

ICE Picks



Quarterly Newsletter
Second Quarter 2007

Industry Council on the Environment

Chairman's Corner – The Value of ICE

By John Coll
ICE Chair

In case you missed it, the ICE meeting last month was a panel discussion on Due Diligence and All Appropriate Inquiry. Our panel consisted of experts from the banking, property management, legal, consulting, and database information industries. Talk about a wealth of knowledge provided to our members! I challenge you to find and attend another forum where you can find this kind of information on a monthly basis.

I point this out to our members and guests because this is what ICE is about; providing up-to-date information on environmental issues affecting our

respective industries. Many of you realize this and attend on a regular basis and others are unaware of who we are and what the Industry Council on the Environment is about. I believe that timely information that affects the environmental decision-making of companies and government is one of the key values we provide our membership. We encourage each of you to forward our meeting announcements to your friends, peers and clients. As our membership grows, we increase our ability to be in front of ever changing policy that affects each of us in our personal and professional lives.

What Is A “Relations Meeting?”

By Cal Chapman
Chapman Engineering

I have been involved with ICE since November 1995. Ken Hilliard of 7-11 was the chair at the first meeting I attended. In his opening remarks, I think he referred to four or five different people at what was then TNRCC, and I knew two of them. From his comments, I figured out pretty fast that I needed to know all five of them, if I was going to be of assistance to my clients.

ICE had already been meeting with regulators for years, thanks to its core mission of being “an active partner with government and industry, encouraging development” of reasonable environmental policy (my paraphrasing). This was being done rule package by rule package, based on a specific guidance policy, or dealing with an actual impact to our members.

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What Is A “Relations Meeting?”

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Examples: The Chapter 334 Subchapter K (I think) rules on re-use of petroleum-contaminated soils; the PST Reimbursement Fund, with respect to balances and caps, whether bulk settlements of protests could be done (yes), and lots of other issues; the draft TRRP rule, circa 1998; the draft Compliance History rule, and others.

It was about 1999 that it dawned on the ICE Board of Directors: let’s get to know regulators at agencies of interest without having the rule package already looming. Let’s get them familiar with ICE, its mission, and the particular talents and experiences we represent. Then maybe these rule- and guidance-promulgating individuals will consider our points of view as valuable, and utilize us earlier in the process of formulating that new policy. And so the Relations Committee was born, and began – in the formal sense – setting up “get acquainted” meetings with various people, in various agencies and agency sections.

I can tell you how Relations meetings have helped Chapman Engineering. We have gotten to know key regulators in many agency positions. They know something about us and our firm. They recognize a face and a voice. So when our client has an “interesting issue,” or there is another reason to make the call, we get to talk with that key person. Or we get a call back in a little more timely fashion than might otherwise happen. And guess what: having these kinds of relationships often saves our clients money and time! Does that sound attractive?

One thing to take into consideration: we also must be careful to use the relationships responsibly. That sounds obvious, but it is vital. How do you maintain the best relationships? Make them “two-way streets.” Offer yourself and your staff as resource people. And remember that the regulator has his or her job to do, which may involve some really cumbersome requirements. Do we ever see opportunities to make the job easier on the regulator? Might be a good idea to consider, every now and then . . .

ICE is currently looking for a few individuals to join the Relations Committee team, currently headed by Rick Scadden of Intera. We need to conduct a Relations meeting virtually every month after our monthly membership meeting. We are all in Austin on the third Thursday and need to create these opportunities for new relationships.

Who is interested?
 Contact Cal Chapman: 830-816-3311

ICE Awards for 2006

Awards were presented at the ICE Membership Meeting on April 19, 2007.

Congratulations:



Board Member of the Year 2006
Cindy Smiley
 Kelly, Hart & Hallman LLP
 ICE Secretary



Committee Chair of the Year 2006
Rick Scadden
 Intera
 ICE Relations Chair

Rick Scadden – L
 John Coll - R

Thank you to all the board members and committee chairs who volunteer their time and support ICE.

Thank you to our recent speakers



May 2007
Due Diligence and
All Appropriate Inquiry Panel

- L to R
 Scott Davis, GeoSearch
 Scott Leafe, SKA Consulting
 John Slavich, Attorney
 Chuck Gurney, Weingarten Realty Investors
 Wayde Anderson, Frost Bank

Work the Room ... and Enjoy It!

