

zephyr®

Currents

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Environmental Compliance: It has to be "Just Right"

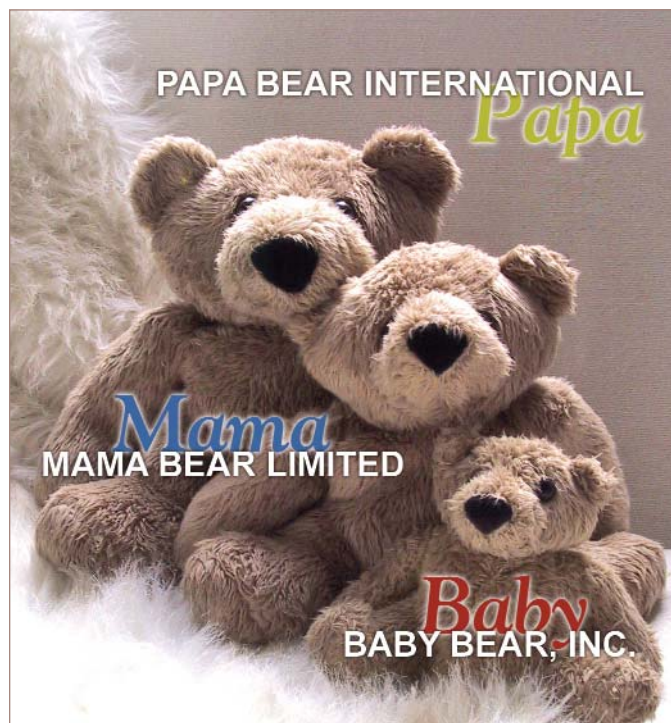
So you're Goldilocks, a corporate manager with overall responsibility for environmental compliance. You're genuinely committed to doing the right thing, but it's a "bear eat bear" world out there and your company has to compete to stay profitable. So, what's a well intentioned Goldilocks to do?

Starting with the basics, *environmental compliance* can be defined as "meeting one hundred percent of applicable federal, state and local regulatory requirements one hundred percent of the time." But, you might argue, a company could focus all of its resources on environmental compliance efforts and still not be able to comply with all environmental regulatory requirements all of the time. So to strike that ideal balance between profitability and environmental compliance, a diligent Goldilocks must start by spending the 'bear necessities' to:

- a) identify environmental regulatory requirements,
- b) put environmental compliance policies and programs in place to address those requirements,
- c) designate the company personnel responsible for managing those requirements, and
- d) document, document, document.

The bottom line is that, while a bear may get bitten with citations or even fines for occasional non-compliance, it will probably just be a small boobo if a bear can demonstrate a good faith effort to stay in compliance.

A simple first step in this process is to look at basic corporate models and how a regulatory agency probably views them. Is your organization like Papa Bear International, the large global conglomerate? The regulatory agencies know that Papa Bear has larger and more complex operations and issues to get its paws around than



smaller companies, but also knows that large companies have more resources available. So, the agency expects Papa Bear's Goldilocks, along with the company's environmental managers, lawyers, and consultants, to have thoroughly and accurately identified the applicable environmental regulatory requirements and to have systems put in place to manage those requirements.

For a large company like Papa Bear, the process of staying in compliance is probably based on the implementation of a comprehensive environmental management system, including some required compliance tools, such as instrumented monitoring systems that continuously measure key environmental parameters or emissions. Papa Bear's management

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FROM THE TRENCHES

Are You Using the Required Versions of EPA Stack Test Methods?

Many environmental professionals dealing with air quality issues are familiar with the primary stack sampling methods for oxygen (O₂), carbon dioxide (CO₂), sulfur dioxide (SO₂), nitrogen oxides (NO_x), and carbon monoxide (CO). For many years, sampling for these parameters has been conducted in accordance with the EPA's test methods 3A, 6C, 7E, 10, and 20. These standards, which can be found in Part 60, Appendix A of Title 40 of the Code of Federal Regulations, are like trusted friends. They are relied on by many industries for demonstrating compliance determination and for certifying Continuous Emission Monitoring Systems (CEMS). During my years as a stack sampler, including wet chemistry sampling for metals, halogens, sulfuric acid mist, ammonia, formaldehyde, and mercury, these test methods became a comfortable, second nature element of most emission test projects. So I was concerned at the announcement on August 14, 2006, that EPA was making changes to my old friends.

