

The Advocate

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

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SBLGA Expands Services, Outreach Activities In FY 2002

Technical assistance, regulatory compliance, news, and information alerts – the Small Business and Local Government Assistance (SBLGA) section did it all in 2002. SBLGA worked hard to ensure that small businesses and local governments stay aware of changing environmental responsibilities and remain compliant with regulations. In fiscal year 2002, SBLGA staff responded to more than 6,300 inquiries via the toll-free hotline or in-office visits, initiated more than 800 contacts to local governments and small businesses, and made more than 180 presentations on complying with environmental regulations to over 6,000 attendees.

Following are highlights of specific SBLGA achievements in the past year.

Technical Help

SBLGA's Site Visit Program moved into high gear in FY 2002, with 346 visits conducted, an increase of more than 50 percent over FY 2001. The program also issued Compliance Commitment (C²) Partnership certificates to 17 facilities where follow-up visits indicated that all compliance deficiencies had been corrected. The certificate exempts C² partners from routine annual, scheduled Texas Commission on Environmental Quality (TCEQ) inspections for one year.

The EnviroMentor Program also expanded significantly. SBLGA recruited 10 new EnviroMentors, boosting the number to 84 volunteers providing free, specialized, technical assistance to small businesses and local governments. In fiscal year 2002, engineers, attorneys,

and other consultants donated 465 hours of their time, valued at almost \$35,000.

SBLGA staff made the circuits, hosting more than 80 "road shows" for local governmental representatives and nonprofit organizations across the state. These forums were designed to raise awareness of environmental issues and requirements that affect their constituents, as well as their own operations. Each road show is tailored to include an emphasis on regional issues, from outdoor burning in rural areas to nonattainment issues in major metropolitan areas of the state.

The Local Government Advisory Council (LGAC), formed in FY 2001, added 50 new members and now totals 202. Regular *LGAC Updates* help keep members informed of regulatory developments.

Regulatory Compliance

Outreach on specific regulatory issues remains a core SBLGA function. In FY 2002, SBLGA focused on:

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Information, Please!

SBLGA produced a record number of new publications in FY 2002. Three detailed environmental guides:

- *Environmental Guide for Texas Foundries* (RG-387)
- *Environmental Guide for Texas Printers* (RG-392)
- *Environmental Guide for Texas Surface Coaters* (RG-404)

Four technical guides targeted to specific issues:

- *MACT Standards for Chromium Electroplaters and Anodizers* (RG-402)
- *Answers to Common Questions about Waste from Grease Traps, Grit Traps, and Septic Tanks* (RG-389)
- *Let's Tackle the Grease in This Kitchen* (GI-290)

- *Tool Kit of Resources on Managing Municipal Solid Waste* (GI-294)

New brochures to describe our services:

EnviroMentor Brochures:

- *Volunteer to Lend a Helping Hand as an EnviroMentor* (GI-292)
- *Get a Helping Hand from an EnviroMentor* (GI-293)

TCEQ's Site Visit Program: Free Help Meeting Environmental Rules (GI-291)

To order these publications, call our Publications Department at 512/239-0028 or visit www.tceq.state.tx.us and under the "Site Navigation" bar, click on the link "Forms and Publications." ■

2002 Rule Roundup

FY 2002 saw a number of new rule packages, as the agency worked to implement mandates from the last legislative session. SBLGA tracked 49 separate rules last year and informed small businesses and local governments about opportunities to comment.

Here are summaries of new rules that directly affect small businesses and local governments. For more details, consult the index in this issue.

- **Compliance History as a Factor in TCEQ decisions.** A facility's history of compliance with environmental regulations is now a major consideration for the TCEQ in decisions on permitting, enforcement, inspections, and participation in innovative programs. The rules define three classifications — high, average, or poor performer — based on the number of points assigned to a facility. Point values are based on records of major, moderate, or minor violations at a

site and the types of enforcement actions that took place. **A facility designated as a poor performer may be reclassified by the TCEQ because of positive “mitigating factors.” One of these positive “mitigating factors” is participation in the SBLGA Compliance Site Visit Program.** Additionally, if a TCEQ-approved environmental management system (EMS) is in place for over a year, the site's compliance history score is improved by 10 percent.

Also, the Executive Director has discretion in “repeat violator” categorizations. This should help ensure that small businesses and local governments with only a few violations are not categorized as “poor performers.”

- **PBRs: Registration Fees and Record-Keeping Rules.** Facilities registering air permits by rule

(PBRs) after November 1, 2002, will be required to pay a fee. Small businesses (100 or fewer employees) and small cities, counties, and school districts (population of 10,000 or fewer people) are eligible for the \$100 fee, while larger facilities pay \$450.

In addition, facilities operating under a PBR must keep records

New Name, Same Agency

The TNRCC is now the Texas Commission on Environmental Quality (TCEQ). The name change does not affect the commission's authorities, responsibilities, rules, or procedures.

SBLGA Expands... *continued from page 1*

- **Expiring wastewater permits.** Facilities that unknowingly allow a permit to expire face penalties and must go through a full re-permitting process, including public notice, updated engineering plans, and the potential for more stringent standards. As an ongoing project, SBLGA informs local governments and small businesses when their wastewater permits are within 30 to 60 days of expiring and assists them in taking immediate action to renew permits. In FY 2002, 208 of 244 facilities we called successfully renewed their permits.
- **Solid waste management.** SBLGA developed the *Tool Kit of Resources on Managing Municipal Solid Waste* (GI-294). This handy booklet and companion Web page feature a variety of tools for promoting proper disposal of municipal solid waste. The tool kit will be mailed to every Texas county and city in October.

