

The Advocate



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

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Certificate Required to Receive Fuel

The TCEQ adopted rules that will affect common-carrier delivery of a regulated substance to an underground storage tank (UST).

Effective April 19, 2012, a common carrier must see a valid, current *delivery* certificate prior to delivering any regulated substance to a regulated UST that is required to be self-certified (those that contain motor fuel).

For regulated substances delivered into a regulated UST that does not require self-certification, the common carrier must see a valid, current *registration* certificate.

UST owners—such as gas station owners—are encouraged to verify the expiration date of their delivery certificate to avoid disruption in fuel deliveries. Owners and operators of USTs must self-certify and register the tanks annually, using TCEQ form 0724.

For more information on registration and self-certification requirements, read TCEQ's *PST Superguide* (RG-475d) online at <www.tceq.texas.gov/publications/rg/rg-475d.html>. Visit <www.TexasEnviroHelp.org> or call 800-447-2827 for additional information. ■

TCEQ Hosts Statewide Drought Workshops

The TCEQ is hosting Drought Emergency Planning Workshops across the state. We've partnered with other state agencies—the Texas Division of Emergency Management, the Texas Water Development Board, and the Texas Department of Agriculture—to give local government officials, board members, and water system operators the information and tools they need to prevent and lessen the number and

severity of water outages. Topics covered at the workshop include:

- ways the TCEQ and other state agencies have responded to the drought
- a statewide look at how surface water and groundwater sources have been affected by the drought
- steps water systems can take to help prevent water outages

More than 500 participants have joined our workshops. For information

about upcoming workshops and additional drought information, visit the TCEQ drought Web page: www.tceq.texas.gov/response/drought.

You can also see the TCEQ commissioners discuss the effects of the drought and how the agency and the state of Texas are responding to this crisis on the TCEQ's official YouTube channel, <www.YouTube.com/TCEQNews>. ■

Catch the Drought Emergency Planning Workshop on YouTube!

Did you miss the Drought Emergency Planning Workshop in your area?
You can watch the presentation now on YouTube!

www.tceq.texas.gov/goto/drought-youtube

New Registration Requirements Set for Aggregate Production Operations (APOs)

A new state law, House Bill 571, requires certain aggregate production operations to register with the TCEQ. Aggregates are materials used in construction, including sand, gravel, crushed and broken limestone, crushed and broken granite, dirt, soil, or caliche. The TCEQ adopted new rules implementing HB 571 on June 13, 2012; you can find these new rules in 30 Texas Administrative Code, Ch. 342.

APOs regulated under these new rules include sites from which aggregates are being or have been removed or extracted from the earth, and land on which aggregates are processed.

The following types of operations are not regulated under the new rules:

- Sites where the aggregates extracted are used at the same site (or a related site under the control of the same responsible authority) for the primary purpose of producing cement or lightweight aggregates or being used in a lime kiln;
- Sites used solely to provide aggregates to public works projects involving any state or local governmental entity;
- Sites where the raw aggregate material is used as fill or for other construction uses at the same or a contiguous site;

- Sites at which aggregates are extracted for use in the construction, modification, or expansion of a solid waste facility; and
- Sites where aggregates are removed or processed, where the primary purpose is not commercial sale.

The following are highlights of HB 571:

- An APO must register with the TCEQ. Initial registration is required beginning Sept. 1, 2012.
- An APO must renew its registration annually.
- The TCEQ will set registration fees annually, not to exceed \$1,000 per year.
- The TCEQ must conduct an annual survey to identify APOs and ensure they are registered with the agency.
- The TCEQ is required to inspect every APO once every three years beginning Sept. 1, 2012; however, APOs that submit a Notice of Intent to conduct a self-audit under the Texas Environmental, Health, and Safety Audit Privilege Act in conjunction with their initial registration may defer their inspection requirements until Sept. 1, 2015.
- The TCEQ may assess penalties of no less than \$5,000 and no more than \$10,000 for every year an APO conducts business without

registration (the total penalty cannot exceed \$25,000).

For more information on this program or on participating in the APO Stakeholder Group, visit our website at <www.tceq.texas.gov/goto/aposg>; call our Small Business and Local Government Assistance section on our toll-free hotline, 800-447-2827; or visit our website at <www.TexasEnviroHelp.org>. ■

Local Compliance Assistance Specialists are Ready to Help You!

You have free, confidential help right in your backyard.

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806-468-0505

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Reissuance of the Phase II Municipal Separate Storm Sewer Systems (MS4) General Permit Delayed

The TCEQ is in the process of renewing and reissuing the TPDES general permit for Phase II (Small) Municipal Separate Storm Sewer Systems (MS4s), TXR040000. The new permit will not be issued by the time the current permit expires on Aug. 13, 2012, due to unresolved EPA issues with the draft permit.

