



SMALL BUSINESS AND ENVIRONMENTAL  
ASSISTANCE DIVISION, MC 106  
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T e x a s N a t u r a l R e s o u r c e C o n s e r v a t i o n C o m m i s s i o n

# Small Business *The Advocate*

For and about small businesses affected by environmental regulations

*Healthy Environment. Strong Business. Good Sense.*

PD-006/01-2

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## TNRCC Drafting New Recordkeeping Requirements for Permits by Rule

Facilities that emit low volumes of air contaminants generally do not need to go through the full permitting process. They

are authorized to operate so long as they follow TNRCC rules that list requirements for different types of operations. Such authorization is called a "permit by rule" (PBR).

12 month period. Facilities would have to retain all records for at least five years.

Public comment on the proposed rules will be accepted after proposal, expected in mid-April. Once the rule is proposed, the text can be found on the

### Need More Information on Permits by Rule?

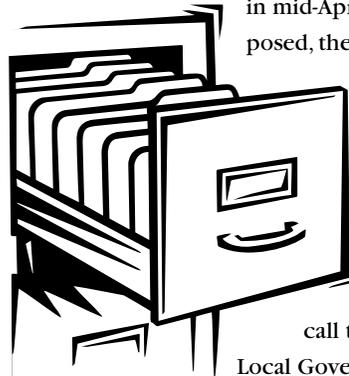
PBR requirements are listed in the Texas Administrative Code (TAC), at 30 TAC 106. General conditions for all PBRs are listed at 30 TAC 106.4. Subsequent sections contain additional specific requirements by type of facility.

Types of operations for which TNRCC has written specific PBRs are:

- Domestic and comfort heating and cooling*
- Analysis and testing*
- Aggregate and pavement*
- Animal confinement*
- Combustion*
- Concrete batch plants*
- Manufacturing*
- Food preparation and processing*
- Feed, fiber, and fertilizer*
- Metallurgy*
- Mixers, blenders, and packaging*
- Oil and gas*
- Plant operations*
- Plastics and rubber*
- Service industries*
- Surface coating (including autobody)*
- Surface preparation*
- Tanks, storage, and loading*
- Thermal control devices*
- Turbines and engines*
- Waste processes and remediation*

TNRCC plans to propose that operators of facilities with PBR authorization maintain records sufficient to show that they meet all appropriate PBR conditions, both general and specific.

Under the draft proposal, records would have to show compliance with PBR conditions for any consecutive



TNRCC's web site: [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us). Click on "Rules," then click on "Proposals and Adoptions" and scroll to find "Permits by Rule."

For more information, call the Small Business and Local Government Assistance Section at 1-800-447-2827. ■

## TNRCC Issues

### New Storm Water Discharge Permit

Is your business subject to the new Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit? The permit covers industries within certain SIC codes, as well as other facilities where processes or materials are exposed to storm water (see box on other side).

Standard industrial classification (SIC) codes classify establishments by their primary type of activity. If state records have you in the wrong SIC code, call the Comptroller's Office at 1-800-252-5555 to correct the error.

All affected facilities must submit to the TNRCC a Notice of Intent (NOI) to comply with permit requirements. These requirements include developing and implementing a storm water pollution prevention plan, complete with control measures, best management practices, and regular monitoring. The General Permit also specifies limits on effluents that may be discharged by various industrial practices. However, if none of your industrial materials or processes are exposed to precipitation or runoff, you may file a "certificate of no exposure" to comply with the storm water regulations.

*(continued on other side)*

The Texas General Permit replaces a General Permit previously administered by the U.S. Environmental Protection Agency. The new General Permit is scheduled to be issued this spring. Facilities authorized under the EPA General Permit have 90 days to submit an NOI after the new General Permit is issued. Facilities that need a storm water permit but don't have one should submit an NOI as soon as possible after the new Texas General Permit is issued.

Workshops on the TPDES General Permit will be held across the state. For details on the permit and schedules for the workshops, log on to [www.tnrcc.state.tx.us/permitting/waterperm/wwperm/tpdestorm.html](http://www.tnrcc.state.tx.us/permitting/waterperm/wwperm/tpdestorm.html).