SBLGA also developed a postcard listing requirements for properly disposing of construction and demolition waste. The postcard was mailed to more than 3,500 businesses in the construction industry.

- **Liquid waste from grease traps, grit traps, and septic tanks.** SBLGA expanded this ongoing project to new areas of the state, holding five full-day workshops and providing assistance to regional entities in educating food-service businesses on operating and maintaining grease traps. The efforts have paid off big: six entities have implemented or modified their grease management programs, and two have developed ordinances to reduce the incidence of sanitary sewer overflows due to grease buildup. SBLGA has just developed a kitchen practices poster in English and Spanish—*Let's Tackle the Grease in This Kitchen* (GI-290)—that communities can distribute to restaurants.
- **Fleet maintenance to improve air quality.** With TCEQ Pollution Pre-

vention staff, SBLGA developed and presented five full-day workshops on environmental compliance and pollution prevention options for fleet operations. The workshops, which attracted over 500 small business owners and local government officials, were held in Texas cities facing air quality issues: Houston, Dallas, Fort Worth, San Antonio, and Austin. Major employers and governmental entities in the communities partnered with SBLGA on the workshops.

- **Storm water permitting to protect water quality.** FY 2002 began as the TNRCC issued its new Texas Pollutant Discharge Elimination System (TPDES) general permit for discharges from industrial activity. Coming on its heels are general permits for construction sites and small regulated municipal separate storm sewer systems (MS4s). SBLGA assisted 900 callers with storm water questions. In addition workshops and seminars containing storm water permitting information were held, reaching approximately 700 people. ■

showing that they are complying with all requirements. In most cases only normal business records are required to prove that the conditions of the PBR are met. Facilities subject to federal recordkeeping requirements must keep such records for five years; all others must keep the records for two years.

Facilities also must keep records documenting air emissions from routine maintenance, start-up and shut-down activities, and temporary maintenance facilities authorized by PBR.

- **On-Site Sewage Facility Charge-Back Fee.** Local governments are now subject to a charge-back fee if their status as an Authorized Agent for on-site sewage facilities (OSSF) is revoked by the TCEQ or relinquished by repeal of the order, ordinance, or resolution that established the authorization. The charge-back fee will not be assessed if the Authorized Agent relinquishes its authority because of material changes

in the OSSF rules. The fee is based on the agency's administrative costs and may not exceed \$500 per OSSF permit.

- **Incentives for Environmental Management Systems.** Small businesses and local governments using Environmental Management Systems (EMS) are now eligible for a host of regulatory incentives, including greater flexibility in meeting state or federal regulatory requirements, on-site technical assistance, accelerated access to program information, fewer compliance inspections, and potential reclassification in certain compliance history rating cases.
- **Grandfathered Facilities Required to Register.** Grandfathered facilities — sites that have been exempt from air permitting rules because they existed before the Texas Clean Air Act was created — must obtain permits or shut down. Specific deadlines vary according to the type of facility and location. ■

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)

Mandy Ellifritz 915/698-6104

Region 4 (Dallas/Ft. Worth)

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
Polly Porter 254/761-3039

Region 10 (Beaumont)

Charlie Adams 409/899-8788

Region 11 (Austin)

Scott Wiedeman 512/239-7015

Region 12 (Houston)

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

Region 13 (San Antonio)

Christine Bergren 210/403-4028

Region 14 (Corpus Christi)

Glenda Swierc 361/825-3421

Region 15 (Harlingen)

Jane Scheidler 956/389-7426

Region 16 (Laredo)

Carmen Ramirez 956/721-8457

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

www.tnrcc.state.tx.us/exec/sbea/sblga.html

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

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 TCEQ rule and policy making; and
- communicating technical information in plain language.

SBLGA is entirely separate from TCEQ'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.

UPCOMING EVENTS:

Fleet Operation Workshop

Tyler, Oct. 29, 2002; Cynthia Skief, 903/535-5158

Small Business Advisory Committee (SBAC)

Dallas, Oct. 29, 2002; Melinda Houlihan, 817/588-5868

State Small Business Compliance Advisory Panel (CAP)

Austin, Nov. 1; Christi Townsend, 512/239-2213

Hazardous Waste Record Keeping and Reporting Workshop

Ozona, Nov. 7, 2002; Bill Koger, 915/481-8061

Basic Rule Training

San Antonio, Nov. 7, 2002; Houston, Nov. 13, 2002; Emily Barrett, 512/239-3546

Advanced Rule Training

San Antonio, Nov. 8, 2002; Emily Barrett, 512/239-3546

Texas Environmental Excellence Awards Applications

Due Nov. 8, 2002, Register on-line at www.teea.org, Ted Hazen 512/239-3161

Small Business Advisory Committee (SBAC)

Fort Worth, Nov. 13, 2002; Mike Smithson, 817/588-5836

Industrial Pretreatment Seminar

San Antonio, Nov. 14, 2002; Mike Harris, 210/821-5466

Air Permitting Seminar

Houston, Nov. 20-21, 2002; Sue Phillips, 512/239-6307

Small Business Advisory Committee (SBAC)

Golden Triangle, Beaumont, Nov. 21, 2002; Charlie Adams, 409/899-8788

UST Management & Compliance Assistance Seminar

Austin, Dec. 1-2, 2002; Diane Stallings, 512/239-6333

Small Business Advisory Committee (SBAC)

Houston, Dec. 5, 2002; Clarence Gray, 713/767-3582

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

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Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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



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