Operators of existing urbanized areas (UA) will continue operating

under the current permit until the new Phase II MS4 general permit is adopted and reissued in the fall. Operators must reapply for coverage within 180 days of the effective date of the renewed permit. As more information becomes available, it will be posted on the TCEQ website.

(continued on next page)

Reissuance of the Phase II Municipal Separate Storm Sewer Systems (MS4) General Permit Delayed (*continued*)

- Permit Applicability and Coverage:
- Operators of small MS4s, fully or partly located within an urbanized area (UA), as determined by either the 2000 or 2010 Decennial Census, must apply for coverage under the renewed Phase II MS4 permit by submitting a new notice of intent (NOI) form (TCEQ Form 20368) and a written plan for a new Storm Water Management Program (SWMP).
 - New UA maps based on the 2010 Census are expected in the fall of 2012 and may not be available until after the renewed permit becomes

- effective. Operators of newly regulated MS4s, as determined by the 2010 Census, must apply for permit coverage within 180 days of the issuance of the UA maps. The TCEQ will notify those newly regulated entities by mail that they need permit coverage.
- MS4s serving a population of less than 1,000 within a UA may qualify for a waiver. If the UA qualifies, the operating authority must reapply for the waiver after the TCEQ issues the renewed permit. Operators of small MS4s that no longer

- qualify for the waiver must apply for permit coverage.
- Principal changes proposed for the new Phase II MS4 permit include separation of operators into four levels based on the population served within a UA, additional guidance for nontraditional MS4s, and requirements that are more protective of impaired waters.
- For additional details or to obtain a copy of the draft permit, please visit: www.tceq.texas.gov/permitting/stormwater/storm-water-navigation/ms4.html. ■

U P C O M I N G E V E N T S

Small Business Advisory Committee (SBAC)

Houston Galveston Area Council
Sept. 20, 10 a.m.–noon
3555 Timmons Lane, Conference Room C, Houston 77027
Contact: Danielle Doss, 713-422-8920

Fort Worth Chamber of Commerce
Aug. 22, 2–4 p.m.
777 Taylor St., Suite 900, Fort Worth 76102
Contact: John Aquilino, 817-588-5836

North Dallas Chamber of Commerce
Aug. 23, 10 a.m.–noon
10707 Preston Rd., Dallas 75230
Contact: John Aquilino, 817-588-5836

Golden Triangle
Aug. 21, 11:30 a.m.–1 p.m.
Southeast Texas Regional Commission
2210 Eastex Freeway, Beaumont 77703
Contact: Lori Palmer, 409-899-8789

Water Quality/Storm Water Seminar

Sept. 13–14, 8 a.m.–5 p.m., Austin Convention Center,
500 East Cesar Chavez St., Austin 78701
For more information and to register, please visit:
www.tceq.texas.gov/p2/events/stormwater.html
Contact: Mary Kelley, 512-239-6324

Public Drinking Water Conference

Aug. 7–8, Double Tree Hotel Austin
6505 IH-35 North, Austin 78752
For more information or to register online, visit:
www.tceq.texas.gov/drinkingwater/conference.html

Pollution Prevention Workshops

Sept. 18–20, 8 a.m.–5 p.m.
Associated Builders & Contractors, Inc.
Central Texas Chapter,
7701 N. Lamar, Suite 201, Austin 78752

Oct. 16–18, 8 a.m.–5 p.m.
Automation & Robotics Research Institute
The University of Texas at Arlington
7300 Jack Newell Blvd. S., Fort Worth 76118
For more information and to register, please visit:
www.tceq.texas.gov/goto/p2workshop
or contact Zero Waste Network, 512-904-2281

Compliance Advisory Panel

Aug. 31, 10 a.m.–3 p.m., TCEQ campus,
12100 Park 35 Circle, Bldg F, Room 2210, Austin 78753
Contact Tara Lindgren, 512-239-0994

Advanced Air Permitting Seminar and Oil & Gas Facilities Workshop

Sept. 10–11, 8 a.m.–5 p.m., Austin Convention Center,
500 East Cesar Chavez St., Austin 78701
For more information and to register, please visit:
www.tceq.texas.gov/goto/AdvAirPermitting
Contact: Kimberly Ferraro, 512-239-3115



SMALL BUSINESS AND ENVIRONMENTAL
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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.TexasEnviroHelp.org

SBLGA is entirely separate from TCEQ's enforcement program.

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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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