The EPA test methods were originally written for specific industries. Through time, however, they were adapted for use in demonstrating compliance for a wide variety of industries. The revisions to the test methods, first proposed in August 1997, were meant to harmonize, simplify, and update the procedures. For instance, the proposed revisions removed inconsistencies in equipment and performance specifications, making the test methods similar in these respects and expanding their applicability. While these revisions sound somewhat positive, EPA received numerous public comments regarding the proposal, primarily suggesting that insufficient notice had been given and requesting that the revisions be proposed again as a separate action. The request was granted and another proposal was published in October 2003. A total of 69 comment letters were subsequently received by the EPA regarding these seemingly benign proposed method revisions. After reviewing these comments, many proposed revisions were thrown out for a multitude of reasons, including fear of frivolous lawsuits.

Two and one-half years later, on April 28, 2006, the EPA published the final rule. Although fossil fuel-fired steam generators, steam generating units, waste incinerators, waste combustors, petroleum refineries, and stationary gas turbines were all listed as example regulated entities affected by the revisions, this list of source types was never intended to be all-inclusive.

The million dollar question for environmental managers is this: Do the test method revisions affect how I must conduct stack tests for my sources? The short answer is "yes." Thomas Graham, the Executive Director of Air Hygiene International, identified 124 action items he would need to implement to bring his testing firm into compliance with the revisions. Although EPA determined that this rule is not a "significant regulatory action," Mr. Graham views the countless hours spent reviewing the revised methods and implementing the changes into his standard operating procedures and software as significant indeed!

While too numerous to list all of them, some of the changes are important to describe. One major change is that the O₂ traverse, formerly required for most turbine compliance testing, is no longer required. This traverse has been replaced with the option to either sample at twelve Method 1 points or to conduct a stratification test that can allow for single point testing if less than 5-percent stratification is found. This requirement for twelve-point sampling or proof of little stratification is now required for all five test methods. There is also an option in Method 7E to correct NO_x results for converter efficiency using a new equation provided in the method. Also, in order to harmonize the methods, CO testing utilizing Method 10 now only requires three calibration gases rather than four, and all 5 methods now require sample bias corrections. So please be sure to look up my new old friends if you have a sampling due. ✨

Paul Little
Project Scientist



Avian Flu: Corporate Environmental Compliance Check-up

By government estimates, 40 to 70 percent of the urban population of the United States would be affected during an avian flu pandemic. Widespread quarantine and restrictions on people's movements would be put in place, and entire businesses could be closed to protect citizens from exposure to the disease.

Corporate America has been preparing for some time to assure that business can continue to the maximum extent possible during a pandemic by providing for telecommuting, arranging for health care information to minimize employee health impacts, and planning for employees to perform multiple job functions. The focus has been, as it should be, on protecting employee health first and corporate operations second. However, the question remains: Has your company thought about how to protect itself against environmental non-compliance caused by a pandemic? Of course, the avian flu will not infect the operations of your company, but by temporarily reducing your workforce through sickness or quarantine, it could make environmental compliance much more difficult. Is this really a problem and, if so, what can be done about it?

ENVIRONMENTAL PERMITS DO NOT HAVE PANDEMIC-RELATED PROVISIONS

With possible rare exceptions, air, water, and hazardous waste permits have no provisions for non-compliance due to epidemics and pandemics. For example, nothing in waste storage regulations or permits allows for extended storage of hazardous waste due to employee illness. Even statutory provisions that allow for a Presidential waiver of compliance are, arguably, not applicable to such a foreseeable occurrence, especially if a company has been planning for such an event and has written procedures and plans for dealing with it.

ENVIRONMENTAL ENFORCEMENT ALSO HAS A CITIZEN COMPONENT

During a national emergency, the state and federal government has enforcement discretion, but will it be used in these cases, and do you want your company taking that gamble? Also, virtually all environmental statutes now contain provisions granting citizens the right to bring enforcement actions. If environmental quality is impacted and the community perceives that it has been affected, history indicates that angry citizens will take advantage of these provisions after they forget about the pandemic that contributed to the event. History also proves that the courts are likely to let such citizen complaints go to trial.

