

# The Advocate



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

PD-006/10-03

Volume 15, Issue 3 / July - September 2010

## Take the Survey!

Did you know you can give the TCEQ feedback on the job we are doing? Well, you can, and we want to hear from you.

The TCEQ Customer Satisfaction Survey gives you the opportunity to let us know about your experience working with the agency. If you prefer, you can give us your comments anonymously. We are seeking your feedback on how we can better serve our customers—from your overall satisfaction with the TCEQ to the courteousness and responsiveness of our staff to your opinion about our facilities. And if requested, we will send you a response to your specific comments or questions.

The TCEQ is committed to providing the highest quality customer service. We value your opinion on how we are doing and how we can improve. To make your opinion known, fill a survey out today. Go online at <[www.tceq.state.tx.us/goto/customersurvey](http://www.tceq.state.tx.us/goto/customersurvey)> or to request a paper copy, call 800-687-4040. ■

## Advocate Renewal Notice

Make sure you don't miss an issue. Renew your subscription today. If you have not contacted the SBLGA section in the past two years and wish to continue receiving the Advocate, please e-mail your name and address to <[sbap@tceq.state.tx.us](mailto:sbap@tceq.state.tx.us)> or call us at 800-447-2827. ■

## Update to Certificate of Convenience and Necessity and Submetering Rules

Changes to utility regulations in Title 30, Texas Administrative Code, Chapter 291 will require that notice for an application to obtain or amend a Certificate of Convenience and Necessity be given to each county and groundwater conservation district that is wholly or partially included in the area to be certificated. In addition, the newly adopted rules will allow owners

or managers of apartment houses to add up to a nine percent service charge to the water and wastewater portions of the tenants' utility bills in submetered apartment dwelling units. The proposed rules were published in the Jan. 29, 2010, issue of the Texas Register. Staff members expect that the TCEQ will adopt the proposed rules this summer. ■

## Improved Waste Decision Matrix Now Available

Have you ever produced a hazardous or industrial waste stream but were uncertain as to how to properly classify the waste? The TCEQ waste rules found in 30 TAC, Chapter 335, Subchapter R require you to classify all of the hazardous and industrial waste that you generate. This classification process is not always easy. To classify your waste as "hazardous, nonhazardous, industrial class 1, 2, or 3, special waste, or excluded," you should gather all available information about the waste. For example, material safety data sheets (MSDSs), lab results, process knowledge, or other manufacturer's information should be able to help you with the classification process.

The TCEQ knows how difficult making those decisions can be and has upgraded an online tool called the Waste Designation Decision Matrix to help make those classifications easier. Located on the TCEQ Web page at <[www.tceq.state.tx.us/assistance/sblga/waste-matrix/matrixenter.html](http://www.tceq.state.tx.us/assistance/sblga/waste-matrix/matrixenter.html)>, the matrix takes you through a series of questions about your waste stream. With each question, we have included explanations and links to additional information that will help you make your determination.

**The matrix is provided as an assistance tool. It cannot be used as a substitute for following applicable city, state, and federal laws. ■**

# EPA's Ground Water Rule Requires Specific Sampling

The EPA's Ground Water Rule (GWR), adopted on Oct. 11, 2006, applies to all public water systems that use ground water. Effective Dec. 1, 2009, the rule affects all public water systems that are not providing 4-log (99.99%) treatment of viruses when a total coliform positive (TC+) sample is collected during routine sampling of the distribution system.

Additionally, this rule requires groundwater systems that collect a TC+ sample to then sample (for the fecal indicators, such as enteric viruses and bacterial pathogens specified by the TCEQ) every well supplying that distribution system within 24 hours. This includes purchased water sources.

The rule gives you two options that can lead to cost savings for a public water system:

- 4-log inactivation/removal (treatment) of viruses
- Triggered Source Monitoring Plan (TSMP)

Both of these options must receive approval by the TCEQ before you can implement them.

