

**TCEQ State Innovations Grant Final Report**

**Attachment 5: TCEQ Response to Office of Policy, Economics, and Innovation (OPEI)  
Reviewer's Questions**

## **TCEQ Response to Office of Policy, Economics, and Innovation (OPEI) Reviewer's Questions**

**Question Page 6:** Were the permitting incentives offered under this project available to non-Clean Texas companies?

**Answer:** The flexible air permit which 3M Brownwood received was available to non-CLEAN TEXAS members. Likewise, the same monitoring and reporting changes received by the Strategic Petroleum Reserve could have been requested by any permittee. Expedited permitting uses the administrative procedure which was developed to respond to requests from the Governor's office for special economic development requests. In each case, these are requests for special treatment. CLEAN TEXAS membership provides sites with the unique status and respect necessary to allow permit management to approve special treatment.

**Question Page 7:** Did Strategic Petroleum Reserve's monitoring frequency change from quarterly or annually to biennial? (the text refers to both) Was any federal flexibility needed to accommodate this change?

**Answer:** The standard regulatory monitoring requirement is quarterly. No additional federal flexibility was required. It was already available since measured values were sufficiently low.

**Question Page 7:** Is it possible for us to contact SPR about whether or not they have any estimates of time savings associated with the expedited review of their permit?

**Answer:** Yes. Call Mike Huff at (504) 734-4816 or email at [michael.huff@spr.doe.gov](mailto:michael.huff@spr.doe.gov)

**Question Page 8:** Did the new Applied Material's permit cover sources or units that were not previously covered by their permit? If so, did that increase also contribute to the time needed to process the permit?

**Answer:** No new production units were covered. Additional gases used in the same production unit were added to the permit. The analysis required for these unique gases was similar in scope to the analysis required for the gases originally included in the permit.

**Question Page 8:** We understand that TCEQ was limited in what flexibility it could grant, but was there a specific request from Applied Materials or Huntsman with respect to public involvement?

**Answer:** No specific requests for public notice were requested by Applied Materials or Huntsman.

**Question Page 9:** Please let us know if any landfill facilities take advantage of the EMS option that is available.

**Answer:** Still none to date.

**Question Pages 10 & 16:** Please provide copies of publications or guidance documents that were developed. Also, please provide a description of what a "performance based EMS" is and how it differs from a traditional EMS.

**Answer:** A performance-based EMS is one which focuses on environmental performance improvement. Some traditional EMSs can be more focused on assuring that documentation is in place which shows that effort has been made, rather than focusing on assuring that the effort produces improvement in environmental impact.

Referenced publications can be ordered from TCEQ at [http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/](http://www.tceq.state.tx.us/comm_exec/forms_pubs/) or online.

“A Model Environmental Management System for Local Governments”

[http://www.tceq.state.tx.us/files/rg-437.pdf\\_4006480.pdf](http://www.tceq.state.tx.us/files/rg-437.pdf_4006480.pdf)

“A Guide to Developing an Environmental Management System for a Small Business”

[http://www.tceq.state.tx.us/files/gi-304.pdf\\_4103903.pdf](http://www.tceq.state.tx.us/files/gi-304.pdf_4103903.pdf)

“A Model Environmental Management System for a Small Business: Metal Finisher”

[http://www.tceq.state.tx.us/files/gi-304a.pdf\\_4103909.pdf](http://www.tceq.state.tx.us/files/gi-304a.pdf_4103909.pdf)

**Question Page 18:** What part of 30 TAC Chapter 90, Subchapter C limits the ability to make cross-media trade-offs for compliance purposes?

**Answer:** In order for regulatory incentives to be granted under 30 TAC Chapter 90, the resulting effect has to be more protective of the environment. This section is not in subchapter C included in the appendix.

**Question Page 18:** Under question #3, under the CLEAN TEXAS program, how does "a strong audit ensure that the company is improving compliance performance while also reducing environmental impact and risk?" What aspects of the audit provide that assurance?

**Answer:** One of the strengths of the CLEAN TEXAS program’s EMS Verification Visit is the time spent evaluating the site’s environmental performance through looking at production areas and talking with managers. By evaluating the company’s environmental impacts and risks as part of the audit, rather than assuming that the impacts and risks are as stated in the EMS documentation, the Verification Visit provides greater assurance that impact and risk are reduced.