

	b. * Does the facility maintain records demonstrating compliance with the useage limits in 30 TAC §116.119(a)(2)?			
	c. * Or, are sources at the facility included on the "De Minimis Facilities and Sources" list? http://www.tceq.state.tx.us/permitting/air/guidance/newsourcereview/list-of-de-minimis-facilities.html			
4*	Does the facility claim a Permit by Rule (PBR)?			
	a. Does the facility meet the requirements in 30 TAC §106.4?			
5*	If yes, does the facility meet all requirements of the PBR(s) claimed? See suggestions below:			
	a. *106.227-Soldering, Brazing and Welding			
	b. *106.261 – Facilities Emissions Limitations - specifically, items (1) and (5)			
	c. * 106.265 – Hand-held and Manually Operated Machines			
	d. * Other/Previous PBR: _____			
	e. * Other/Previous PBR: _____			
	f. * Other/Previous PBR: _____			
	g. * Other/Previous PBR: _____			
	h. * Other/Previous PBR: _____			
6*	Does the facility maintain records that demonstrate compliance as required in 30 TAC §106.8 for all PBRs?			
7*	Is the facility a major source? (defined in 30 TAC §122.10(113))			
	*If yes, does the facility have a Federal Operating Permit?			
8*	Does the facility avoid being a nuisance (noise, odor, dust, etc.)?			

Air Regulations (Chapter 101)		Yes	No	N/A	
9*	Does the facility track all reportable and non-reportable emission events and report them to TCEQ by March 31 of each year? (30 TAC §101.201)				
10*	Does the facility track all reportable and non-reportable scheduled maintenance, start-up, and shut-down activities and report them to TCEQ by March 31 of each year? (30 TAC §101.211)				
11	Is the facility required to submit an annual emissions inventory as specified in 30 TAC §101.10?				
12*	Are all records maintained for a minimum of five (5) years?				
Air Regulations (Federal and 30 TAC §111, 113 Requirements)		Yes	No	N/A	
13*	Does the facility comply with any applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) if it is a source of hazardous air pollutants (HAPs)? http://www.epa.gov/ttn/atw/mactfnlalph.html				
14*	Does the facility comply with any applicable 30 TAC Chapter 111 requirements (Control of Air Pollutants from Visible Emissions and Particulate Matter)?				
15*	Does the facility comply with any applicable 30 TAC Chapter 113 requirements (Standards of Performance for HAPs)?				
Air Regulations (30 TAC 115 Requirements - Volatile Organic Compounds)					
Note: if the facility is not in a county listed below, items 16 through 22 will not apply.					
El Paso Area	Dallas/Ft. Worth Area	Houston/Galveston Area	Beaumont/Port Arthur	Other	
El Paso	Johnson	Brazoria	Hardin	Bastrop	Hays
	Kaufman	Chambers	Orange	Bexar	Nueces
	Parker	Fort Bend	Jefferson	Caldwell	Travis
	Rockwall	Galveston		Comal	Victoria
	Collin	Harris		Gregg	Williamson
	Denton	Liberty		Guadalupe	Wilson
	Dallas	Montgomery			
	Tarrant	Waller			
	Ellis				
16*	Does the facility comply with any applicable 30 TAC Chapter 115 requirements? (Control of Air Pollutants from Volatile Organic Compounds)				

Air Regulations (30 TAC 117 requirements - Dallas/Fort Worth Area)

In addition to other requirements, sources of nitrogen oxides (NOx) located in the counties in the **Dallas/Fort Worth Ozone Nonattainment Areas** listed above must meet the requirements in this section.

17 *	Is the facility in major source of NOx as defined in 30 TAC §117.10(29)?			
	* If yes, is the facility compliant with all applicable parts of 30 TAC 117 Subchapter B?			
18 *	Is the facility a minor source of NOx, operating a stationary internal combustion engine? (30 TAC §106.512)			
	*a. If yes is the facility meeting an exemption listed in 30 TAC §117.2103?			
	*b. If yes, does the facilities have records showing compliance with the exemption and 30 TAC §§117.2130(c), 117.2135(e) and 117.2145(b) and (c)?			
19*	If the facility does not meet an exemption, does the engine meet the specification and does the facility comply with the applicable operational, testing, reporting and recordkeeping requirements in 30 TAC 117 Subchapter D.			

