

The Advocate



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

PD-006/09-03

Volume 14, Issue 3 / July - September 2009

The 81st Texas Legislature Update

The 81st Texas Legislature that adjourned on June 1 enacted several environmental laws that may affect small businesses and local governments. Some examples include:

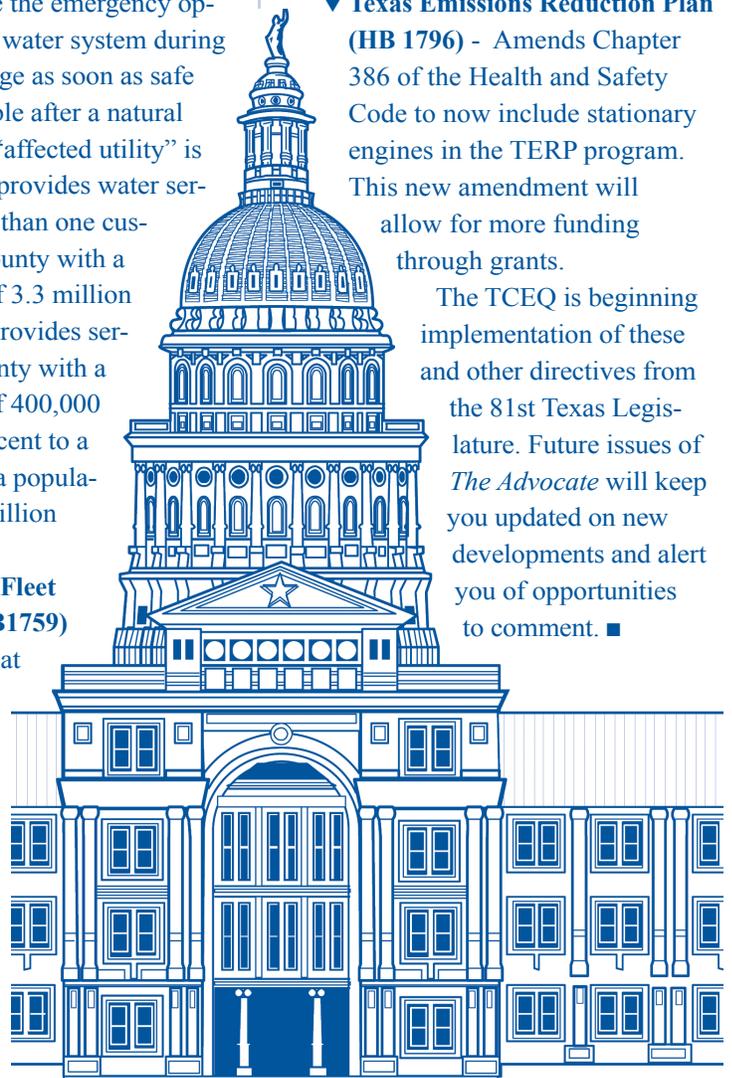
- ▼ **Dry Cleaners (HB3547)** – Authorizes the TCEQ to issue a notice of violation to the owner or operator of a dry cleaning facility or dry cleaning drop station that is not registered. The bill requires that the notice inform the owner or operator of the nature of the violation and state that the TCEQ is authorized to order the dry cleaning facility or dry cleaning drop station to cease operation if the violation is not corrected within 30 days after the receipt of the notice. If the owner or operator does not register the facility within the prescribed time, the commission may order the dry cleaning facility or dry cleaning drop station to cease operation.
- ▼ **Low-emission Vehicles (HB3089)** – Authorizes the commissioners’ court of a county to order any vehicle retired under a program designed to encourage the use of low-emission vehicles to be crushed and recycled, if practicable, without a competitive bid or auction, among other methods of disposing of county property.

- ▼ **Emergency Power (SB361)** – Requires an affected utility district to adopt and submit for approval to the TCEQ an emergency preparedness plan that demonstrates the utility’s ability to provide emergency operations and to ensure the emergency operation of its water system during a power outage as soon as safe and practicable after a natural disaster. An “affected utility” is a utility that provides water service to more than one customer in a county with a population of 3.3 million or more, or provides service in a county with a population of 400,000 or more adjacent to a county with a population of 3.3 million or more.
- ▼ **Texas Clean Fleet Program (SB1759)** - Requires that the TCEQ establish and administer the Texas clean fleet program to encourage a person

that has a fleet of diesel-powered vehicles to replace them with alternative-fuel or hybrid vehicles. Under the program, the TCEQ shall provide grants for eligible projects to offset the incremental cost of projects for fleet owners.

