

The Advocate

For and about small businesses and local governments affected by environmental regulations

Healthy Environment. Strong Business. Sound Government. Good Sense.

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Texas Legislature Enacts Broad Environmental Statutes

The 77th Texas Legislature that adjourned May 28 enacted wide-ranging environmental laws. Chief among them was House Bill (HB) 2912 by Rep. Fred Bosse, which continues the mission and programs of the Texas Natural Resource Conservation Commission (TNRCC) for another 12 years. The bill establishes some new responsibilities for the agency and requires the TNRCC to craft new policies for handling compliance and enforcement issues.

Lawmakers also passed the Texas Emissions Reduction Plan—Senate Bill (SB) 5 by Sen. J.E. “Buster” Brown—approving a variety of

incentive programs aimed at cutting pollution generated by cars, trucks, and diesel construction equipment.

Funding will come from:

- surcharges on the sale and lease of construction equipment and heavy diesel trucks;
- surcharges on heavy truck registrations;
- higher inspection fees for commercial motor vehicles; and
- increased registration fees on vehicles new to Texas.

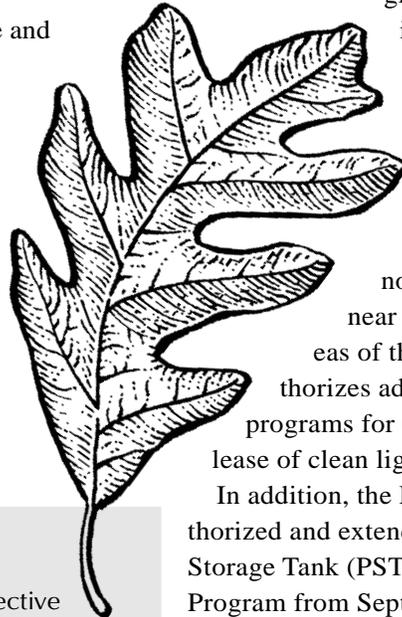
SB 5 also establishes the Diesel Emissions Reduction Incentive Program. This program will provide

grants to offset the incremental costs of projects that reduce air pollution from heavy trucks and construction equipment in nonattainment and near nonattainment areas of the state. It also authorizes additional incentive

programs for the purchase or lease of clean light-duty vehicles.

In addition, the Legislature reauthorized and extended the Petroleum Storage Tank (PST) Remediation Program from September 1, 2003, to September 1, 2006 (HB 2687 by Rep. Rob Junnell). The bill also reauthorizes the PST product delivery fee at a reduced rate, provides for additional progressive fee reductions annually through fiscal year 2007, and adjusts the TNRCC administrative allowance to ensure the recovery of program costs as total annual revenues decrease.

The TNRCC has already begun working on rules to implement these and other directives of the 77th Legislature. Future issues of *The Advocate* will keep you up-to-date on developments and opportunities for comment. ■



TNRCC Reauthorization

This omnibus bill continues the agency for another 12 years. Effective January 1, 2004, the agency is renamed the Texas Commission on Environmental Quality. The bill requires the commission to:

- develop a plan to encourage the use of environmental management systems;
- post public information on the Web, including minutes of advisory committee meetings, permit and enforcement action information, compliance histories, and emissions inventories by county and account;
- establish policies to allow for a timely response to after hours complaints;
- develop a uniform definition of compliance history by February 1, 2002, and a uniform standard for its use; and
- develop a system by September 2002 for using compliance history in enforcement actions, issuance of permits, and development of innovative programs.

The bill also requires that grandfathered facilities be permitted; continues the petroleum storage tank cleanup program and fund until September 2006; consolidates water resource management account fees; and gives the TNRCC additional funding flexibility by authorizing it to transfer appropriations among programs. ■

Rules Roundup: Storm Water Permit, OSSF Delegation, Permit-by-Rule (PBR) Record Keeping

Final Action on the Industrial Storm Water General Permit

On May 23, 2001, TNRCC commissioners approved General Permit No. TXR050000, covering storm water discharges, as well as certain nonstorm water discharges from industrial facilities. TNRCC staff had asked the commissioners to consider certain revisions to the permit that deal with requirements for new discharges to “impaired waters.” These are segments of waterways that are officially recognized as not meeting “fishable and swimmable” uses and requiring cleanup plans.

The final Industrial Storm Water Permit was issued and took effect on August 20, 2001, after the TNRCC and the U.S. Environmental Protection Agency (EPA) reached an agreement on the revision. Facilities that have been covered under the Multi-Sector General Permit (MSGP) of the 1995 National Pollutant Discharge Elimination Systems (NPDES) have 90 days from the issuance date to

submit their notice of intent (NOI) for permit coverage. This 90-day period expires on Monday, November 19, 2001. All other facilities subject to industrial storm water requirements must prepare and implement a storm water pollution prevention plan (SWP3) and submit a NOI as soon as possible.