Air Regulations (30 TAC 117 Requirements - Houston/Galveston Area)

In addition to other requirements, sources of nitrogen oxides (NOx) located in the counties in the **Houston/Galveston Ozone Nonattainment Areas** listed above must meet the requirements in this section.

20 *	Is the facility in major source of NOx as defined in 30 TAC §117.10 (29)?			
	* If yes, is the facility compliant with all applicable parts of 30 TAC 117 Subchapter B?			
21 *	Is the facility a minor source of NOx, operating a stationary internal combustion engine? (30 TAC §106.512)			
	*a. If yes, is the facility meeting an exemption listed in 30 TAC §117.2103?			
	*b. If yes, does the facilities have records showing compliance with the exemption and 30 TAC §§117.2130(c), 117.2135(e) and 117.2145(b) and (c)?			
22*	If the facility does not meet an exemption, does the engine meet the specification and does the facility comply with the applicable operational, testing, reporting and recordkeeping requirements in 30 TAC 117 Subchapter D?			

MSW Regulations and Recycling Regulations

23	Does the facility serve as collection and processing point for only nonputrescible, source-separated recyclable material, as defined in 30 TAC §328.2(6)?			
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	a. If yes, does the facility process recyclable materials that contain more than incidental amounts (10% per load, 5% per 6-month average) of non-recyclable waste? If yes, then 30 TAC §328.2(3) states the facility must obtain a permit or registration under 30 TAC §330.7 or §330.9.			
24**	Is the facility exempt from the limitations on storage of recyclable materials in 30 TAC §328.4 (b)--(f) and the reporting and recordkeeping requirements of 30 TAC §328.5(b)--(h) due to:			
	a. Is the owner or operator of the facility a local government or any agency of the state or federal government?			
	b. Does the facility receive > 50% of material from generators not affiliated with the facility and receives no financial compensation to accept the material and can show that material is potentially recyclable and has an economic means of being recycled? (30 TAC §328.4(a)(2))			
	c. Is the facility owned or operated by, or affiliated with (as defined in 30 TAC §328.2(1)), a person holding a permit to dispose of municipal solid waste?			
	d. Does the facility smelt recyclable metals or is a secondary metals recycling facility as defined in 30 TAC §328.2(5) that is affiliated with the smelter of recyclable materials and has demonstrated that the primary function of the facility is to process material with a resale value greater than the cost of processing and all solid waste generated from processing is properly disposed?			
**	If the answer to any of the questions 24a through 24d is "yes," then the facility is exempt, and the answer to the entire question is "yes;" questions 25 through 38 will not apply.			
25*	Has the owner or operator of the facility that collects/processes nonputrescible, source-separated material (as defined in 30 TAC §328.2(6)) reported on a notice of intent to operate a recycling facility form TCEQ-20049 provided by the agency and met the following requirements:			
	a.* prior to the commencement of new operations?			
	b.* the types of material accepted for recycling?			
	c.* any storage of materials prior to recycling?			
	d.* how material will be recycled?			
	e.* any updates or changes to information contained in the report within 90 days of the change?			
Waste Regulations - Recycling Notification (Recordkeeping 30 TAC §328.5)		Yes	No	N/A
26	Does the facility maintain all records to show:			