WHAT IS A COMPANY TO DO?

First, all companies and trade associations should urge their elected representatives to immediately enact provisions that extend enforcement protection to companies that follow pandemic-

related contingency plans, but are prevented from complying with environmental requirements due to pandemic-related government actions. In addition, companies need to inventory their environmental permits, assess the ability of existing systems to operate with limited employee oversight, and work with local and state regulators to obtain emergency permit provisions that can be triggered in the event pandemic controls are instituted.

Before a pandemic occurs, the States have the statutory power to recognize specific categories of non-compliance as "non-actionable". Where this type of exception has been provided for other reasons, permit conditions have been carefully spelled out to provide the necessary protection to the company while minimizing the potential for any environmental harm.

Convincing the government to provide this protection in the event of a pandemic will require preparation on your company's part. For instance, thoroughly reviewing recordkeeping requirements and developing systems for the automated electronic recording of data can go a long way towards convincing a state environmental agency to allow exceptions to permit provisions. This preparation has the added benefit of providing the foundation for a strong defense against bounty hunter suits, which are often based on the absence of such records.

The reduction in plant output due to employee absence should, in many cases, lead to lower air emissions. However, continuous emissions monitoring, sampling and reporting must continue. Through early planning, these systems can often be modified to effectively operate with fewer employee resources, ensuring that compliance is continuously demonstrated even when a significant portion of the workforce is absent.

Water discharges to POTWs and the environment could, potentially, increase, and permit limits could be exceeded when plant operations are curtailed or reduced during a pandemic. To demonstrate to the regulatory agency that this is not the case, companies need to ensure that backup records are available.

RCRA recordkeeping requirements can also be handled electronically but electronic recordkeeping systems are often overlooked as tools for demonstrating compliance with the RCRA rules. If your company is asking for permit language that provides for exceptions to RCRA requirements during pandemic events, these systems are critical to demonstrating good faith.

What should you be doing, then, to minimize the effects of a pandemic on environmental compliance? First, take an inventory of

News Briefs

national news

EPA Tightens Ambient Standards for Fine Particulates

On September 21, EPA revised the National Ambient Air Quality Standards for fine particulate matter (PM_{2.5}), reducing the 24-hour standard from the 1997 level of 65 micrograms/cubic meter (ug/m³) to 35 ug/m³. In addition, EPA revoked the annual standard for inhalable coarse particles (PM₁₀), but retained both the existing annual PM_{2.5} and the 24-hour PM₁₀ standards. States must make recommendations by November 2007 for areas to be designated attainment or nonattainment with regard to the new 24-hour PM_{2.5} standard. EPA expects that a number of recent rules, including the Clean Air Interstate Rule, the Clean Diesel Program, and the Clean Air Visibility Rule, will help states meet the new standards. For more information, contact Jennifer Seinfeld at 410.312.7915 or jseinfeld@zephyrenv.com.

EPA Approves Changes to Houston Area NO_x and HRVOC Rules

On September 6, EPA approved revisions to the TCEQ's rules aimed at further reducing ground-level ozone in the Houston/Galveston/Brazoria ozone nonattainment area through a more balanced and effective approach to controlling emissions of highly reactive volatile organic compounds (HRVOCs) and nitrogen oxides (NO_x). These revisions, effective October 6, ease restrictions on NO_x emissions from industrial and mobile sources, while still providing for hourly HRVOC emissions limits and annual caps. In addition, they provide for improvements to the TCEQ's fugitive emissions leak detection and repair program and the monitoring of emissions from flares, cooling towers, process vents, and pressure relief valves. EPA has also approved changes to the TCEQ Emissions Credit Banking and Trading Program to allow for cross-jurisdictional emissions credit trades. For more information, contact William Lathan at 281.668.7356 or wathan@zephyrenv.com or Michele Foss at 281.668.7342 or mfoss@zephyrenv.com.

EPA Proposes Improvements to New Source Review Program

On September 8, EPA proposed revisions to three specific aspects of the New Source Review (NSR) rules in an effort to simplify the process for

determining whether changes to existing plants must receive NSR approval. One revision involves how NSR applies to debottlenecking - when one portion of a plant is modified in a way that improves production in an unchanged part of a plant. Another revision involves how NSR applies to aggregation - when multiple projects are implemented at a plant. The final change regards project netting and whether emission changes over a five-year period throughout the plant, or just the emission changes associated with a particular project, should be considered in determining NSR applicability. For further information, contact Jennifer Seinfeld at 410.312.7915 or jseinfeld@zephyrenv.com.