A copy of the final Industrial Storm Water General Permit, the response to public comments, the NOI, and all other related forms have been posted on the TNRCC Web site at www.tnrcc.state.tx.us. Click on “Index,” then “Industrial Storm Water.”

If you are not sure whether you need a permit or if you have any additional questions, contact the TNRCC’s Storm Water & General Permits Team at 512/239-4433. You can also call the SBLGA hotline at 800-447-2827.

On-Site Sewage Facilities Rules Approved

Rules for on-site sewage facilities (OSSF), more commonly known as septic systems, were amended effective

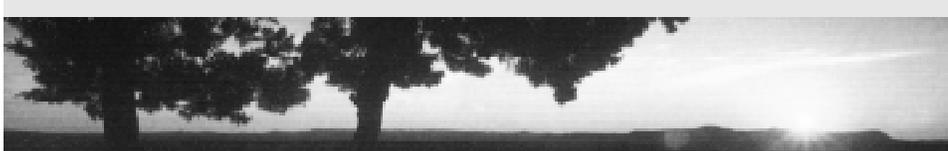
June 13, 2001. The amendments clarify the rules, making them easier to understand and enforce, and rescind the apprenticeship requirement for the Installer I license. The TNRCC made no changes in permitting fees, nor did it institute a charge-back fee.

The agency is currently meeting with stakeholders to develop other options for situations in which there is no authorized agent managing the OSSF program in an area, or the authorized agent has relinquished its authority. The revised rules can be viewed by going to the TNRCC’s Web site, www.tnrcc.state.tx.us, and clicking the letter “O” in the Index. For more information, call the SBLGA hotline at 1-800-447-2827, or the OSSF Program at 512/239-0914.

Permit-by-Rule (PBR) Requirements for Record Keeping Pending

TNRCC commissioners are expected to consider final PBR rules on September 26, 2001. Under the proposed rules, there are different requirements for business owners, depending on the conditions in the PBR under which they operate. If the PBR only names the type of facility and imposes no other conditions, the business owner must only provide the TNRCC, upon request, information that demonstrates compliance.

If the PBR has specific conditions, the business owner must be able to provide records demonstrating compliance with the PBR under which the facility is authorized. The records must be kept on site or in an office in Texas where day-to-day operational control of the plant site is located. All records must prove compliance for any consecutive 12-month period beginning January 1, 2002. Sites considered major or subject to federal requirement must retain records for at least 5 years. Other facilities would have to retain records for 2 years. ■



Are You a Winner?

Does your facility or operation recycle? Have you started an efficient waste-reduction program? Do you organize community events to raise awareness about environmental issues, such as air quality? If you’ve done any of these activities—or other environmental projects—you should consider nominating your business for a Texas Environmental Excellence Award.

These awards, started in 1992, honor those who have created successful programs or projects to preserve and protect the Texas environment. Every business, industry, local government, school, civic organization, and resident of the state of Texas is eligible to apply for an award by undertaking or completing an environmental program or project. Winning projects have included recycling, pollution prevention, waste reduction, environmental awareness, and innovative technology, to name a few.

The applications are available from the Event Coordination and Education Section of the Small Business and Environmental Assistance Division. Call Dana Macomb at 512/239-4745 for an application, or download a copy from www.teea.org. The deadline to submit applications is November 9, 2001. ■

Metal Finishers: Going for the Goal!

Cleaner, cheaper, and smarter: those are the goals of a voluntary environmental stewardship program for metal finishers. The National Metal Finishing Strategic Goals Program (SGP) aims for environmental performance that's "better than compliance."

The targets: improved use of resources, cost-savings, less waste, and fewer unnecessary compliance costs. The tools: customer-oriented compliance assistance,

Cutting emissions can cut costs. If you don't already believe that message, listen to SGP member Paul Morkovsky with Kasper Wire Works in Shiner, Texas. Kasper developed the Kaselco electrocoagulation process to eliminate most of the dissolved solids added by standard waste treatment processes. This process uses electricity and sacrificial steel plates to remove metals and emulsified oils as a stable sludge, which typically passes the TCLP test as nonhazardous. The electrocoagulation process has reduced chemical consumption by 94 percent and sludge generation by 40 percent. It also treats to lower levels than standard processes and at an operating cost far below other technologies.

