

# The Advocate

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

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## Improving Our Enforcement Process

The Texas Commission on Environmental Quality (TCEQ) wants to know if it is enforcing environmental laws fairly, effectively, and swiftly, and we need your input. "To improve the process, it is critical that we hear the public's views on how we can better enforce the state's environmental laws," said the TCEQ Chairman Kathleen Hartnett White.

Want to comment on the TCEQ enforcement process? Recommendations for improving the process will be posted on the agency Web site on August 20. You are invited to review and comment on these suggestions until Sept. 17.

Your voice really can make a difference in TCEQ policy. Please take a few moments to let us know what you think. ■

## Sound Off

You can speak directly to the TCEQ commissioners about agency business for three minutes during any work session in Austin. The next work sessions are tentatively scheduled for August 13, September 17, and October 15. For more information, visit [www.tnrcc.state.tx.us/comm/agendas/wsessagn.html](http://www.tnrcc.state.tx.us/comm/agendas/wsessagn.html) or call Forrest Brooks at 512/239-0578.

If you can't make it to Austin, you may want to ask your trade association representative to speak for you, or you may write a letter to Chairman Kathleen Hartnett White, Commissioner Ralph Marquez, and Commissioner Larry Soward at Mail Code 100, TCEQ, PO Box 13087, Austin, TX, 78711-3087. ■

## Help Us Make the Rules

You can help shape the rules that we make. Why not join a stakeholder group, participate in a public hearing, or send us a comment letter? Here's how...

Before you can comment on a proposed rule, you need to know that it is in the works. Besides reading *The Advocate*, here are some ways that you can stay up to date:

- **Attend a TCEQ regulatory forum** on the second Thursday of each month (except for July and December.) Visit [www.tnrcc.state.tx.us/oprd/forum.html](http://www.tnrcc.state.tx.us/oprd/forum.html) for descriptions of upcoming forum topics.

- **Look at the TCEQ Rule Projects Web page** at [www2.tceq.state.tx.us/rules/](http://www2.tceq.state.tx.us/rules/) and click on

"sorted by media."

You will find a complete list of active rule projects and a short description of each proposed change.

- If you are a member of a trade association, **stay in touch.** They should let you know when the TCEQ proposes a rule that could affect you.

Once you know that the TCEQ is working on a rule that you're interested in, you can:

- **Join a Stakeholder Group.** All of the TCEQ's advisory groups are

listed on the Web site. Go to [www.tceq.state.tx.us/nav/advise/index.html](http://www.tceq.state.tx.us/nav/advise/index.html) and click on "Rule-making Advisory Groups" to learn more about the many stakeholder groups giving their input on TCEQ rules.

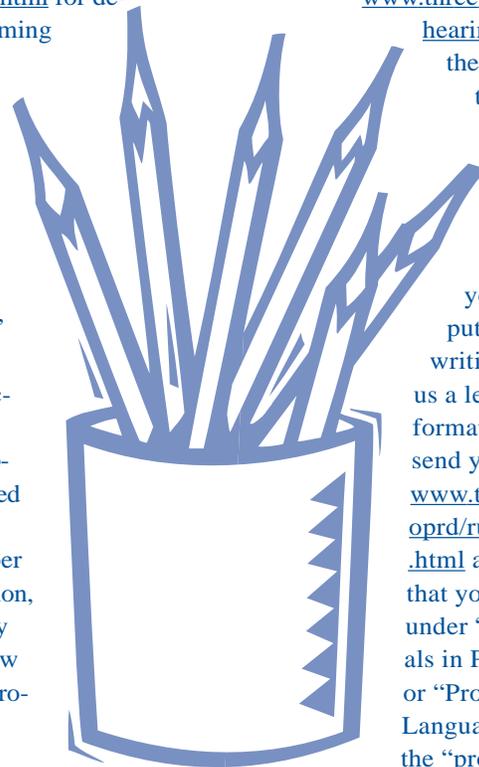
- **Participate in Public Hearings.** The TCEQ schedules public hearings around the state so that you can tell us what you think about proposed rules. You can find information on our Web site at

[www.tnrcc.state.tx.us/oprd/hearings.html](http://www.tnrcc.state.tx.us/oprd/hearings.html). Check

the site regularly so that you don't miss any hearings in your area.

- **Send Comment Letters.** If you would rather put your ideas in writing, you can send us a letter. To find information on where to send your letter, visit [www.tnrcc.state.tx.us/oprd/rules/propadop.html](http://www.tnrcc.state.tx.us/oprd/rules/propadop.html) and find the rule that you're interested in under "Pending Proposals in Plain Language" or "Proposals in Plain Language." Click on the "proposal" link in

the right column, which will open an electronic file of the rule. Scroll down the document until you find the "Submittal of Comments" section.