	a.* Compliance with the requirements of 30 TAC §328.4 (demonstration that the material is recyclable and economically feasible to recycle, recyclable turnover rate, percentage of nonrecyclable material received, etc.)?			
	b.* Reasonable efforts to maintain source separation of material received?			
	c.* Records documenting notice to customers of source separation requirements?			
	d.* Records documenting training of staff in the inspection of incoming loads to ensure that they contain no more than 10% incidental, nonrecyclable wastes? (Incidental, non-recyclable waste is waste that accompanies a recyclable material despite reasonable efforts to maintain source separation.)			
	e.* Documentation of loads rejected for exceeding 10% incidental nonrecyclable waste?			
	f.* Documentation that incidental nonrecyclable waste constitutes no more than 5% of the average total scale weight or volume of all materials received in the last 6 months?			
	g. Does the facility store combustible material outdoors?			
	h.* If yes, is there proof of financial assurance sufficient cover all closure costs?			
27*	Does the owner or operator of the facility that manages combustible materials (outdoors) have a fire prevention and suppression plan that is made available to local fire prevention authorities for review and coordination?			
28 *	If the facility stores combustible material outdoors or poses a significant risk to public health and safety as determined by the executive director, did the owner or operator provide a written cost estimate for the disposition of all process and unprocessed material by a third party?			
Waste Regulations - Recycling Notification (Limitations on Storage 30 TAC §328.4)		Yes	No	N/A
29*	Has the facility demonstrated that material it accumulates is potentially recyclable and has an economically feasible means of being recycled?			
30*	Does the facility maintain all records necessary to demonstrate that within 270 days of commencement of operations, the amount of each material recycled or transferred to a different site for recycling equals 25% by weight or volume of all material accumulated within the first 90 days from the date of commencement of the new facility's operation?			

31*	Does the facility keep all records necessary to demonstrate that during each subsequent six-month period, the facility either recycles or transfers to a different site for recycling at least 50% by weight or volume of material accumulated at the beginning of the period?			
32*	In calculating the percentage of turnover each six-month period, are the percentage limits applied to each material of the same type?			
33*	Can the site show that materials processed for recycling are contained, covered, or otherwise managed to protect them from degradation, contamination, or loss of value as recyclable material? (If so these materials should not count against the site in calculating percentage of turnover.)			
34*	Have materials from other recycling facilities that are not included in the percentage turnover calculations been processed for recycling as defined in 30 TAC §328.2(4)?			
35*	Has the facility been granted approval for alternative compliance with the standards in the definition of incidental amounts of nonrecyclable waste as defined in 30 TAC §328.2(3) or with the storage limitations in 30 TAC §328.4(b)?			
36*	If the facility processes recyclable material that contains more than incidental amounts of nonrecyclable wastes, and it is not approved for alternative compliance, has it obtained a permit or registration under 30 TAC Chapter 330?			
37*	Has the executive director requested in writing that the recycling facility obtain a permit for registration as a municipal solid waste facility under 30 TAC Chapter 330 due to failure to comply with the requirements of 30 TAC §328.4?			
38*	If the answer to question 36 or 37 is yes, is the facility operating with the approved alternate compliance authorization or with the required permit or registration?			
Universal Waste Regulations		Yes	No	N/A
39	Does the facility currently manage any of its hazardous waste streams as "universal waste"?			
40*	If yes: are the waste streams appropriately classified and eligible for coverage under the universal waste rule?			
41*	Are all containers holding universal waste properly labeled per 30 TAC §335.261?			
42*	Are containers kept closed?			
43*	Are all universal waste streams shipped to a Treatment, Storage, Disposal (TSD) facility or universal waste handler within one year of their initial generation date?			

