules allow for a landfill that has a TCEQ approved EMS to use the EMS as their site operating plan. Specific rule language is below.

Subchapter B, Section 330.65. Contents of Part IV of the Application.

(b) A facility that has an environmental management system that meets both the minimum standards described in §90.32 of this title (relating to Minimum Standards for Environmental Management Systems) and the United States Environmental Protection Agency's National Environmental Performance Track (NEPT) Program standards and is approved to operate under an environmental management system in accordance with §90.36 of this title (relating to Evaluation of an Environmental Management System by the Executive Director), is not subject to site operating plan requirements while the authorization to operate under the environmental

management system remains in place. In the event the executive director terminates authorization to operate under an environmental management system, the facility will comply with the site operating plan requirements within 90 days.

Additionally, the “Strategically Directed Regulatory Structure (SDRS)” rules were not adopted. The rules team determined that the goals of the SDRS were being met under the implementation of the Clean Texas program and other regulatory flexibility programs. Therefore, no further rulemaking was necessary.

OBJECTIVE 2: **INNOVATIONS AND ENVIRONMENTAL MANAGEMENT SYSTEMS TRAINING**

Task 2.1 Conduct at least two EMS permitting training workshops.

Status: Ongoing

An EMS training schedule has been finalized to help companies meet compliance requirements and to enhance environmental performance. Two targeted EMS sessions will be provided to Huntsman. In addition, three general EMS sessions will be conducted for regulated entities in Houston and Dallas-Fort Worth.

Additional sessions will focus on local governments in the Dallas-Fort Worth area. The sessions will focus on City Management and staff. One additional session will be targeted to Toyota and their suppliers in San Antonio.

Task 2.2 *Integrate Innovations and EMS into the annual CLEAN TEXAS Conference (aka Environmental Trade Fair).*

Status: Ongoing

Planning continues for the conference in May.

OBJECTIVE 3: **PERFORMANCE EVALUATION**

Task 3.1 Conduct grant evaluation to document project results, including emissions reductions and cost savings.

Task 3.2 TCEQ will utilize the performance metrics established under the National Environmental Performance Track. TCEQ will conduct the appropriate quality assurance on the data collection.

Status: Ongoing

The TCEQ will survey EMS participants each July using the metrics established by EPA’s National Environmental Performance Track Program. Results for companies that participate in training will be highlighted in the final report in October 2006.