Ten States Support Duke Energy in New Source Review Case before Supreme Court

In September, Alabama, Alaska, Colorado, Indiana, Kansas, Nebraska, South Carolina, South Dakota, Virginia, and Wyoming filed arguments on behalf of Duke Energy in a case before the U.S. Supreme Court regarding NSR requirements for modifications at Major Sources. In 1999, EPA sued Duke Energy for upgrading aging coal-fired power plants without obtaining the proper NSR permits. Duke won its case, but Environmental Defense appealed the decision to the Supreme Court. Duke Energy, two electric utility groups (the American Public Power Association and the National Rural Electric Cooperative) and the ten states have filed briefs with the U.S. Supreme Court arguing that EPA wrongfully interpreted the Clean Air Act. For more information, contact Jennifer Seinfeld at 410.312.7915 or jseinfeld@zephyrenv.com.

Changes to Pipeline Safety Regulations Proposed

The Pipeline and Hazardous Materials Safety Administration is proposing to extend pipeline safety regulations to rural onshore hazardous liquid gathering lines and low-stress lines within a defined buffer of "unusually sensitive areas". These areas include non-populated areas requiring extra protection because of the presence of sole-source drinking water resources, endangered species, or other ecological resources. Comments to the proposed rule changes must be submitted by November 6. For more information, contact Brad Watson at 512.879.6624 or bwatson@zephyrenv.com.

EPA Issues Final Performance Standards for Compression Ignition ICEs

On September 11, EPA's New Source Performance Standards (NSPS) for stationary compression ignition internal combustion engines (IC ICEs) went into effect. The rule sets forth emissions standards and fuel requirements for affected sources and retroactively applies to all stationary IC ICEs that are

new, modified, or reconstructed after July 11, 2005. For more information, contact Ellen Ward at 512.879.6634 or eward@zephyrenv.com.

EPA Issues New Performance Standards for Stationary Combustion Turbines

On July 6, EPA issued a second NSPS for stationary combustion turbines. This rule, added as Subpart KKKK, imposes nitrogen oxides (NO_x) emission limits and the use of specific NO_x control technologies to reflect current combustion turbine technology. The rule applies to stationary combustion turbines that commenced construction, modification or reconstruction after February 18, 2005. Older combustion turbines are subject to the Subpart GG performance standard. For more information, contact Kanwar Bhardwaj at 512.879.6648 or kbhardwaj@zephyrenv.com.

EPA Releases Energy Efficiency Rating System for Cement Plants

In August, as part of a national energy performance rating system, EPA released Energy Performance Indicators (EPIs) for cement manufacturing plants. These EPIs, developed with the cement industry, enable companies to compare the energy efficiency of their plants to the industry as a whole and to establish meaningful goals for reducing energy use and costs. For more information, contact Lou Corio at 410.312.7912 or lcorio@zephyrenv.com.

EPA Proposes to Revamp Part 75 Data Collection and Reporting Systems

In August, EPA proposed revisions to existing data collection and processing procedures for sources required to submit NO_x, SO₂ and CO₂ monitoring data under the acid rain provisions of 40 CFR Part 75. Through the re-engineering of its Clean Air Markets Division data systems, EPA is creating a client tool that will allow sources to assess the quality of their Part 75 monitoring data and submit it, in extensible markup language (XML) data reporting format, directly to the appropriate EPA database. All sources will be required to use the new tool beginning in 2009. For more information, contact Lou Corio at 410.312.7912 or lcorio@zephyrenv.com.