For direct assistance, call the storm water permit hotline at 512/239-3700 or Small Business and Local Government Assistance at 1-800-447-2827. ■

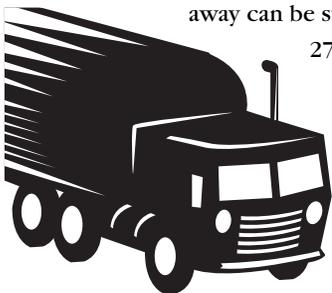
## Waste Recycling Makes \$ense for Electroplaters

A new rule effective this spring allows metal finishers and other similar facilities more flexibility to store certain sludges if they recycle those wastes. Under a new TNRCC rule, "F006" wastes - such as filter press and evaporator sludges-can be accumulated for up to 180 days without a hazardous waste permit *as long as* they are destined for a metals recovery facility. Normally, such wastes can be stored for only 90 days without a permit.

F006 is a hazardous waste category under federal regulations. F006 sludges are a by-product of treating water used in electroplating processes.

F006 wastes that will be transported to a recycling facility located more than 200 miles away can be stored without a permit for an additional 90 days, up to 270 days total. The new rule should help lower costs of transporting F006 wastes. Most metal finishers do not generate a truckload of F006 sludge within 90 days.

Keep in mind that this regulatory flexibility is only allowed when certain pollution prevention practices are implemented. Call Small Business and Local Government Assistance at 1-800-447-2827 for more information. ■



## Do You Need a Storm Water Permit?

A variety of small businesses are subject to storm water discharge rules, including:

- asphalt paving and roofing materials*
- auto salvage yards*
- concrete products*
- electronic and photographic equipment*
- fabricated metal products*
- glass manufacturing*
- hazardous waste storage or disposal*
- leather tanning and finishing*
- metal finishing*
- millwork facilities*
- nonferrous facilities*
- plastics molding*
- sewage treatment plants*
- scrap recycling facilities*
- smelting operations*
- wood preserving*



## "Small Business Day" at the Capitol

The TNRCC Small Business and Local Government Assistance program is co-sponsoring a "Small Business Day" at the capitol on March 29, 2001. This one-day event will call attention to the concerns of small businesses and provide an opportunity for interaction between legislators, public officials, and small business owners. For registration information, call 1-800-460-2448. ■

## TRI Update

The Environmental Protection Agency has issued three new rules affecting Toxics Release Inventory (TRI) reports:

- Phosphoric acid, commonly used in fertilizers, has been deleted from the list of chemicals that must be reported on the TRI. Facilities do not have to report releases of or other waste management activities involving phosphoric acid beginning with the 1999 reporting year. This rule comes in response to a district court ruling that phosphoric acid did not meet TRI listing criteria.
- TRI reporting requirements have been lowered for 18 persistent bioaccumulative toxic chemicals (PBTs). These are chemicals that remain in the environment for extended periods of time and concentrate in the organisms exposed to them. The list includes chlordane, dioxin, mercury, and PCBs, among others. Manufacturing, process, and use thresholds for all PBTs have been lowered to 100 pounds; the threshold for those PBT chemicals that are highly persistent and highly bioaccumulative has been lowered to 10 pounds. The threshold for dioxin and dioxin-like compounds is 0.1 gram. This rule applies to TRI reports due July 1, 2001.
- The annual TRI reporting threshold for lead and lead compounds has been lowered to 100 pounds. Previously, facilities were required to report lead and lead compound releases only if they manufactured or processed more than 25,000 pounds annually or used more than 10,000 pounds annually. This rule applies to TRI reports due July 1, 2002. ■



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## UPCOMING EVENTS:

**Permanent Pollution Prevention Program (P4) Workshop** (512/239-3100)  
Houston: March 14

**Small Business Advisory Committee Meetings**  
Dallas: May 8 • Fort Worth: May 16 • Beaumont (Golden Triangle): May 24 • Houston: June 7

**TNRCC Trade Fair**  
April 30 - May 2, Austin Convention Center

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

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**Toll Free 1-800-447-2827**  
(All calls are confidential)

**Fax: 512/239-1065**

**Web Site:**  
[www.tnrcc.state.tx.us/exec/sbea/smallbus.html](http://www.tnrcc.state.tx.us/exec/sbea/smallbus.html)