If a public water system decides to use the 4-log option, it must submit a concentration-time study to obtain the required minimum specified residual (MSR) that is monitored at each entry point. If your system has a population of greater than 3,300 people, you must monitor continuously, and if your population is less than 3,300 people, then you will have to collect a daily grab sample. The TCEQ will provide the system with a Ground Water Monthly Operating Report, or you can find one online at the TCEQ website under "Forms" and access form TCEQ-0811. If a system falls below the minimum specified residual, then that system must notify the TCEQ within 24 hours.

You can limit your sampling to fewer wells if you use the TCEQ-approved Triggered Source Monitor-

ing Plan (TSMP) option [30 TAC 290.109(c)(4)(B)(ii)]. The TSMP should describe which wells feed each part of the distribution system. You use it in conjunction with your existing monitoring plan. Essentially, it lists your coliform sites, the sources that feed those sites, and includes a map illustrating this distribution system information. With an approved TSMP, when you get a TC+ distribution sample, you only have to collect triggered source samples at the well(s) feeding that specific location in the distribution system. For more complex systems or systems with more than two wells, TCEQ staff highly recommends submitting a plan for TCEQ approval, because this can save your public water system time and money in the long run.

For more information on the ground water rule, go to <[www.tceq.state.tx.us/permitting/water\\_supply/pdw/microbial/gwr\\_main.html](http://www.tceq.state.tx.us/permitting/water_supply/pdw/microbial/gwr_main.html)>. ■

## Petroleum Storage Tank (PST) Workshops Coming to a Location near You!

The TCEQ will host another round of statewide workshops on petroleum storage tank issues this fall. These free workshops were attended by approximately 885 operators, owners, and consultants earlier this year.

The Federal Energy Act of 2005 requires each state to inspect facilities with underground storage tanks (USTs) every three years. Due to this federal government requirement, the TCEQ has to increase the frequency of investigations at facilities with USTs.

- Take advantage of the opportunity to learn how to comply with state and federal environmental requirements. The free, half-day workshops will offer assistance to owners and operators of UST facilities on how to comply with these rules. Participants also will learn how to use TCEQ's newest tool, the PST Super Guide: A Comprehensive Guide to Compliance in Texas (RG-475); and
- Review updates on administrative and technical requirements, such as registration and self-certification, financial assurance, release detection, corrosion protection, spill prevention, and suspected releases.

For more information on workshop dates and locations, or to register, visit <[www.tceq.state.tx.us/goto/pst-resources](http://www.tceq.state.tx.us/goto/pst-resources)>. ■

### Local Specialists are Ready to Help You!

You have free, confidential help right in your backyard.

#### Region 1 - Amarillo

Patty Avery, 806-468-0505

#### Region 2 - Lubbock

Celeste Hoehne, 806-796-7642

#### Region 3 - Abilene

Mandy Ellifritz, 325-698-6104

#### Region 4 - Dallas-Ft. Worth

John Aquilino, 817-588-5836

Tasha Burns, 817-588-5868

Lynn Owens, 817-588-5927

#### Region 5 - Tyler

Jack Holsomback, 903-535-5158

#### Region 6 - El Paso

Pamela Aguirre, 915-834-4974

#### Region 7 - Midland

Janet Prim, 432-620-6116

#### Region 8 - San Angelo

Mandy Ellifritz, 325-698-6104

#### Region 9 - Waco

Polly Porter, 254-761-3039

#### Region 10 - Beaumont

Charlie Adams, 409-899-8788

Lori Palmer, 409-899-8789

#### Region 11 - Austin

Colin Barth, 512-239-7015

#### Region 12 - Houston

Matthew Boger, 713-767-3693

Cynthia Williams, 713-767-3549

#### Region 13 - San Antonio

Trish Esquivel, 210-403-4028

Nathan Weiss, 210-403-4092

Laressa Wong, 210-403-4039

#### Region 14 - Corpus Christi

Glenda Swierc, 361-825-3421

#### Region 15 - Harlingen

Jonathan Diaz, 956-389-7428

Imelda Peña, 956-389-7427

#### Region 16 - Laredo

Carmen Ramirez,

956-721-8457

# Public Drinking Water Conference

The TCEQ will host its seventh annual Public Drinking Water Conference Aug. 10–11, 2010, in Austin.

