

# The Advocate

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

PD-006/04-04

Volume 9, Issue 4 / October - December 2004

## Improving Environmental Compliance Statewide

The TCEQ's Small Business and Local Government Assistance (SBLGA) program helps you stay up to date and in compliance with environmental rules. In fiscal year 2004, SBLGA staff spoke with thousands of small business representatives and local government officials in response to approximately 6,700 requests for environmental assistance.

### *Compliance Assistance Works!*

In addition to providing one-on-one assistance, SBLGA launches special initiatives to help specific groups meet their environmental responsibilities. Success stories for FY04 include:

- Informing almost 200 local governments and small businesses of the advantages of renewing their wastewater permits in a timely manner. Unauthorized discharges due to an expired permit can result in fines over \$10,000. More than 85 percent of those contacted renewed their permit in a timely way.
- Informing cotton gins of a statutory deadline to submit a permit application for a "small business stationary source." As a result of SBLGA outreach, the number of cotton gins with air permits doubled so that over 94 percent of the facilities are permitted.
- Contacting petroleum storage tank (PST) owners to explain the certification rules. In the Harlingen region, our assistance brought 95 percent of the contacted PST sites into compliance.
- Assisting dry cleaners in Houston to achieve compliance with air rules. This outreach resulted in full

compliance when 75 sites were investigated by a local air enforcement program.

- Providing compliance checklists to help 63 public water systems in the Harlingen and Laredo regions significantly improve their compliance as evidenced by investigation results.
- Helping equip small businesses and local governments to comply with regulations by offering tools such as:
  - a model storm water pollution prevention plan,
  - a poster with tips to reduce emissions from surface coating operations, and
  - a new compliance checklist for salvage yards.
- Partnering with local groups to clean up and prevent the spread of illegal dump sites. Cleanup efforts in the El Paso area collected 65 tons of trash and 400 tires, and triggered the voluntary cleanup of hazardous waste by the responsible party.

One way to take advantage of SBLGA's services is through the Site Visit Program, which provides an evaluation of a site's environmental compliance. After a business or government corrects any problems found during the initial site visit, a second site visit is conducted to determine complete compliance and demonstrate eligibility for

the Compliance Commitment (C2) Partnership. In fiscal year 2004:

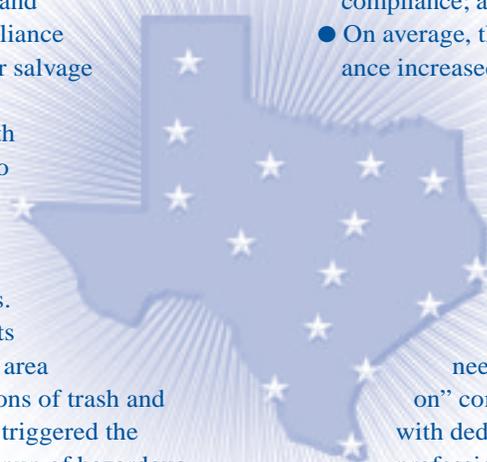
- More than 330 site visits were conducted for 250 small businesses and local governments; and
- 70 sites showed complete compliance and became C2 partners, earning a one-year exemption from scheduled inspections by TCEQ, EPA, and local enforcement programs in Houston, Galveston, Pasadena, Dallas, Fort Worth, and El Paso.

Of the 154 sites who had both a first and second visit:

- More than 130 showed a significant improvement in compliance; and
- On average, the rate of compliance increased by approximately 60 percent.

Another service SBLGA offers is the EnviroMentor program. SBLGA staff match small businesses and local governments needing detailed "hands on" compliance assistance with dedicated environmental professionals who volunteer their time. Last year, EnviroMentors volunteered over 750 hours helping 40 small businesses and local governments. If paid out of pocket, this assistance would have cost approximately \$77,000.

