

The Advocate

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

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The 79th Texas Legislature Enacts Broad Environmental Statutes

The 79th Texas Legislature that adjourned on May 30 enacted a wide range of environmental laws that will impact the Texas Commission on Environmental Quality (TCEQ). Many of these laws will affect small businesses and local governments. Chief among them are:

1. **Dry Cleaners:** House Bill (HB) 2376 amends the dry cleaner act passed

in the last legislative session. This bill requires all new or replaced dry-cleaning units to have secondary containment and eliminates the exemption for dry cleaners whose annual gross receipts are less than \$200,000 from implementing performance standards. The bill raises fees for larger facilities and allows the registration fee to be divided into quarterly payments. It

requires solvent distributors to register, collect fees, and pay them to the TCEQ. Certain facilities may opt out by February 28, 2006, of the Dry Cleaner Facility Release Fund, a remediation fund created by HB 1366 and SB 799. The TCEQ deals with contamination from dry cleaning facilities by using money in the fund.

2. **Dry Cleaners:** Senate Bill (SB) 444 allows dry-cleaning facilities that opt out of the program to receive a credit for prior payments into the Dry Cleaner Facility Release Fund.

3. **Petroleum Storage Tanks:** HB 1987 extends the PST reimbursement program to September 1, 2008 and clarifies that the owner/operator of the underground storage tank (UST) has the obligation to comply with UST laws rather than the person who delivers the fuel.

4. **Auto Salvage:** HB 2793 creates a voluntary program to remove mercury switches from salvaged motor vehicles and provides regulatory incentives to vehicle recyclers or scrap metal recycling facilities that choose to remove these switches. The regulatory incentives will include on-site technical assistance and compliance history adjustments.

5. **Outdoor Burning:** SB1710 allows outdoor burning of brush, trees, and other clean wood material without prior commission approval under certain circumstances. The burn pile cannot be located in an area that is designated as non-attainment for

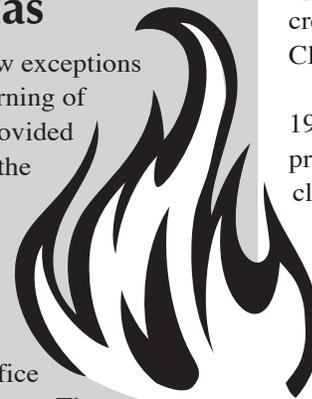
Outdoor Burning in Texas

Outdoor burning in Texas is prohibited, but there are a few exceptions to this prohibition. These exceptions include the outdoor burning of domestic trash in rural areas where trash collection is not provided or mandated by the local government. Strictly prohibited is the burning of tires, appliances, construction materials (e.g. treated wood), and insulated electrical wire. These items are prohibited due to the toxic gases and fine particles that are released when they are burned. Outdoor burning of trash originating from a business is also prohibited.

There are some situations in which the TCEQ regional office and local authorities should be notified prior to a proposed burn. These situations include, but are not limited to, prescribed burns for coastal salt marshes, executive director authorization, and fire-fighting training.

New legislation effective September 1, 2005, removes the notification and practical alternative requirements when 1) trees, brush, limbs, leaves, etc. are burned at the site from which they were generated, and 2) the burning is in an area that meets the air quality standards. Additionally, it allows specific groups of residents (such as those living in a subdivision) to take their brush and yard waste to a common site for burning. In this situation, the site must be outside urban non-attainment areas, in counties with less than 50,000 people, and supervised by a firefighter.

In all cases a burn should be confined and remain under constant supervision. Care should be taken to prevent traffic hazards or a condition of nuisance smoke and odor. Burning in compliance with TCEQ rules does not excuse anyone from the consequences of his or her burning activity. For a complete review of the TCEQ outdoor burning rules, refer to TCEQ publication RG-049 and 30TAC Chapter 111. ■



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federal air quality standards. The material must be burned by the property owner or someone authorized by the property owner on the property where it was generated.

6. **Landfills:** HB1609 allows a small municipal solid waste landfill unit that is permitted as an arid exempt landfill to dispose of less than 20 tons of construction or demolition waste in addition to the municipal solid waste it normally receives.

7. **Certificates of Convenience and Necessity (CCN):** HB 2876 makes changes to the administration of CCNs for water and sewer service. Municipalities may not extend their CCNs beyond their extraterritorial jurisdiction without the written consent of the landowner. Using the most current tax appraisal rolls, notice of the application must be mailed to each owner of a tract of land at least 50 acres in size which lies partially or wholly in the proposed service area. Expedited release of service area may be requested by a landowner who has a platted subdivision covering at least 50 acres that is not currently receiving water or sewer service from the CCN holder. The release of service area enables another retail public utility to serve the area.

8. **Public Water Supply:** SB1811 allows a water supply or sewer service corporation located in a county with a population of 650,000 or more, and adjacent to an international border, to transfer to a municipality the corporation's assets and liabilities so that the municipality may take over management of the system.

