

The Advocate

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

PD-006/05-02

Volume 10, Issue 2 / April - June 2005

Understanding Construction Storm Water Permitting

Are you following the rules to control storm water runoff from your construction site? The following information will help determine the permit coverage you need.

There are two categories of construction activities that require permit coverage: small and large.

Small construction sites disturb at least one acre and less than five acres of soil.

Large construction sites disturb five acres or greater, or less than five acres but part of a larger common plan of development ultimately disturbing five acres or greater.

Before construction begins, construction site operators should:

- obtain a copy of the [TCEQ Construction General Permit \(Permit No. TXR150000\)](#), and
- determine if the site requires authorization to discharge storm water.

Small construction site operators should:

- complete and submit a [Rainfall Erosivity Waiver Form](#); or
- complete and post a site notice

(template attachment 1 at the end of Permit No. TXR150000) if you qualify under the Low Potential for Erosion according to Part II of the Permit, and provide a copy of the site notice to the local municipal separate storm sewer system (MS4) at least two days prior to commencing construction activities; or

- develop and implement a Storm Water Pollution Prevention Plan (SWP3), complete and post a site notice (template attachment 2 at the end of Permit No. TXR150000), and provide copy of the site notice to the (MS4) at least two days prior to commencing construction activities.

Large construction site operators should:

- develop and implement a Storm Water Pollution Prevention Plan (SWP3) prior to construction;
- submit a Notice of Intent (NOI) with a check for \$100 to TCEQ two days prior to construction activities (24 hours if submitting

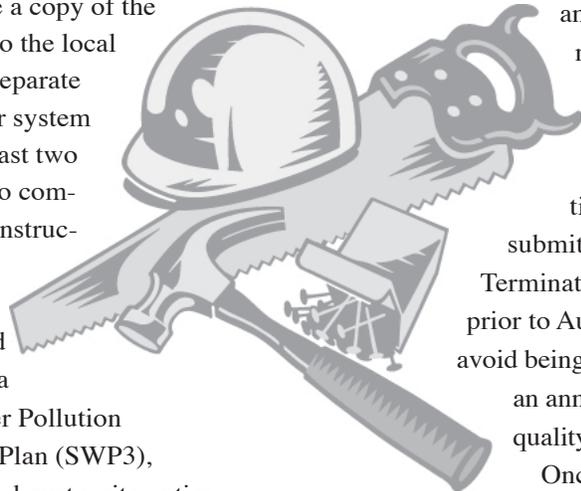
online) and provide a copy of the NOI to the local municipal separate storm sewer system (MS4);

- post a copy of the NOI on site and the site notice;
 - after completing construction activities, submit a Notice of Termination (NOT) prior to August 31 to avoid being charged an annual water quality fee.
- Once the construction activity

begins, regulated small and large construction site operators must perform inspections as required by Part III.F.8. of Permit No. TXR150000.

A copy of the permit, forms, and compliance assistance tools may be obtained on the Web at www.sblga.info. Click on the link "[Assistance Tools for Storm Water Permitting.](#)"

For detailed information on construction storm water permitting, contact the TCEQ Small Business and Local Government Assistance section at 800/447-2827. ■



Texas Small Business Advisory Committees

Make your voice heard in the environmental rule making process

The Texas Small Business Advisory Committees (SBACs) are forums to educate community businesses on environmental rules and how to comply with them. SBACs also provide small businesses with a voice in the regulatory process and help promote environmental quality.

Compliance Alert Coming to Auto Salvagers

Information on assistance and training coming soon to your mailbox

Auto salvagers, in the next few months you will receive information by mail about how the TCEQ's Small Business and Local Government Assistance (SBLGA) program can help you comply with the rules.

The TCEQ and EPA are partnering to encourage environmental compliance in this industry, since auto salvaging is subject to many regulations such as storm water permitting, used oil regulations, and air permits by rule. The SBLGA program offers one-on-one assistance, site visits, and informative technical sessions and workshops.

To inquire about storm water technical workshops in the Houston area, contact Clarence Gray at 713/767-3582. For additional information on requirements for auto salvage operations, the following resources are available:

- a toll-free, confidential SBLGA hotline at 800/447-2827,
- TCEQ Web pages at www.tceq.state.tx.us and www.sblga.info, and
- the Texas Automotive Recyclers Association at 800/710-TARA (8272). ■

The quarterly meetings held in Dallas, Fort Worth, Beaumont, and Houston allow members to provide real world input on environmental rules, policies, and programs and their effects on small businesses.