# Auto Body Shops: Are You Breaking the Rules?

Some of the most common rule violations by auto body shops are:

## Waste

- **Failure to perform a hazardous waste determination.** All waste must be evaluated to see if it is hazardous. See *Guidelines for the Classification and Coding of Industrial and Hazardous Wastes (RG-022)* and *Hazardous Waste Rules and Regulations for SQGs (RG-234)*, or visit [www.sblga.info](http://www.sblga.info) and click on “Waste Designation Decision Matrix.”
- **Failure to document a waste determination.** Keep records of your decision making process and of all supporting lab results for three years after the waste is no longer generated or stored or until site closure.
- **Failure to properly label and mark containers storing hazardous waste.** Label each container with the words “Hazardous Waste” and mark the date that the container first became full and/or was moved into storage.
- **Failure to keep hazardous waste containers closed.** Containers must be kept closed except when adding or removing hazardous waste.
- **Failure to properly complete or use a “Uniform Hazardous Waste Manifest.”** All hazardous waste shipments must be accompanied by a manifest. Keep your copies for at least three years.
- **Failure to dispose of waste properly.** Make sure to use a registered transporter who will take your waste (including used oil, filters, and tires) to an authorized facility.
- **Failure to properly label and store universal waste, or failure to document universal waste management.** See *Managing Paint and Paint-Related Waste under the Universal Waste Rule (RG-370)*.

## Air

- **Operating without an air authorization.** Make sure that

you qualify for and have applied for an air authorization such as permit by rule 106.436. Send a copy of your registration, such as your PI-7-124, to your regional TCEQ office.

- **Failure to not follow the requirements of an air authorization.** Be sure to always meet all of the conditions in your authorization, including material use limits and cleanup guidelines.
- **Failure to keep good records.** Keep records that are detailed enough to show that you are

meeting your air authorization’s requirements. This includes keeping monthly records of paint and solvent purchases, as well as copies of all material safety data sheets (available from your paint supplier).

- **Using noncompliant coatings.** All paints must meet the volatile organic compounds limits of your air authorization.
- **Creating a nuisance.** Avoid odors and don’t let overspray leave your building. Replace booth filters as necessary.

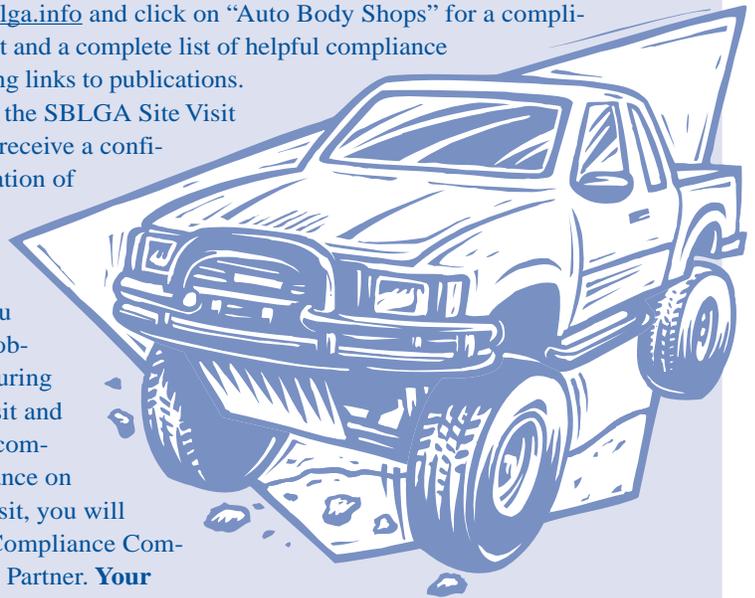
## How do you know if your auto body shop is following all of the rules?

### Turn to these resources for help:

- Visit [www.sblga.info](http://www.sblga.info) and click on “Auto Body Shops” for a compliance checklist and a complete list of helpful compliance tools, including links to publications.
- Participate in the SBLGA Site Visit program and receive a confidential evaluation of your site’s environmental compliance. If you correct all problems found during this initial visit and demonstrate complete compliance on a followup visit, you will qualify as a Compliance Commitment (C2) Partner. **Your reward? A one-year waiver of scheduled inspections by the TCEQ, the EPA, and local enforcement programs** in Houston, Harris County, Galveston, Dallas, El Paso, and Fort Worth.
- Implement an environmental management system (EMS). *A Guide to Developing an Environmental Management System for a Small Business (GI-304)* describes the typical structure of an EMS and could give you ideas to put in place at your site. Among other benefits, an EMS often results in better environmental performance.

An updated version of *An Environmental Guide for Texas Auto Body Shops* will be available this fall. This book will guide you through all of the TCEQ regulations for body shops. We will announce the date of publication and ordering information in a future newsletter.