For more success stories, or to tally your own environmental performance using the metal finishing benchmarking tool, log on to www.strategicgoals.org/bmstart.cfm.

technology development, enhancing operational flexibility, and regulatory reforms that promote innovation. As part of the initiative, for example, the EPA developed a rule to extend the time frame that facilities can store waste on site to encourage recycling and reduce transportation costs for smaller firms.

The program is a partnership of the EPA, state and local governments,

and industry associations, including the Surface Finishing Industry Council, American Electroplaters & Surface Finishers Society, Metal Finishing Suppliers Association, and National Association of Metal Finishers. Some 274 companies are participating, all with their own success stories.

To get involved, log on to www.strategicgoals.org/start.cfm. ■

You Can Call on Us

Confused about environmental regulations?

Concerned about inspections? Who can you turn to for help?

**Call the folks with Small Business and Local Government Assistance
1-800-447-2827**

You can get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the Texas Natural Resource Conservation Commission (TNRCC).

Small Business and Local Government Assistance (SBLGA) works for you by:

- providing local environmental assistance when and where it's needed;
- giving small business and local government a voice in TNRCC rule and policy making; and
- communicating technical information in plain language.

SBLGA is entirely separate from TNRCC's enforcement program.

With SBLGA, you benefit from:

- a toll-free hotline and Web site with answers to technical questions on air, water, waste, and pollution prevention;
- industry-specific compliance guidebooks for metal finishers, printers, dry cleaners, auto body and auto repair shops, and facilities making wood and fiberglass products;
- the *Local Government Guide to the TNRCC* (GI-145), a reference book with plain language environmental information; and
- many more services.

Local Specialists are Ready to Help You!

You've also got free, confidential help right in your back yard. Just check the list below for your local compliance assistance specialist:

Region 1 (Amarillo)

Doug White 806/468-0505

Region 2 (Lubbock)

Celeste Hoehne 806/788-5005

Region 3 (Abilene)

Kara Dudash 915/698-6104

Region 4 (Arlington)

Mike Smithson 817/588-5836
Melinda Houlihan 817/588-5868

Region 5 (Tyler)

Kevin Glanton 903/535-5133
Cynthia Skief 903/535-5158

Region 6 (El Paso)

Pamela Aguirre 915/834-4971

Region 7 (Midland)

Kit Owens 915/620-6116

Region 8 (San Angelo)

Bill Koger 915/481-8061

Region 9 (Waco)

Elaine Alexander 254/761-3044
Trey Buzbee 254/761-3039

Region 10 (Beaumont)

Charlie Adams 409/899-8788

Region 11 (Austin)

Scott Wiedeman 512/491-5504

Region 12 (Houston)

Clarence Gray 713/767-3582
Cynthia Williams 713/767-3549

Region 13 (San Antonio)

Christine Bergren 210/403-4028
Christi Carson 210/403-4039

Region 14 (Corpus Christi)

Glenda Swierc 361/825-3421

Region 15 (Harlingen)

Luis Campos 956/389-7425
Jane Scheidler 956/389-7426

Region 16 (Laredo)

Rolando Gallegos 956/721-8457

UPCOMING EVENTS:

Golden Triangle Small Business Advisory Committee
Beaumont, Sept. 13, Nov. 8, Charlie Adams, 409/899-8788

Waste Management Seminar
Houston, Sept. 25-26, 512/239-3188

Pollution Prevention Workshop
Houston, Sept. 27-28, 512/239-1408

Texas Renewable Energy Roundup
Fredericksburg, Sept. 28-30, 512/345-5446
www.RenewableEnergyRoundup.com

Electronic Reporting Training
Austin; Oct. 5, Nov. 2, Dec. 7; 512/239-6915
www.tnrcc.state.tx.us/permitting/r_e/eval/we/steers.html

Water Quality Seminar
Dallas, Oct. 11-12, 512/239-6333

Pollution Prevention Workshop
Dallas, Oct. 25-26, 512/239-1408

Compliance Advisory Panel
Austin, Nov. 2, Emily Barrett, 512/239-3546

Dallas Small Business Advisory Committee
Nov. 13, Melinda Houlihan, 817/588-5868

Fort Worth Small Business Advisory Committee
Nov. 14, Mike Smithson, 817/588-5836

The Advocate is published bimonthly by the Small Business and Local Government Assistance Program. Comments or suggestions for future articles should be sent to:

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Small Business and Environmental
Assistance Division, MC 106
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Toll Free
1-800-447-2827
(All calls are confidential)
Fax: 512/239-1065

Web Site:
www.tnrcc.state.tx.us/exec/sbea/sblga.html



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RETURN SERVICE REQUESTED

SMALL BUSINESS AND ENVIRONMENTAL
ASSISTANCE DIVISION, MC 106
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
PO BOX 13087
AUSTIN TX 78711-3087



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