For more information on SBLGA projects, as well as tools especially designed to help small businesses and local governments improve compliance, visit our Web site at [www.sblga.info](http://www.sblga.info). ■

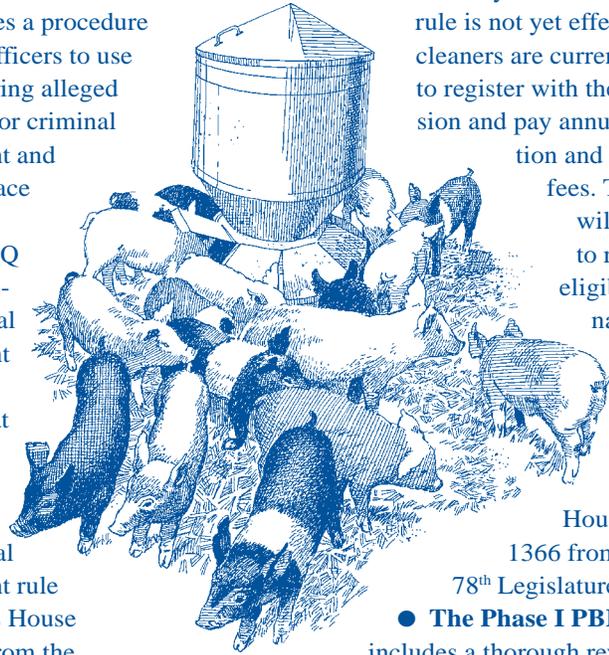


# Rules Roundup: Confined Animal Feeding Operations, Criminal Enforcement, Dry Cleaners, Phase I PBR Study, Rock Crushers, and TERP

SBLGA tracks new rules that have the potential to affect small businesses and local governments. Here are brief summaries of some of the new rules that could affect your business.

● **Concentrated Animal Feeding Operations (CAFO)** - the new rules, which became effective July 15, 2004, require that manure, litter, and wastewater be properly utilized in a beneficial manner. The rules allow the discharge of manure, litter, or wastewater only from certain CAFOs under certain conditions. The CAFO general permit which became effective on July 20, 2004, provides an alternative means, other than an individual permit, for CAFOs to obtain coverage. For more information, contact the TCEQ Land Applications Team at 512/239-4710 or go to [www.tnrcc.state.tx.us/permitting/waterperm/wwperm/cafo.html](http://www.tnrcc.state.tx.us/permitting/waterperm/wwperm/cafo.html).

● **The Criminal Enforcement Rule** - applies to criminal prosecution of alleged environmental violations. It establishes a procedure for peace officers to use when referring alleged violations for criminal enforcement and requires peace officers to obtain TCEQ approval before criminal enforcement is pursued for sites that hold a TCEQ permit. The criminal enforcement rule implements House Bill 1265 from the 78<sup>th</sup> Legislature.



● **The Dry Cleaner Rule** - creates new fees and performance standards for dry cleaners. While this rule is not yet effective, dry cleaners are currently required to register with the commission and pay annual registration and solvent fees. These fees will be used to remediate eligible contaminated dry cleaner sites. The rule implements House Bill 1366 from the 78<sup>th</sup> Legislature.

● **The Phase I PBR Study** - includes a thorough review of air permits by rule (PBRs) associated with trench burners, incinerators, concrete batch plants, and soil and water remediation activities. The changes are intended to streamline the PBR process, update administrative and technical requirements, and address any unnecessary registration and fee requirements.

● **Rock Crushers** - prohibits them from locating or operating within 440 yards of any building used as a single or multi-family residence, school, or place of worship. Amendments to the current standard permit for rock crushers have been proposed to implement these requirements. Read the draft standard permit at [www.tnrcc.state.tx.us/permitting/airperm/nsr\\_permits/files/amendtrc.pdf](http://www.tnrcc.state.tx.us/permitting/airperm/nsr_permits/files/amendtrc.pdf).

● **The Texas Emissions Reduction Plan (TERP)** - offers financial incentives to encourage business to reduce air pollution by upgrading their equipment or vehicles.

For more information on these or any TCEQ rules, please contact the Small Business and Local Government Assistance Program at 1-800-447-2827. ■

## Compliance History

It's time again to update compliance history ratings. As required by the 77<sup>th</sup> Legislature, the TCEQ rates the compliance history of every site according to 30 TAC 60. Ratings are updated each year based on the compliance history for a five-year rating period. The TCEQ notified those sites that received the lowest compliance rating, known as a "poor performer" rating. Sites that are rated as poor performers may be subject to additional screening for permitting actions, as well as higher enforcement penalties. If you have questions about your compliance history rating, call the Enforcement Division at 512/239-2545. ■

## Texas Environmental Excellence Awards

Governor Rick Perry and the TCEQ named J-V Dirt & Loam the Small Business winner of the 2004 Texas Environmental Excellence Awards (TEEA) - TEEA Small Business category.