The **Compliance History** bill (HB86 and SB519) did not pass in either the regular or the special session.

The TCEQ has already begun working on rules to implement these and other directives from the 79th Texas Legislature. Future issues of *The Advocate* will keep you updated on new developments and opportunities to comment. ■

Compliance Tools Are A Click Away!

The Texas Commission on Environmental Quality (TCEQ) has many tools to help you comply with environmental rules and regulations. These tools may be found on our Web site at www.sblga.info or may be ordered from Forms and Publications at www.tceq.state.tx.us/comm_exec/forms_pubs/.

Auto Body: The Small Business and Local Government Assistance program is working on updating our tools for auto body shops. Please check our Web site at www.sblga.info to see the new tools as they become available.

Auto Repair:

RG-308 An Environmental Guide for Texas Automotive Repair Shops
RG-325 The Used Oil Recycling Handbook

Auto Salvage: RG-423 Rules for Auto Salvage Recyclers

Dry Cleaner: RG-114 An Environmental Guide for Texas Dry Cleaners

Foundry: RG-387 An Environmental Guide for Texas Foundries

Metal Finisher:

RG-291 An Environmental Guide for Texas Metal Finishers
GI-304a A Model Environmental Management System for a Small Business:
Metal Finisher

Printer: RG-392 An Environmental Guide for Texas Printers

Small Business Advisory Committee (SBACs):

GI-321 Small Business Advisory Committees

Surface Coaters:

RG-370 Managing Paint and Paint Related Waste Under the Universal Waste Rule
RG-404 An Environmental Guide for Texas Surface Coaters
RG-418 Quick Tips for Surface Coaters (poster)—English and Spanish

Public Water Systems:

RG-206 A Public Water System Guide to Customer Service Inspections
RG-384 How to Develop a Monitoring Plan
RG-195 Rules and Regulations for Public Water Systems
RG-346 Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements
RG-407 Disinfectant Residual Reporting for Public Water Systems
RG-424 Drought Contingency Planning for Retail Public Water Suppliers
www.tnrcc.state.tx.us/permitting/waterperm/pdw/pdw000.html

Wastewater Systems:

GI-290 Let's Tackle the Grease in This Kitchen (poster)—English and Spanish
RG-401 Reporting Requirements for Categorical Industrial Users Discharging Wastewater into Publicly Owned Treatment Works Without Approved Pretreatment Programs

The TCEQ and its Small Business and Local Government Assistance (SBLGA) program routinely updates agency guides and checklists to meet changes to rules and regulations as they occur. To ensure you have the latest information regarding your business or industry, continue to visit our Web site at www.sblga.info or http://www.tceq.state.tx.us/comm_exec/forms_pubs/. ■

Municipal Solid Waste (MSW) Rule Update

The final comment period for the TCEQ Municipal Solid Waste (MSW) Chapter 330 rule is drawing near.

This rule regulates all aspects of both landfill and transfer station design, permitting, and operation. The proposed rule addresses medical waste management, air authorizations for landfills, Councils of Governments' involvement in reviews, and counties' abilities to license MSW activities and streamline low impact activities.

For the latest information on the rule, timeline, public comment schedule, advisory group meetings or to review the proposed Chapter 330 rule, please visit our Web site at http://www.tnrcc.state.tx.us/permitting/wasteperm/mswperm/msw_ch330_advdp.html ■

Texas Environmental Excellence Awards

Governor Rick Perry and the TCEQ named EnviroGLAS as the Small Business winner of the 2005 Texas Environmental Excellence Awards (TEEA) - TEEA Small Business Category.

EnviroGLAS was recognized for its efforts to recycle glass into a new flooring concept that's as striking as it is innovative. EnviroGLAS Terrazzo,

made from an overabundance of crushed glass aggregate, is now being used in several public and private buildings across North Texas, including the DFW Airport, a local Starbucks,



and Bukhair Elementary School in the Richardson Independent School District. Revisiting the centuries-old Italian concept of using marble scrap

to create terrazzo tile, EnviroGLAS has received a U.S. patent for its product.

TCEQ wants to celebrate the efforts small business owners are making to preserve and

protect Texas' natural resources. We encourage you to apply for the 2006 awards. The application will be available online at www.teea.org in August 2005. ■

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 Eggemeyer 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

Water Quality Seminar

September 15-16, 2005, Austin, Diane Stallings 512/239-6333

Small Business Advisory Committee

September 15, 2005, Beaumont, contact Charlie Adams 409/899-8788

September 22, 2005, Houston, contact Cynthia Williams 713/767-3549

Pollution Prevention

October 27-28, 2005, Houston,
University of Houston Small Business Development Center,
contact Dana Macomb 512/239-4745

November 17-18, 2005, Austin,
The University of Texas Thompson Conference Center,
contact Dana Macomb 512/239-4745

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



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RETURN SERVICE REQUESTED

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