This popular event offers information and tools important to public water systems and water utilities. Attendees will learn about everything from rules and regulations to system operations and new technology. TCEQ employees from the Water Supply Division will be on hand in the TCEQ Technical Assistance Room, where water system representatives can

talk one-on-one with agency employees about specific issues involving their water systems. Staff will give 39 presentations and the hall will include more than 40 exhibitors, including representatives from state and federal funding agencies.

Operators may earn up to 12 credit hours toward their education requirements for renewal of a water operator license. The conference is FREE to attendees. Preregistration is strongly recommended as space is limited.

While on-site registration may be available on the day of the conference, pre-registration guarantees you a seat and participant materials.

Visit [www.tceq.state.tx.us/permitting/water\\_supply/pdw/conference.html](http://www.tceq.state.tx.us/permitting/water_supply/pdw/conference.html) for more information. If you need to cancel your registration, or have any questions about the conference, please call Customer Care at: 512-471-0820, and ask for the TCEQ Public Drinking Water Conference. ■

---

## Environmental Awards Honor Small Business

The Texas Environmental Excellence Awards honor select Texans each year for their exceptional efforts to protect

our natural resources. This year's winner in the Small Business category is The Phoenix Commotion. Owner Dan

Phillips builds houses from donated, salvaged, and recycled materials that would otherwise go to the landfill. He sells the homes for \$18,000 to \$89,000, offering single parents, families with low income, and professional artists the chance to own a home. Dan and his wife Marsha started the Huntsville-based company about 10 years ago and have completed 14 houses to date.

All Phoenix Commotion-built homes feature Xeriscape landscaping and include a rainwater catchment system that provides water for toilet flushing and clothes washing. They demonstrate the value of unconventional building materials, from wine corks and bottle caps for flooring to picture frames for ceilings. Whatever Dan can't use, he takes to a municipal warehouse, where the overage is distributed to low-income families and nonprofit organizations. Learn more about The Phoenix Commotion at [www.phoenixcommotion.com](http://www.phoenixcommotion.com).

The TCEQ annually presents the Texas Environmental Excellence Awards to projects across the state that demonstrate excellence in resource conservation, waste reduction, and pollution prevention. Learn more and submit an application for your small business at [www.teea.org](http://www.teea.org). ■

### UPCOMING EVENTS

#### Small Business Advisory Committee (SBAC)

Fort Worth Chamber of Commerce  
Aug. 11, 2 p.m.–4 p.m.  
777 Taylor Street, Suite 900, Fort Worth  
**Contact: Lynn Owens, 817-588-5927**

#### North Dallas Chamber of Commerce

Aug. 12, 10 a.m.–noon  
10707 Preston Road, Dallas  
**Contact: Lynn Owens, 817-588-5927**

#### Southeast Texas Regional Planning Commission

Sept. 14, 11:30 a.m.–1 p.m.  
2210 Eastex Freeway, Beaumont  
**Contact: Lori Palmer, 409-899-8789**

#### Houston Galveston Area Council

Sept. 15, 10 a.m.–noon  
3555 Timmons Lane, Conference Room C, Houston  
**Contact: Matt Boger, 713-767-3693**

#### Public Drinking Water Conference

Aug. 10–11, Double Tree Hotel  
6505 IH-35 North, Austin  
Visit [www.tceq.state.tx.us/permitting/water\\_supply/pdw/conference.html](http://www.tceq.state.tx.us/permitting/water_supply/pdw/conference.html) for more information.



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

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

RETURN SERVICE REQUESTED

## CALL ON US

Toll Free & Confidential: 1-800-447-2827

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](http://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](http://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](mailto: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).*



The TCEQ is an equal opportunity 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.