- ▼ **Texas Emissions Reduction Plan (HB 1796)** - Amends Chapter 386 of the Health and Safety Code to now include stationary engines in the TERP program. This new amendment will allow for more funding through grants.

The TCEQ is beginning implementation of these and other directives from the 81st Texas Legislature. Future issues of *The Advocate* will keep you updated on new developments and alert you of opportunities to comment. ■



Changes to Leaking Petroleum Storage Tank (LPST) Cleanups

On Feb. 25, the TCEQ adopted changes to Chapter 334, Underground and Aboveground Storage Tanks and Chapter 350, Texas Risk Reduction Program (TRRP) to remove Leaking Petroleum Storage Tank (LPST) sites from TRRP. These rules were effective on March 19. All LPST sites must follow the requirements of the Chapter 334 rule and guidance <www.tceq.state.tx.us/remediation/pst_rp/news.html>. These rule changes may influence the corrective action necessary at LPST sites that were under TRRP. For more information regarding rule changes, please contact the TCEQ's Remediation Division at 512-239-2200. ■

Coming Soon to Texas-TCEQ offers Petroleum Storage Tank (PST) Guidance Documents and Workshops to PST Owners and Operators

Currently the Small Business and Local Government Assistance (SBLGA) section of the TCEQ is working on a series of guidance documents for all PST owners and operators. These 14 technical publications will cover topics including: buying a property with an underground storage tank, permanent tank removal, financial assurance, release detection, spill prevention, and several other areas of PST compliance.

Scheduled for release in fall 2009, these guidance documents will be available for all owners and operators

via the agency's Web site at <www.tceq.state.tx.us>. SBLGA is also planning to hold free workshops throughout Texas to explain how owners and operators can use these publications to comply with state and federal requirements. Copies of the guidance documents will be distributed at the workshops.

We will provide an update regarding the availability of these publications in the next issue of this quarterly newsletter. For additional PST compliance information, please visit our Web site at <www.sblga.info>. ■



Get a Free Compliance Commitment (C2) Site Visit

Environmental rules affect many small businesses and local government operations: auto-repair and auto body shops, fleet maintenance facilities, dry cleaners, metal finishing facilities, printers, concrete batch plants, surface-coating operations, foundries, and many others.

Do you know which rules affect you or how to comply? Could you use free, confidential help from an environmental professional? The TCEQ provides FREE site visits through its Compliance Commitment (C2) Program, administered by the Small Business and Local Government Assistance (SBLGA) section. This program could help you qualify for a one-year exemption from scheduled TCEQ inspections.

Are you eligible?

To participate, the owner of the site or facility must:



- ▼ be independently owned and employ a company-wide total of 100 or fewer employees; or
- ▼ be operated by a small local government (a county population of 100,000 or fewer or a city population of 50,000 or fewer); or
- ▼ be an independent school district (ISD) serving a student population of 100,000 or fewer students; and
- ▼ not owe TCEQ fees or penalties; and
- ▼ not be involved in a current enforcement action with the TCEQ that involves the facility.

It's easy! Call an SBLGA representative at 800-447-2827 to request a site visit.

Want information about other SBLGA services? Call us or visit <www.sblga.info>. ■



CONFIDENTIAL and at no RISK*

- ▼ All information from the site visit is confidential from TCEQ enforcement staff.
- ▼ The site visit contractor is completely separate from state environmental field inspectors.
- ▼ Site visits will not lead to an inspection or citation.

*If imminent threat to human health or the environment is discovered during the site visit, the contractor is required to report this information to the TCEQ.

TCEQ's Guidance, Please!