44*	If not, does the facility have appropriate documentation on hand to show that an extended time limit is needed to facilitate proper recovery, treatment or disposal?			
45*	If the facility is a large quantity handler of universal waste (>5,000 kg at anytime), does the facility have an EPA ID number?			
46*	If the facility is a large quantity handler of universal waste (>5,000 kg at anytime), are all universal waste shipments accompanied by a bill of lading or other shipping document?			
47*	Does the facility use a TCEQ/EPA permitted recycling or TSD facility?			
Used Oil Regulations		Yes	No	N/A
48	Does the facility collect used oil from the public?			
49*	If yes, is the facility registered with the TCEQ as a used oil collection center?			
50 *	Are all containers labeled with the words "Used Oil"?			
51*	Are containers kept closed?			
52	Are any hazardous fluids mixed with the used oil? (CESQG exempt)			
53*	If yes, is this mixture managed as a hazardous waste?			
54*	Does the facility use a TCEQ/EPA registered transporter to remove the used oil? (Not necessary if transporting one 55-gallon drum or less)			
55*	Does the owner avoid transporting more than one 55-gallon drum of used oil to an authorized disposal/recycling facility at any time?			
Used Oil Filter Regulations		Yes	No	N/A
56*	Are all containers labeled with the words "Used Oil Filters"?			
57*	Are containers kept closed?			
58*	Are oil filters drained before recycling?			
59*	Does the facility store six or fewer 55-gallon drums of filters at any time?			
60*	Does the facility use a TCEQ registered transporter to remove the filters? (Not necessary if transporting two 55-gallon drums or less)			
61*	Does the facility use a bill of lading when having the filters transported?			
62*	Does the facility keep used oil filters separate from other types of filters (e.g. fuel)?			

Lead Acid Battery Regulations		Yes	No	N/A
63	If the facility sells batteries, is it registered with the state comptroller and collecting the appropriate fee?			
64*	Are all used batteries sent to an authorized facility for recycling or reclamation?			
65*	If the facility reclaims batteries on site, has the TCEQ been notified?			
Discharge to publicly owned treatment works (POTW) (sanitary sewer system)		Yes	No	N/A
66	Does the facility discharge process waste water to the sanitary sewer system? If no, then question 67 through 68 will not apply.			
67*	If yes, has the facility obtained permission from the POTW to discharge process waste water?			
	a. Does the POTW have an approved pretreatment program?			
	b.* Does the facility have a permit to discharge process wastewater to the POTW?			
	c.* Does the facility comply with the requirements of this permit?			
68 *	If the POTW does not have an approved pretreatment program,			
	a. Is the facility a categorical industrial user subject to the requirements of any category in 40 CFR parts 405 to 471?			
	b.* If yes, does the facility submit monitoring reports to the TCEQ each June and December?			
	c. If no, the facility may be required to submit semiannual monitoring reports to the TCEQ if it is a significant noncategorical industrial user. It is also recommended that the facility contact the city (POTW) and inform them of the nature of their discharge.			
Discharges to Waters of the State		Yes	No	N/A
69	Does the facility discharge wastewater into surface water (via run-off, storm drains, rivers/creeks, dry waterways, etc.)? If no, questions 70 through 72 will not apply.			
70*	* If yes, does the facility have a Texas Pollutant Discharge Elimination System (TPDES) permit?			
	a.* If yes, does the facility comply with the daily average flow from each outfall?			
	b.* Does the facility comply with the maximum flow from each outfall?			
	c.* Does the facility comply with the discharge limitation for each constituent?			

	d.* Does the facility conduct monitoring and sampling as required by the discharge permit?			
	e.* Does the facility submit discharge monitoring reports (DMRs) as required by its permit?			
	f.* Does the facility submit noncompliance reports as required by 40 CFR §122.41 and 30 TAC §305.125?			
	g.* Does the facility's TPDES wastewater permit discharge permits include storm water discharges? If yes, 72 and 73 will not apply.			
	h.* Is the facility in compliance with storm water discharge requirements listed in the TPDES wastewater discharge permit?			
71	Does the facility dispose of waste water adjacent to surface water (by irrigation, evaporation pond, subsurface injection, or another approved method)?			
72*	If yes, does the facility have a Texas Land Application Permit? (<i>Note: if hazardous or class one industrial waste is being disposed of, multiple other regulations apply</i>)			
Discharges to On-Site Sewage Facility (OSSF) (Septic Systems)				
73*	Does the facility avoid discharging any process waste water to the septic system? (<i>note:</i> septic systems can only be used for domestic sewage)			
Storm Water Discharges		Yes	No	N/A
74	Does the facility have an SIC code that requires coverage by a storm water permit? http://www.osha.gov/pls/imis/sicsearch.html (Recycling falls in Sector N)			
75*	Does the facility have coverage under the Multi-Sector General Permit (MSGP) for discharges from industrial activities or the No Exposure Certification (NEC)? <i>NOTE: If NEC, questions 76 through 79 will not apply.</i> To find out if you have coverage, check http://www5.tceq.state.tx.us/wq_dpa/			
For facilities covered under MSGP for Discharges from Industrial Activities (Sector N)		Yes	No	N/A
76*	Has the facility developed and implemented a Storm Water Pollution Prevention Plan (SWP3)? More information on the SWP3 can be found at http://www.tceq.texas.gov/permitting/stormwater/sw_industrial.html			
77*	Does the facility adhere to the SWP3 requirements outlined in the MSGP?			
78*	Is the facility monitoring within the benchmark limits?			
79*	Does the facility follow the sampling, monitoring, and reporting requirements outlined in the MSGP?			

