



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

BULK RATE
U.S. POSTAGE
PAID
AUSTIN, TEXAS
PERMIT NO. 1967

RETURN SERVICE REQUESTED

Texas Natural Resource Conservation Commission

Small Business **The Advocate**

For and about small businesses affected by environmental regulations

Healthy Environment. Strong Business. Good Sense.

PD-006/00-1

Volume 5, Issue 1 / Winter 2000

Major New Air Pollution Control Strategies in the Works for Texas

On December 16, the TNRCC approved a comprehensive package of proposals to significantly improve air quality in Texas' major metropolitan areas by slashing emissions of nitrogen oxides. Two proposed plans were developed to help the Dallas-Fort Worth and Beaumont-Port Arthur areas meet the federal standard for ground-level ozone. These plans were developed with significant input from representatives of the local communities. A similar plan is in the works for the Houston-Galveston area.

Nitrogen oxide (NO_x) emissions, which come from combustion sources that range from power plants to cars and trucks, were targeted because they form one

class of compounds that react in the atmosphere to form ground-level ozone. The other class of compounds, volatile organic compounds (VOCs), is already heavily regulated in Texas.

To reduce ozone levels in the Dallas-Fort Worth, Houston-Galveston, and Beaumont-Port Arthur areas, a number of large industries will be required to make deep cuts in their emissions of NO_x. But these cuts alone won't be enough to get the job done. Small businesses and individuals may have to make some changes in their everyday activities—changes that, taken together, will make a big difference.

These are a few of the proposals that may affect small businesses:

In Dallas, Tarrant, Denton, Collin, Parker, Hood, Johnson, Ellis, Kaufman, Rockwall, Hunt, and Henderson Counties: more effective vehicle emissions testing, lower speed limits, high-occupancy-vehicle lanes, cleaner gasoline and diesel fuel, a ban on the early-morning operation of diesel-powered construction equipment between April and October, applying California's emissions standards to new "large-spark" gasoline engines (often used in construction equipment), and requiring all heavy-duty

diesel equipment to meet new stringent federal emissions standards.

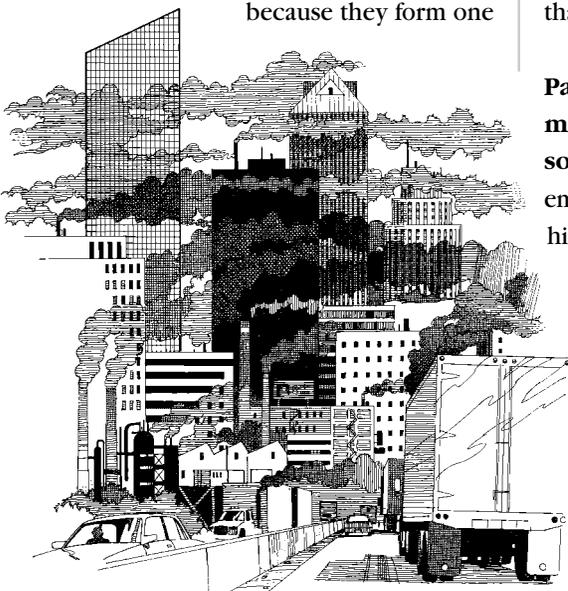
In Harris, Brazoria, Fort Bend, Waller, Montgomery, Galveston, Chambers, and Liberty Counties, more effective vehicle emissions testing, lower speed limits, cleaner gasoline and diesel fuel, possible driving restrictions for individual motorists, a ban on the early-morning operation of diesel-powered construction equipment, and new requirements for shipping and port operations.

In Jefferson, Orange, and Hardin Counties, no proposals directly affect small businesses.

Statewide, the proposals would establish pollution controls on power plants and other major sources of NO_x emissions, including cement kilns, and would allow (1) only cars and trucks that meet stricter air pollution standards to be sold in Texas by model year 2004 and (2) only water heaters with low NO_x emissions to be sold in Texas by 2002.

Following a period of extensive public comment and hearings in the nonattainment areas, the proposals will be submitted to the commission for final approval in March. You may view these proposals on the Web at:

www.tnrcc.state.tx./oprdrules/991216.html



How Do They Affect You?