Submitted by Doug Hall
W. D. Hall Company

“Relax, meet some new people, and enjoy yourself”.

The purposes of professional events are to provide helpful information, learn something new, and meet new people. **NOT TO SELL WORK!!** Owners and operators are tired of being pestered with sales pitches. The best approach to them is to provide something of value. Something that will make them remember you after the event is over.

Focus on introductions and relationships – not selling. Use these opportunities for one-on-one face time. Get to know each other through small talk to see if you enjoy conversing with each other. These conversations are the first step in trust building. Listen closely for shared interests and values.

There are a number of ways to prepare for and participate in an event in order to get the most out of it.

- Find out before hand who will be attending. Get a copy of the attendee registration list. Who do you want to meet? Pick several to talk to. Do some research on their businesses before the event.
- Practice your self introduction – make it short, memorable and repeatable. Answer the question – “What do you do”. Memorize it.
- Be up to date with current events and industry issues. These are good small talk topics. Have a few opening lines that are open ended and easy to answer.
- Choose to be a host rather than a guest. Get there early. Offer to help the organizers. Be a greeter. Help with nametags. Spend time with the speaker.
- Realize that at least 95% of the people in the room are at least a little uncomfortable.
- Look for lone rangers. If someone is standing by themselves, go up to them and introduce yourself. You may make a friend for life.

- Repeat the name of a person when you meet them. Somehow this makes it easier to remember their names later on.
- Never sit at an empty table.
- You should anticipate that you will spend no longer than 10 or 15 minutes with any one individual during networking periods. You should be prepared to move on. I call these graceful exits. “Excuse me, I see someone I need to say hello to” or “Will you excuse me, I need to make a phone call- get a drink”. “Well I don’t want to take up all your time. I would like to continue our conversation later. Let’s catch up next week. Here is my card.”

Take the pressure off your next social, community or professional event.

Enjoy yourself and enjoy meeting new people.

Welcome New Members



New ICE members for 2007

Kestrel Management
A W Armstrong

Consultant
John Coll

Ecology & Environment, Inc.
David Donohue

Law offices of Susan Zachos
Susan Zachos

EPA Encourages New Owners of Companies to Disclose Violations

Submitted by Pete Baldwin
ENSR

Industry Council on the Environment (ICE) hosted an interesting panel discussion at the recent May meeting in Austin, featuring Environmental Due Diligence. Numerous changes have been introduced and adopted to the ASTM standard in recent years. The U.S. Environmental Protection Agency continues to evaluate new ways to work with commercial and industrial facility owners, and according to a recent article EPA is seeking comments on how a policy that offers reduced penalties to companies for self-disclosing environmental violations should apply to the new owners of recently acquired facilities. The audit policy offers reduced penalties to companies that self-police their programs, promptly disclose and correct any violations discovered, and take steps to prevent future violations.

“Our top priority is to protect the environment and public health. We have a variety of tools and options to do that,” said Granta Nakayama,

assistant administrator of EPA's Office of Enforcement and Compliance Assurance. “New owners of recently acquired facilities that come forward to make a ‘clean start’ can address their environmental issues and make changes to ensure they stay in compliance and reduce pollutants going forward.”

Companies with newly acquired facilities can use the audit policy to examine their performance and work with EPA to come into compliance with environmental laws. Since 1995, more than 3,000 companies have disclosed and resolved violations at over 9,000 facilities under this policy.

EPA is seeking input from the public on how best to encourage new owners to use the audit policy. EPA will accept written comments until July 13, 2007, and also invites the public to offer comment at two public meetings to be held on June 12 in Washington, D.C. and June 20 in San Francisco, California.

In addition to encouraging new owners to participate, EPA is also considering ways to make it easier for companies to disclose violations. In the near future, the EPA will be developing a system that would allow companies to disclose certain violations through an EPA Web site.

Informative Links:

EPA's Audit Policy:

<http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>

Information on new owner disclosure incentives:

<http://www.epa.gov/compliance/incentives/auditing/newowners-incentives.html>



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ICE News you can use...