Applicants Sought for \$19 Million in Watershed Grants

EPA plans to award up to \$19 million in grants to help clean up and restore the nation's waterways. Proposals must reach EPA by October 16, for capacity-building grants and by November 15 for project implementation grants. Capacity-building grants provide for education and training, and implementation grants support actions such as protection and preservation. For more information, contact Brad Watson at 512.879.6624 or bwatson@zephyrenv.com.

state news

TCEQ Warns: No Permit Approvals for Late Fee Payers

Approximately \$5 million of the \$135 million invoiced by the agency in fiscal year 2005 is still outstanding. Consequently, as of September 1, the TCEQ no longer issues, amends, or renews permits, registrations, certifications, or licenses for an individual or company with a delinquent penalty or fee. After a 30-day grace period, if outstanding fees have not been paid, all paperwork requests will be returned unprocessed. However, applicants who are on the TCEQ-approved payment plan or in bankruptcy proceedings are exempt from the new procedure. For more information, contact Louisa Preston at 512.879.6646 or lpreston@zephyrenv.com.

Northeast States Release Model Rule for Greenhouse Gas Cap-and-Trade Program

On August 15, the seven states participating in the Regional Greenhouse Gas Initiative issued a model rule for implementing the Nation's first trading program to reduce greenhouse gas emissions. The rule details the cap-and-trade program, to begin in January 2009, for carbon dioxide emissions from power plant units greater than 25 MW and located in Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York and Vermont. Maryland will participate in the program by June 30, 2007. For more information, contact Roger Brower at 410.312.7907 or rbrower@zephyrenv.com.

California Caps Greenhouse Gas Emissions

On August 31, the California legislature approved a bill, supported by Governor Schwarzenegger, that will require a 25-percent reduction in greenhouse gas emissions by 2020. The California Air Resources Board now has one year to develop regulations to reduce emissions, beginning as early as 2012, from all industries. It is expected that the regulations to be developed will include an emissions cap-and-trade program. For more information, contact Bill Jones at 410.312.7910 or bjones@zephyrenv.com.

TCEQ to Allow Early Start of Construction

On September 8, the TCEQ proposed revisions to its air permitting rules for existing facilities, allowing air permit applicants to start construction, at their own risk, immediately after submitting their permit applications as long as Federal New Source Review is not triggered. However, modified facilities could not begin operation until permit issuance. For more information, please contact Karen Olson at 512.879.6618 or kolson@zephyrenv.com.

TCEQ Proposes Permitting Rules to Control Visibility-Impacting Sources

In August, the TCEQ proposed new air permitting rules to implement Best Available Retrofit Technology (BART) requirements

system may also include large, integrated environmental software systems and databases that log environmental data, track due dates, remind staff when required actions need to be performed, and help create timely, complete and accurate agency reports.

“Well,” you might say, “That’s fine for Papa Bear, but that’s just too big for me.” So, what about Mama Bear Limited, the growing Fortune 100 company, much of whose steady income and assets are focused on growing the company? If not, then how about Baby Bear Inc., the fledgling operation trying to survive those first critical make or break years? Both of these companies have more limited resources than Papa Bear, and their Goldilocks might also be Mother Goose and most of their elves are busy making shoes. Of course, the agencies will still expect and demand compliance from these Bears. In fact, because Papa Bears are now generally expected to have good compliance management systems in place, many agencies are actually focusing much of their compliance review and enforcement efforts on smaller companies, like Mama Bear Limited. This is especially worrisome for a company that is growing so fast that it has problems keeping up with all the environmental regulations that apply.

These smaller companies probably will not be expected or required to employ the same level of technology in their compliance management systems as Papa Bear. For example, in lieu of instrumented systems, manual monitoring and recordkeeping may be all that’s needed. However, with the increased robustness of common office computing systems, the agency knows that tools are readily available to even the Goldilocks of the Baby Bear companies for managing compliance. For example, needed calculations for verifying compliance with emissions or operating limits can be set up and performed fairly easily in spreadsheets, such as Microsoft® Excel. Required tasks and due dates, complete with reminders to responsible individuals, can be easily managed by commonly available calendaring programs like Microsoft® Outlook. In addition, common database applications, such as Microsoft® Access, can be used to house large quantities of required compliance data, as well as paths or hyperlinks directly to required compliance documentation. A really crafty Goldilocks can even make these systems spit out formatted agency reports.