a.* Annual Hazardous Metal Monitoring? (facilities may opt out of all or part of this requirement if they meet certain requirements)			
b.* Quarterly Visual Monitoring? (applies to all facilities)			
c.* Analytical Monitoring (aka benchmarks) twice per year. Benchmark sampling is not required for facilities in Sectors I, P, R, V, W, X, Z, AB, AC.			
d.* Are monitored discharges within benchmark limits? If not, have actions been taken to improve the quality of discharges?			
e.* Quarterly facility inspections? (applies to all facilities)			
f.* Does the facility maintain and update records as required?			
g.* Does the facility submit DMR's to TCEQ by March 31 of each year for annual hazardous metals, benchmarks and sector specific effluent limits?			
h.* Does the facility maintain a rain gauge on site or utilize one in the immediate vicinity of the site?			
i.* Does the facility, at a minimum, monitor the rain gauge once per week, and once per day during a rain event?			
j.* Does the facility maintain a log for their rain gauge monitoring?			

For facilities covered under the NEC			
80*	Is the facility meeting the requirements of the no exposure certification? http://www.tceq.texas.gov/permitting/stormwater/TX_R05_no_exposure_steps.html		
81*	Does the facility avoid storing any industrial materials or conducting activities in areas exposed to storm water? This includes activities where exposed industrial machinery or equipment at the facility are used, stored or cleaned and areas where residuals are or may be deposited from the usage, storage, or cleaning of industrial machinery or equipment.		
82*	No materials or residuals are on the ground or in storm water inlets from spills/leaks exposed to storm water.		
83*	No materials or products from past industrial activity are exposed to storm water.		
84*	No material handling equipment (except adequately maintained vehicles) is exposed to storm water.		
85*	There are no materials or products during loading/unloading or transporting activities that may be exposed to storm water.		
86*	No materials or products are stored outdoors that may be exposed to storm water. (Exception - final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants).		
87*	No materials are contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers that may be exposed to storm water.		
88*	No materials or products are handled/stored on roads or railways owned or maintained by the operator that may be exposed to storm water.		
89*	There is no waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) that may be exposed to storm water.		
90*	There are no activities including application or disposal of process wastewater that are not otherwise permitted that may be exposed to storm water.		
91*	There is no particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water		
Public Water Supply		Yes	No
			N/A

92	Does the facility use a private well to supply drinking water? If no, questions 93 through 101 will not apply.			
93	Does the facility provide drinking water from a private well to 25 or more people a day for at least 60 days a year?			
94	What type of public water system (PWS) system does the facility have?			
	Transient, non-community -- serves at least 25 people at least 60 days of the year and does not include residential service connections.			
	Non-transient, noncommunity -- serves at least 25 of the same people at least six months out of the year and does not include residential service connections.			
95	What is the water source for the PWS?			
	Groundwater			
	Surface water			
	Groundwater under the influence of surface water			
96*	Is the facility registered with the TCEQ as a PWS?			
97*	Does the facility have a licensed operator? (Transient noncommunity systems are exempt if using groundwater or purchased treated water from another public water system)			
98*	Does the facility conduct monthly microbiological testing ?			
99*	Does the facility conduct chlorine residual testing?			
100*	Does the facility conduct other contaminant testing as required for their system? Which contaminants?			
101*	Does the facility conduct water pressure testing?			
Edwards Aquifer Requirements		Yes	No	N/A
102	Is the facility located over the recharge or transition zone of the Edwards Aquifer? For maps, see: http://www.tceq.texas.gov/field/eapp/vendors.html			
103*	Has the facility submitted a water pollution update and plan?			
EPCRA Regulations				