Banks Information Solutions, Inc. has changed their name to Banks Environmental Data, Inc. A Division of The Banks Group

DFCs and MAGs: Terms to Know in Groundwater Resource Management

Submitted by:

Judy A. Reeves, Ph.D., P.G.

Cirrus Associates, L.L.C.

The 79th Legislature catapulted the groundwater resource management industry from the days of qualitative groundwater management to the 21st century of quantitative groundwater management. House Bill 1763 was the enabling piece of legislation that mandates that groundwater conservation districts and groundwater management areas manage water quantitatively rather than qualitatively. This policy shift is HUGE in the State of Texas, and it all boils down to DFCs and MAGs.

In the past, groundwater conservation districts' management plans would propose managing groundwater by "improving irrigation efficiency," educating the public on water conservation, etc. All noble ideas with the potential for positive results, but lacking the teeth to adequately reduce depletion of the state's aquifers.

Under current law, the State's Water Management Plan requires that each of the sixteen groundwater management areas determine the desired future condition (DFC) of its aquifer(s). The desired future condition is a value representing the amount of water that is to be left in an aquifer in 50 years, and it must be a quantitative value that can be utilized in one of the groundwater models that have been developed by the state and its contractors. For example, the groundwater management area can desire 50% of the existing saturated thickness of the aquifer to be remain in the aquifer in 50 years. The DFCs must be submitted to the State by September 1, 2010.

Once the Texas Water Development Board approves the DFCs, they will set a groundwater model run up for 50 years with the end conditions mimicking the desired future condition. The model will be used to determine how much water is available each year for the next 50 years that is protective of that end result, or DFC. The amount of water available each year has been coined "managed available groundwater" (or MAG). The practical implication of the MAG is that if target

ICE Sponsorship Opportunities for Members

Membership Meeting Sponsors

ICE members are invited to Sponsor a membership meeting

Refreshments Sponsor \$150.00

Breakfast Sponsor: \$525.00

Sponsor's name printed on meeting agenda

Sponsor's name on refreshment table

(up to 8 1/2"x11" sign provided by sponsor)

Sponsor recognized in opening remarks

Meeting Room Sponsor \$350.00

Sponsor's name printed on meeting agenda

Sponsor's name on easel placed in the front corner of room (easel and sign provided by sponsor)

Sponsor invited to place brochures and business cards on table/kitchen countertop

Sponsor recognized in opening remarks

ICE Board reserves the right to refuse the request for sponsorship.

Contact Dorothy Gurka, 281 290 0190

Newsletter Sponsors

ICE members are invited to promote their products or services in the ICE Picks quarterly newsletter

Pricing and sizes available:

\$ 50.00

Business card size (2" h x 3.5" w)

\$100.00

1/4 page (4" h x 3.5" w)

\$200.00

1/2 page (4" h x 7" w)

Prices are for camera ready artwork.

Design charges billed separately, if required.

Contact Dorothy Gurka

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DFCs and MAGs

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goals are not met going forward, specific pumping limits may be placed on water usage. This is a dramatic departure from past qualitative management efforts and can have serious implications for agricultural and other industries as well as the economic growth of a region.

Needless to say, DFCs and MAGs affect all of us and will continue to affect our children and grandchildren. The decision to regulate groundwater resources in a quantitative manner has far reaching implications as public policy. Ideally, public policy should be a marriage of sound law and good science. However, not surprisingly, politics is dominating the playing field. As scientists and lawyers, we need to take an active role in assuring that the underpinnings of the state's water policy are both equitable and firmly rooted in good science and sound law.

New Clean Air Rules Passed For DFW and Houston Areas

Plan to be submitted to EPA by June 15

The Texas Commission on Environmental Quality (TCEQ) adopted amendments to the State Implementation Plan (SIP) and clean air rules today for the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) areas implementing more stringent emissions controls to improve air quality.

New emission control strategies in the DFW area, combined with existing rules implemented under the previous one-hour federal ozone standard, are predicted to bring the area into attainment of the new, more stringent, eight-hour ozone standard by the EPAs 2010 deadline. The HGB ozone nonattainment area, which includes one of the most comprehensively controlled industrial complexes in the world, will take longer to reach attainment.