However, depending upon the complexity of a company’s operations, identifying applicable environmental regulatory requirements can be an awesome task. In addition, setting up policies and programs to manage these requirements and then periodically reviewing them to ensure ongoing compliance can be extremely challenging, even for Papa Bear International. These steps in

under the Federal Regional Haze rules. The proposed rules would require affected emission sources to either perform modeling to prove exclusion from the rules or to perform an engineering analysis to identify the appropriate level of BART emission controls and then to apply those controls. Affected sources are those built or reconstructed between August 7, 1962 and August 7, 1977 belonging to one of 26 industry source categories and having a potential to emit 250 tons per year or more of a visibility-impairing pollutant, including NO_x, SO₂, or PM. The BART engineering analyses or exemption modeling must be submitted to the TCEQ no later than April 30, 2007. For more information, contact Curtis Harder at 512.879.6643 or charder@zephyrenv.com.

TCEQ Considers Changes to Compliance History Rules

As a result of its enforcement review process, the TCEQ is considering changes to its Chapter 60 compliance history rules. The proposed changes address the following concerns and issues raised during the review process: how to provide for additional needed complexity in the compliance history formula (including additional positive factors), how to use self-reported data for compliance history purposes, how to define a repeat violator, whether to revise the classifications, and whether the method in which compliance history is used in calculating penalties should be changed. For more information, contact Ed Fiesinger at 281.668.7353 or efiesinger@zephyrenv.com

TCEQ Tightens Up Flare Special Conditions

The TCEQ is tightening up the special conditions established for flares in air quality permits by requiring continuous flow monitoring and composition analyzers. The TCEQ will allow an equivalent flare-specific monitoring plan if an applicant can demonstrate that there will be sufficient heating value in the stream going to the flare at all times and that there is no chance of excessive flow to the flare. For more information, contact Ed Fiesinger at 281.668.7353 or efiesinger@zephyrenv.com.

TCEQ Adopts CAIR and CAMR Provisions

In July, the TCEQ adopted new rules to implement the requirements of the Federal Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR), both of which were promulgated by EPA in 2005. Using emission allowance trading programs, CAIR requires reductions in emissions of NO_x and SO₂ from electric generating units (EGUs). These rules are designed to assist downwind states in achieving compliance with the National Ambient Air Quality Standards for fine particulate matter. Similarly, the CAMR rules require reductions in mercury emissions from coal-fired EGUs using an allowance trading program. The rulemakings also incorporate federal CAIR and CAMR by reference into TCEQ air permitting requirements, establishing federal enforceability of the emission trading

Just How “Green” are Alternative Fuels?

Internal combustion in our vehicles is just not as simple a proposition as it used to be. Now, before we fill our vehicle’s gas tank, a variety of concerns may cross our minds. How economical is this fuel? What kind of mileage will I get? Is it compatible with my engine? Does using this fuel have a lesser, or greater, environmental impact than other choices? Does the purchase of this fuel help support American energy independence, or does it support foreign regimes that don’t have our best interests in mind?

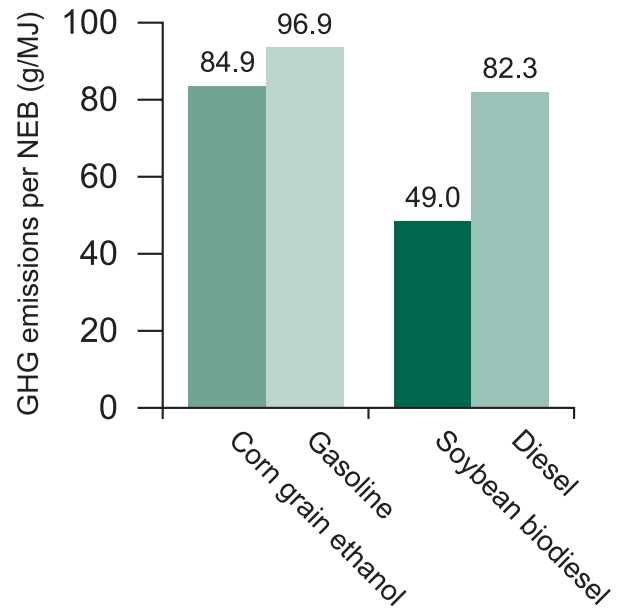
More and more of us are embracing the notion of such alternative fuels as the “E-85” gasoline/ethanol blend, and biodiesel. In Texas, anyone who drives past the iconic Carl’s Corner truck stop south of Dallas on IH 35 can’t fail to notice the promotion of biodiesel by no less than another Texas icon, Willie Nelson! But what are the real benefits of these alternative fuels, if any?