J-V Dirt & Loam has been working for almost 10 years to develop a better way to control erosion on Texas roads. Partnering with the Texas Department of Transportation and TCEQ, J-V Dirt & Loam helped implement the idea to remove organic material from Texas landfills and endangered watersheds, compost it, and apply it to eroding soils to create rich topsoil seeded with native plants. The company has installed 200 soil revegetation projects across Texas that improve watersheds, conserve water, and control erosion.

To watch a video about the winning projects and to learn more about the awards, visit the TEEA Web site at [www.teea.org](http://www.teea.org). ■

# Model Standards for Grease Management

Cities spend billions of dollars every year unplugging or replacing grease-blocked pipes, repairing pump stations, and cleaning up costly and illegal wastewater spills caused by fats, oils, and grease (FOG) in the sewer system. These repairs cost money and may result in a need to increase local wastewater rates.

To address sanitary sewer overflows due to blockages caused by FOG, the 78th Texas Legislature enacted House Bill 1979 which requires the TCEQ to:

- establish criteria for evaluating sanitary sewer overflows that are caused by such blockages
- establish **model standards** for use by operators of separate sanitary sewer systems
- develop design criteria to prevent discharges of untreated wastewater due to blockage from grease
- consider it as evidence that the sanitary sewer system/municipality has taken reasonable measures to prevent overflows due to grease blockage if the system or municipality has adopted the model standards.

The bill became effective on September 1, 2003, and the agency adopted model standards in August 2004. The Model Standards can help cities create a uniform policy on grease management by:

- requiring certain establishments to install and properly operate grease traps

- establishing guidelines for a mandated pumping frequency and setting up clear procedures for establishments that wish to apply for an exemption
- implementing a policy on the use of additives and alternative treatment

Cities that adopt the TCEQ's Model Standards will decrease the amount of grease entering the sanitary sewer system, thereby resulting in the following benefits:

- improved treatment plant operation and reduced risk of discharge permit violations due to floating solids in the effluent,
- reduced potential for sewer backups into businesses and homes, and
- reduced risk of contaminating drinking water supplies that can result from sewer overflows.

View the "House Bill 1979 Model Standards for Grease Ordinances" on the Small Business Assistance Web site at [www.tnrcc.state.tx.us/exec/sbea/FOG/index.html](http://www.tnrcc.state.tx.us/exec/sbea/FOG/index.html). TCEQ offers a grease video and poster to help educate your community about how to reduce FOG. Find out how to order the video and poster at [www.tnrcc.state.tx.us/exec/sbea/FOG/CommunityFOG.html](http://www.tnrcc.state.tx.us/exec/sbea/FOG/CommunityFOG.html).

More information on how to set up an effective FOG reduction program can be found at *The Green Plan for the Food Service Industry* Web site at [www.p2pays.org/food/main/oil.html](http://www.p2pays.org/food/main/oil.html). ■

## 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)

Sandra Calderon Garcia 817/588-5868

### Region 5 (Tyler)

Kathy Bell 903/535-5158

### Region 6 (El Paso)

Pamela Aguirre 915/834-4974

### Region 7 (Midland)

Vacant

### Region 8 (San Angelo)

George Ortiz 325/481-8061

### Region 9 (Waco)

Trish Shaw 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  
Amy Burroughs 210/403-4092  
Lynn Lindsay 210/403-4039

### Region 14 (Corpus Christi)

Glenda Swierc 361/825-3421

### Region 15 (Harlingen)

Neftali Buenrostro 956/389-7426  
Ronnie Garza 956/389-7425

### Region 16 (Laredo)

Carmen Ramirez 956/721-8457

## UPCOMING EVENTS

### Small Business Advisory Committee

December 7, 2004, Dallas, Sandra Calderon-Garcia 817/588-5868  
December 16, 2004, Houston, Clarence Gray 713/767-3582

### UST Management & Compliance Assistance Seminar

December 9, 2004, Austin, Diane Stallings 512/239-6333

### Commissioners Work Session

December 17, 2004 Austin, Forrest Brooks 512/239-0578

### State of the Bay Symposium

January 25, 2005, Houston, Sue Phillips 512/239-6327

# 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.**

### In This Issue

Improving Environmental Compliance Statewide

Rules Roundup

Compliance History

Texas Environmental Excellence Awards

Model Standards for Grease Management

Upcoming Events

**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

SMALL BUSINESS AND ENVIRONMENTAL  
ASSISTANCE DIVISION, MC 106  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY  
PO BOX 13087  
AUSTIN TX 78711-3087



PRSR STD  
U.S. POSTAGE PAID  
AUSTIN, TX  
PERMIT NO. 1967