In both areas, reaching attainment is challenging, due to a rapidly growing population, and because mobile sources like cars, pickups, trains, planes and construction equipment, which are largely regulated by the federal government, cannot be controlled by the state. In the DFW area, 74 percent of nitrogen oxides (NOx) emissions, a precursor to ozone formation, come from such mobile sources. In the HGB area, 54 percent of NOx sources are outside of state control, including mobile sources such as large marine vessels and heavy-duty vehicles.

To help control mobile sources, the legislature established the Texas Emissions Reduction Plan (TERP) in nonattainment and near-nonattainment areas. The TERP program provides incentives for owners of heavy-duty equipment and vehicles to replace or rebuild old, highly-polluting engines resulting in reduced emissions from these sources.

For the entire article:

http://www.tceq.state.tx.us/comm_exec/communication/media/05-07SIPagenda.html

More information on the SIP can be found on the

TCEQ SIP Web page-- www.tceq.state.tx.us/nav/eq/sip.html

www.ice-texas.org

Our mission is to be an active partner with government and industry, encouraging the development of reasonable policy for a cleaner environment.



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**2007
Membership
Meetings**

**Third Thursday
of each month**

**DoubleTree Club Hotel
1617 IH35 North at MLK Blvd.
Austin, TX 78702**

*(Tentative Schedule of
Topics and Speakers)*

July 19, 2007

Update on Implementation of
Federal Energy Act of 2005 and
Recap of 2007 Texas Legislative Session
Anton Rozsypal, TCEQ

August 16, 2007

TCEQ Enforcement and Field Citations Update
**Anne Dobbs, TCEQ
Jayme Sadlier, TCEQ**

September 20, 2007

The Role and the Challenges
of the Chief Engineer

Visit the website for 2007 current
meeting information:

<http://www.ice-texas.org/Default.aspx?tabid=40>



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information
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Membership Tab.

Industry Council on the Environment



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Industry Council on the Environment

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Key Websites to Check out...

Industry Associations:

Petroleum Marketers Association of America (PMAA) www.pmaa.org

American Petroleum Institute (API) www.api.org

Petroleum Equipment Institute (PEI) www.peinet.org

National Association of Convenience Stores (NACS) www.cstorecentral.com

Texas Petroleum Marketers and Convenience Store Association www.tpca.org

Electric Reliability Council of Texas www.ercot.com

Public Utility Commission of Texas www.puc.state.tx.us

American Water Works Association www.awwa.org

National Groundwater Association www.ngwa.org

ASTM International www.astm.org

Industry News/Information:

Petroretail News, National Petroleum News, Fuel Oil News www.petroretail.net

Environmental Protection Agency:

Office of Underground Storage Tanks www.epa.gov/oust

State Internet Pages:

- Alaska www.state.ak.us
- Alabama www.adem.state.al.us
- Arkansas www.adeg.state.ar.us
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- California www.swreb.ca.gov
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- Idaho www.state.id.us
- Illinois www.epa.state.il.us
- Kentucky www.nr.state.ky.us
- Louisiana www.deq.state.la.us
- Massachusetts www.magnet.state.net.us
- Maryland www.mde.state.md.us
- Michigan www.deq.state.mi.us
- Minnesota www.pca.state.mn.us
- Missouri www.dnr.state.mo.us
- Mississippi www.deq.state.ms.us
- Montana www.deq.state.mt.us
- North Carolina <http://ust.enr.state.nc.us/main.html>
- North Dakota www.ehs.health.state.nd.us
- Nebraska www.deq.state.ne.us
- New Hampshire www.state.nh.us
- New Jersey www.state.nj.us
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- Nevada www.state.nv.us
- Ohio www.com.state.oh.us
- Oklahoma www.occ.state.ok.us
- Oregon www.deq.state.or.us
- Pennsylvania www.dep.state.pa.us
- South Carolina www.state.sc.us
- South Dakota www.state.sd.us
- Tennessee www.state.tn.us
- Texas www.tceq.state.tx.us
- Utah www.eq.state.ut.us
- Virginia www.deq.state.va.us
- Washington www.wa.gov
- Wisconsin www.dnr.state.wi.us



Links to other organizations

TASTP

A&WMA – Austin Chapter

TPCA