The Small Business and Local Government Assistance section develops and maintains documents to provide information and guidance in a straightforward and easy-to-understand manner. The following are some of our recent updates or additions:

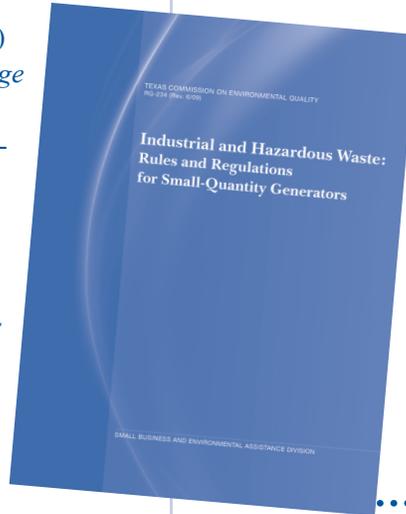
- ▼ *Conditional No-Exposure Exclusion for Storm Water Runoff: A Guide for Industries Operating Under the TPDES Multi-Sector General Permit, TXR050000* (RG-467): Explains the no-exposure exclusion for industries operating under the TPDES Multi-Sector General Permit.
- ▼ *Get a Helping Hand from an EnvioMentor/Reciba una Mano Amiga de un EnviroMentor (Mentor Ambiental)* (GI-293 & GI-293esp): A brochure that tells

small businesses and local governments how they can get free, confidential help with environmental regulations from environmental professionals. Includes an application form, TCEQ-20004. (In English and Spanish)

- ▼ *Rules for Auto Salvage Recyclers* (RG-423): Summarizes environmental requirements for auto recyclers (salvage yards).
- ▼ *Steps to Obtain Construction Permits for Storm Water Discharges/Como Conseguir Permisos de Construccion para Descargas de*

Agua de Tormenta (RG-436): Details which construction projects require permits regarding storm water discharges and outlines the steps needed to obtain permit coverage.

- ▼ *Industrial and Hazardous Waste: Rules and Regulations for Small-Quantity Generators* (RG-234): A handbook that offers assistance with federal and state rules on hazardous waste management. ■



UPCOMING EVENTS

Industrial User (IU) Pretreatment Workshop

Aug. 3, 8 a.m. – 5 p.m., The InterContinental Dallas
15201 Dallas Parkway, Addison

For more information, visit

<www.tceq.state.tx.us/permitting/water_quality/wastewater/pretreatment/training_seminars.html>

Small Business Advisory Committee (SBAC)

Aug. 5, 2 p.m. - 4 p.m., Diamond Oaks Country Club
5821 Diamond Oaks Drive North, Fort Worth

Aug. 5, 10 a.m. - noon, North Dallas Chamber of Commerce
10707 Preston Road, Dallas

Sept. 16, 10 a.m. - noon, Houston Galveston Area Council,
Conference Room C
3555 Timmons Lane, Houston

For more information, visit

<www.tceq.state.tx.us/assistance/sblga/sbac.html>

Public Drinking Water Conference

Aug. 11-12, Double Tree Hotel
6505 IH-35 North, Austin

For more information, visit

<www.tceq.state.tx.us/permitting/water_supply/pdw/conference.html>

Temporary Rates: Changes to Chapter 291-Utility Regulations

Effective Feb. 19, the TCEQ adopted amendments to 30 Texas Administrative Code (TAC) Chapter 291. The amendments provide a process to allow any retail public utility that takes over a nonfunctioning retail water or sewer utility to apply for a ruling on the reasonableness of newly implemented rates.

The amendment also requires the TCEQ to work with the utility to establish a reasonable amount of time to bring the system into compliance with rules and prohibits the TCEQ from imposing a penalty during this period for violations that existed at the time of the takeover.

To review the rules go to <[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac)> and choose Title 30, Chapter 291, Subchapter J, sections 291.144 and 291.147. ■



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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;
- communicating technical information in plain language; and
- giving small business and local government a voice in TCEQ rule and policy making.

On the Web at: www.sblga.info

SBLGA is entirely separate from TCEQ's enforcement program.

*You are currently on our subscription list to receive the quarterly rules update, *The Advocate*. Instead of receiving the paper copy in the mail, you have the option of receiving e-mails from us when we post the latest issue in PDF format on our Web site at <www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/pd/pd-006.html>.*

If you would prefer e-mail instead of the printed copy, please e-mail us at <sbap@tceq.state.tx.us>. Be sure to let us know the name your subscription is under and the e-mail address you would prefer us to send to, if different from the one you use to contact us.

Disclaimer: This regulatory guidance publication does not take the place of the full, official TCEQ rules. It is intended only as a general explanation about selected parts of the rules. If you have questions about any information contained in this periodical, contact us at 800-447-2827.

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



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