For more information on auto body shop regulations, contact your local SBLGA compliance assistance specialist. ■



# What's New With TCEQ Rules?

## *Recyclers and Composters*

A proposed rule to implement HB 1823 would require certain recyclers that pose a significant risk or store combustible materials outdoors (including mulching and composting operations) to maintain sufficient financial assurance to properly operate and close their facilities. The rule is expected to be adopted this summer and go into effect this fall. For more information, contact Alan Watts at 512/239-6742 or Arthur Denny at 512/239-6610.

## *Air Permits by Rule*

These air authorizations for small sources of pollution are undergoing a phased review over the next few years.

In Phase I of the study, TCEQ stakeholder input helped create new and significantly improved rules for **trench burners, incinerators, and soil and water remediation activities**. These rules went into effect June 30.

Phase II of the study, now underway, will focus on general permits by rule. In addition, it will address the general criteria that apply to all permits by rule.

## *Concrete Batch Plants*

A new standard permit, which should be available early this fall, will let concrete batch plants bypass the contested public hearing process if they use extra emissions controls. The old standard permit, which became effective in September 2003, will still be available.

## *Municipal Solid Waste Rules*

The TCEQ is opening and revising the rules that govern the permitting, siting, construction, operation, and monitoring of municipal solid waste (MSW) facilities in Texas. If you would like to comment on the rules, please send an e-mail to [mswrules@tceq.state.tx.us](mailto:mswrules@tceq.state.tx.us). Visit [www.tnrcc.state.tx.us/permitting/wasteperm/mswperm/msw\\_ch330\\_advdp.html](http://www.tnrcc.state.tx.us/permitting/wasteperm/mswperm/msw_ch330_advdp.html) for more information.

## *Dry Cleaners*

Dry cleaners may again pay next year's registration fees in quarterly installments, as they did this year. Also, renewals will only be issued to those dry cleaners who have paid this year's fees in full. ■

## Local Specialists are Ready to Help You!

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

### **Region 1 (Amarillo)**

Ross Muir 806/468-0505

### **Region 2 (Lubbock)**

Celeste Hoehne 806/788-5005

### **Region 3 (Abilene)**

Mandy Ellifritz 325/698-6104

### **Region 4 (Dallas/Ft. Worth)**

Mike Smithson 817/588-5836

Sandra Calderon Garcia 817/588-5868

### **Region 5 (Tyler)**

Kathy Bell 903/535-5158

### **Region 6 (El Paso)**

Pamela Aguirre 915/834-4971

### **Region 7 (Midland)**

Kit Owens 432/620-6116

### **Region 8 (San Angelo)**

George Ortiz 325/481-8061

### **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

Lynn Lindsay 210/403-4039

### **Region 14 (Corpus Christi)**

Glenda Swierc 361/825-3421

### **Region 15 (Harlingen)**

Neftali Buenrostro 956/389-7426

### **Region 16 (Laredo)**

Carmen Ramirez 956/721-8457

## UPCOMING EVENTS

### **Small Business Advisory Committees (SBAC) Meetings**

Sept. 9, Beaumont, Small Business Advisory Committee, Charlie Adams, 409/899-8788

Sept. 21, Dallas, Small Business Advisory Committee, Sandra Calderon Garcia, 817/588-5868

Sept. 22, Houston, Small Business Advisory Committee, Cynthia Williams, 713/767-3549

October 20, Fort Worth, Small Business Advisory Committee, Mike Smithson, 817/588-5836

### **RCRA Record Keeping Workshop**

August 11, Houston, Elizabeth Guynn, 713/920-2831

### **Construction Storm Water Workshop**

July 29, Bryan/College Station, Kim Jacobs, 979/846-1420

### **Texas Recycling and Sustainability Summit**

September 26-29, San Antonio, Cis Myers, Recycling Alliance of Texas, 512/473-3217

### **Heart of Texas Environmental Health & Safety Conference**

August 19-20, Waco, Jerry Atlas, 800-792-8784, ext. 3023

### **Texas Emissions Reduction Plan (TERP) Grant Workshops**

August, various dates and cities, visit [www.terpgrants.org](http://www.terpgrants.org) or call 800-919-TERP

# The Advocate

The Advocate is published quarterly by the Small Business and Local Government Assistance (SBLGA) Program of the Texas Commission on Environmental Quality (TCEQ).

## YOU CAN CALL ON US

Get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the TCEQ.

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.**

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**Toll Free and Confidential**

**1-800-447-2827**

**on the Web at [www.sblga.info](http://www.sblga.info)**



The TCEQ is an equal opportunity/affirmative action employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation or veteran status. In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the TCEQ at 512/239-0028, Fax 512/239-4488 or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-3087.

RETURN SERVICE REQUESTED

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ASSISTANCE DIVISION, MC 106  
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