These are some notable SBAC accomplishments:

- Members were actively involved in the TCEQ Enforcement Review Process by submitting comments from small businesses and presenting them at commissioners' work sessions.

- Members submitted recommendations for revisions to the universal waste rule and rules associated with low-impact transfer stations and liquid waste.

To sign up for membership or to learn more about SBACs, call the SBLGA toll-free hotline at 800/447-2827 or visit us at www.sblga.info.

NOTE: The San Antonio Manufacturers Association (SAMA) serves as the advisory committee in San Antonio. ■



Avoiding Common Air Violations in Texas

Here are some of the most common air violations for small businesses and local governments, and ways to avoid them:

● **Operating without an air authorization.**

Make sure that you qualify for and have applied for an air authorization such as a Permit By Rule. (For example, an auto body shop will need a PI-7.) Contact the Air Permits section at 512/239-1250 or go to www.tceq.state.tx.us/nav/permits/air_permits.html for assistance in obtaining the proper permit(s) for your business. We recommend you also send a copy of your registration, such as your PI-7, to your regional TCEQ office.

● **Failing to follow the requirements of an air authorization.**

Be sure to always meet all the conditions in your authorization, including material use limits and cleanup guidelines.

● **Inadequate records.**

Keep records that are detailed enough to show that you are meeting your air authorization's requirements. This includes keeping monthly records of purchases for paints, solvents, and copies of all material safety data sheets.

● **Creating a nuisance.**

Avoid creating odors and don't let overspray or fumes leave your building. Replace filters as necessary. Maintain property such that dust and particulate matter do not cause a nuisance to surrounding areas. ■

Low-Emission Diesel Fuel Rule Changed

The TCEQ recently amended the rule concerning low-emission diesel fuel, which applies to:

- diesel fuel producers,
- importers,
- common carriers,
- distributors,
- transporters,
- bulk terminal operators, and
- retailers.

This rule applies to 110 counties in the eastern half of Texas, including the ozone nonattainment areas in Beaumont-Port Arthur, Dallas-Fort Worth, and Houston-Galveston-Brazoria. It became effective March 31, 2005.

The rule requires that diesel fuel produced for delivery and ultimate sale to the consumer—for both on- and off-road use—must contain less than 10 percent by volume of aromatic hydrocarbons and must have a cetane number of 48 or greater. Some compliance options are allowed.

The TCEQ made the following changes to the rule:

- removed the sulfur content requirements,
- clarified the reporting requirements,
- modified the registration requirements to allow collection of more comprehensive supply data, and
- updated the references citing industry standards and federal regulations.

The amendment also postpones compliance deadlines to:

- October 1, 2005, for producers and importers,
- November 15, 2005, for bulk plant distribution facilities, and
- January 1, 2006, for retail fuel dispensing outlets, wholesale bulk purchasers, consumer facilities, and all other affected persons.

To review the entire rule, please visit www.tnrcc.state.tx.us/oprd/sips/cleandiesel.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)

Tasha Burns 817/588-5868

Region 5 (Tyler)

Kathy Bell 903/535-5158

Region 6 (El Paso)

Pamela Aguirre 915/834-4974

Region 7 (Midland)

Janet Prim 432/620-6116

Region 8 (San Angelo)

Chandra Eggenmeyer 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)

Will Wyman 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

George Ortiz 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

TCEQ Environmental Management System Training

June 21 - 23, 2005, Austin, Larissa Peter 512/239-3766

Small Business Advisory Committee

June 16, 2005, Beaumont, Charlie Adams 409/899-8788

June 23, 2005, Houston, Cynthia Williams 713/767-3549

Water/Wastewater Instructor Seminar

July 5 - 7, 2005, Austin, Diane Stallings 512/239-6333

RCRA Record Keeping and Reporting Workshop

July 12, 2005, Corpus Christi, Glenda Swierc 361/825-3421

July 20, 2005, Victoria, Glenda Swierc 361/825-3421

July 26, 2005, Brownsville, Neftali Buenrostro 956/389-7426

July 28, 2005, McAllen, Neftali Buenrostro 956/389-7426

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

Understanding Construction Storm Water Permitting

Texas Small Business Advisory Committees

Avoiding Common Air Violations in Texas

Compliance Alert Coming to Auto Salvagers

Low-Emission Diesel Fuel Rule Changed

**Toll Free and Confidential
1-800-447-2827**

On the Web at:
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



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