During the 1999 legislative session, Texas lawmakers focused attention on air quality problems from "grandfathered" facilities. These are facilities that were in operation when the Texas Clean Air Act was passed in 1971 and thus exempted from its permitting requirements. Grandfathered facilities were not required to comply with new permitting procedures mandated under the act so long as they did not make any changes to their operations.

With air quality now a major issue for Texas cities, the 76th Legislature developed incentives for grandfathered facilities to voluntarily comply with state permitting procedures. One of these is the new voluntary emission reduction permit (VERP). For small businesses that consider themselves grandfathered, the VERP program raises some important questions:

Am I Really "Grandfathered"?

Just because you started business before 1971 doesn't mean you're grandfathered. Your facility is considered grandfathered only if:

- it was under construction in September 1971, or
- it was already operating as of that date and since then you or previous business owners have not changed the facility itself, the methods of operation, or the chemicals used.

If you've made changes to stay competitive, you probably needed some kind of TNRCC approval, and a VERP is not for you. If you're in this situation, you do need to seek proper authorization. Call our confidential hot line at 1-800-447-2827.

What Other Conditions Apply?

First off, you must apply for a VERP by August 31, 2001. **Don't make any changes to your facility or operations until your application is approved.** You may be subject to enforcement for unapproved modifications made after March 1, 1999, even if you have submitted an application.

Why Should I Apply for a VERP?

With a VERP, you can make modifications to equipment and operations for which you otherwise would have to obtain a permit. A VERP is more flexible, is less time-consuming, and has lower costs than the normal permitting process. For example, a simpler health effects review may be allowed, and no contested case hearing will be allowed under the VERP program. And although you may have to install some controls to reduce the volume of pollutants you emit, with a VERP, you'll be allowed more flexible control strategies than are normally required by permits. In addition, the VERP application fee for small businesses is only \$100 as compared to the standard \$450 air quality permit application fee.

How Can I Learn More?

For more information on VERPs, call us at 1-800-447-2827 or download the new VERP rules from <http://www.tnrcc.state.tx.us/grandfathered/verpdoc.pdf>.

Dates to Remember

Pull out your calendars and read through this list! We've done our best to compile a list of environmental reporting deadlines and other events of interest to small businesses. Mark down the ones that affect your business. (If a report you must file is not on this list, it may be because few small businesses are required to file that report.)

Unless otherwise stated, these dates are when your report is due to the TNRCC.

January

25: Industrial & Hazardous Waste Annual Waste Summary (paper filers only)

Used Oil Handler (Processor/Refiner) Biennial Report

Used Oil Filter Handler Re-registration

Used Oil Filter Handler Report

Used Oil Collection Center Report

31: Stage II Vapor Recovery Exemption Confirmation Form

March

1: Annual Water Use Report by Water Rights Holders

Industrial & Hazardous Waste Annual Waste Summary Report (electronic filers)

Medical Waste Transporter Annual Waste Report

On-Site Treatment of Medical Waste on Mobile Vehicles Report

Scrap Tire Transporter Annual Activity Report

Scrap Tire Facility and Storage Site Combined Annual Activity Report

April

22: Earth Day celebrated

May

1-3: TNRCC Environmental Trade Fair, Austin

June

15: Sludge Transporter Annual Report

July

1: Deadline for community water systems to distribute consumer confidence reports (on drinking water quality) to their customers

Toxics Release Inventory Form R (due to TNRCC and EPA)

September

1: Water Conservation Plans (for systems with fewer than 10,000 customers)

Drought Contingency Plans (for retail public water suppliers with fewer than 3,300 connections)

29: EPA Industrial Multi-Sector General Stormwater Permit expires (to be replaced by new TNRCC permit now being drafted)

November

15: Texas Recycles Day celebrated

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

The Small Business Advocate Editor
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: http://www.tnrcc.state.tx.us/exec/small_business

UPCOMING EVENTS:

March 14—Visible Emissions Evaluators Course, Austin

March 15—Visible Emissions Evaluators Course, Houston

March 22—Permanent Pollution Prevention Program, Beaumont

April 22—Earth Day

May 1-3—Environmental Trade Fair, Austin

May 10—Fort Worth SBAC

May 23—Dallas SBAC

May 23—Golden Triangle SBAC, Beaumont