I recently came across a paper entitled “Environmental, economic, and energetic costs and benefits of biodiesel and ethanol biofuels”¹. The authors answer some of these questions by using a “net energy balance” (NEB) approach. In other words, they make every effort to consider all the energy inputs (fertilizer manufacturing, fuel for farm equipment, etc.) versus the resultant output energy available from the biofuels. According to the authors, it is also important to consider the value of “co-products”, such as soybean meal, distiller’s dry grain, and glycerol in the analysis.

Here are some of the key findings:

- ♦ Ethanol yields a modest 25 percent (NEB ratio = 1.25:1) more energy than the energy invested in its production, whereas biodiesel yields 93 percent (NEB ratio = 1.93:1) more
- ♦ Compared to the production and combustion of gasoline, greenhouse gas emissions are reduced 12 percent by the production and combustion of ethanol and 41 percent by biodiesel (see figure)
- ♦ Spills or other releases of biofuels are more environmentally benign than spills or releases of petroleum products

The authors indicate that neither corn nor soybean based biofuels can replace much petroleum without impacting food supplies, i.e.,



dedicating all US corn and soybean production to biofuels would meet only 12 percent of gasoline demand and 6 percent of diesel demand. However, they go on to note that there may be nonfood biofuels feed stocks that offer some solutions to this problem, as well as additional advantages. For example, switchgrass and other diverse mixtures of prairie grasses and woody plants can be produced on agriculturally marginal lands with no or low fertilizer, pesticides, and energy inputs. Although such feed stocks may require more energy to construct the larger and more complex conversion plants, resultant NEB ratios may approach 4:1, a significant improvement over corn or soybean based ethanol or biodiesel.

It seems clear that the alternative fuels currently coming into the mix of energy supplies are only a small part of the answer to America’s energy requirements. Still, the continuing development of biofuels does offer some promise to offset a portion of our energy requirements, with the added benefit of being more environmentally benign than petroleum based fuels. It’s also clear there will be a growing need for both conventional and alternative fuels for many years to come. ✨

Joe Zupan
President

¹ “Environmental, economic, and energetic costs and benefits of biodiesel and ethanol biofuels”, *Proceedings of the National Academy of Sciences of the USA*, PNAS 2006; 103; 11206-11210, July 2006

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developing and managing the 'just right' compliance management system can require a considerable amount of personnel resources.

Fortunately for Goldilocks, outside help, in several forms, is readily available. The most common source, a good environmental consultant, should be no problem for Papa Bear International or even Mama Bear Limited, but it can be a relatively expensive option for Baby Bear, Inc. So what's a diligent Goldilocks sitting in Baby Bear's chair to do? Fortunately, the federal government and most states provide small business assistance programs to help such companies stay in compliance. If you're the Goldilocks at a Papa Bear or Mama Bear company you shouldn't start licking your chops however, because this assistance is only available to Baby Bear companies with very specific needs. In Texas, for example, a company must have less than 100 employees and be privately held.

So whether you're the Goldilocks for a Papa Bear, Mama Bear or Baby Bear company, you have to try programs on for size and make every effort to know what environmental regulatory rules apply to get that 'Just Right' system in place to comply with your company's regulatory requirements. Otherwise, you could end up getting eaten by the Big Bad Wolf. ✨

Pete Stevenson
Project Engineering Associate

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requirements and alternative methods of meeting all permit requirements, including recordkeeping requirements. Next, develop a plan that has a well established data management component. Finally, share your concerns and your plan with your state environmental agency and specifically request exception language in each of your permits.

Remember, the first thing your employees do upon returning from a quarantine should not be responding to an enforcement action or citizen suit. Planning now will allow for a speedier and liability free return to normal operations. ✨

Patrick Raher
Partner, Hogan & Hartson L.L.P.

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program requirements. For more information, contact Curtis Harder at 512.879.6643 or charder@zephyrenv.com.

Martin Hubert Named as New TCEQ Commissioner
In September, Governor Rick Perry appointed Martin Hubert as the third commissioner of the TCEQ to fill the slot vacated by Ralph Marquez in March 2006. Mr. Hubert was formerly the Deputy Commissioner of Agriculture for Texas and the general counsel for the Texas Senate Natural Resources Committee. ✨