104	Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) - Requirements, Annual Toxic Release Inventory (TRI) Reporting - Federal and State. If the facility meets all three of the below criteria in a calendar year, the facility is required to report on Form R all of the toxic chemicals that have exceeded the threshold for reporting, all releases and other waste management activities for that toxic chemical.			
	a. Did the facility employ more than 10 full-time employees during the year(s) in question? If less than 10 full-time employees, were there more than 20,000 hours worked collectively by all full-time, part-time and contract employees for the facility? Personnel do not have to be located at the facility itself to be counted.			
	b. Does the Business SIC/NAICS code trigger TRI reporting? For NAICS, go to www.census.gov/eos/www/naics			
	c. During the year in question, did the facility use more than the threshold amounts of a toxic chemical? It should be noted that thresholds for reporting of persistent bioaccumulative toxic (PBT) chemicals are significantly lower than for non-PBTs (see 40 CFR §372.28 for PBT thresholds), and that PBT thresholds are not activity dependent. Usages should only be tabulated and summed in a single TRI activity, i.e., do not add across activities.			
105	That is:			
	i. Did the facility "manufacture" (a covered TRI activity) more than 25,000 pounds of non-PBT toxic chemical, or more than the threshold amount of a PBT chemical?			
	ii. Did the facility "process" (a covered TRI activity) more than 25,000 pounds of non-PBT toxic chemical, or more than the threshold amount of a PBT chemical?			
	iii. Did the facility "otherwise use" (a covered TRI activity) more than 25,000 pounds of non-PBT toxic chemical, or more than the threshold amount of a PBT chemical?			
106*	Does the facility comply with the Texas Department of State Health Services' requirements for Tier II? See http://www.dshs.state.tx.us/tiertwo/default.shtm			
107	Is the facility subject to the Waste Reduction Policy act (WRPA)? See http://www.tceq.texas.gov/p2/P2Recycle/wrpa/wrpa.html			

108*	If yes:			
	a.* Has a Source Reduction Waste Minimization Plan (SR/WM) been developed? (SQGs, LQGs and TRI reporters submit once every 5 years) Plan requirements can be found in the publication Guide to Pollution Prevention Planning at http://www.tceq.texas.gov/publications/rg/rg-409.html			
	b.* Has an Executive Summary of the SR/WM plan and a Certificate of Completeness and Correctness been submitted? (SQGs, LQGs and TRI reporters only)			
	c.* Has an Annual Progress Report been submitted? (SQGs, LQGs and TRI reporters only)			
109*	Does the facility have Material Safety Data Sheets (MSDS) or other information for all chemicals used in the last 24 months?			
110*	Have there been any spills at the facility?			
	*If yes, has the facility taken appropriate reporting and abatement actions?			
111 *	Does the facility practice good housekeeping?			

Multimedia Recordkeeping Review

112	Can the facility demonstrate adequate recordkeeping with all applicable rules and permits? <i>Note:</i> a minimum of 25% of all required records must be reviewed during a site visit. List records reviewed in the comments section.			
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Comments:

[This checklist is for guidance purposes only. It is not a substitute for the rules and regulations. The Small Business & Local Government Assistance \(SBLGA\) Program is an independent section, separate from enforcement of the Texas Commission on Environmental Quality \(TCEQ\). Contact SBLGA on its toll-free hotline 800-447-2827 or on the SBLGA Web site.](#)