

# The Advocate



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

PD-006/13-01

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## Delinquency on Fees and Penalties Will Affect Processing Applications

As of Sept. 1, 2012, if you owe \$25 or more in delinquent fees or penalties to the TCEQ, we will not issue, amend, or renew permits, registrations, certifications, or licenses you may need.

This new protocol applies to all fees and applications, including those submitted via the TCEQ's ePermits system, an online option. Also, previously exempted fees, such as general permits, now fall under the delinquency protocol.

For more information on the TCEQ delinquent fee and penalty policy, please visit the TCEQ Delinquent Protocol Web page at <[www.tceq.texas.gov/agency/fees/delin/index.html](http://www.tceq.texas.gov/agency/fees/delin/index.html)>, or call Greg Yturralde, TCEQ revenue operations manager, at 512-239-1951. ■

## Do Your Part to Take Care of Texas™

*Take Care of Texas™* is a statewide campaign designed to involve all Texans in lifestyle and habit changes that will help improve air and water quality, conserve water and energy, reduce waste, and save you a little money in the process. This TCEQ program raises awareness of how each of us can make our state a better place to live, work, and play.

Your first step to *Take Care of Texas* is to learn how to get involved. The Take Care of Texas website, <[www.TakeCareOfTexas.org](http://www.TakeCareOfTexas.org)>, includes a variety of materials to help Texans of all ages do their part for the environment. Materials range from general information about environmental programs to specific, step-by-step instructions that address common environmental situations.

Despite recent rains and cooler weather, much of Texas is still experiencing drought conditions. *Take Care of Texas* offers several free materials to assist you in your water conservation education efforts:

**Bill Stuffer (GI-400):** Use in mailouts or as a stand-alone handout to offer residents and customers a few tips that can save both water and money.

**Mirror Cling (M-38):** Place on bathroom mirrors to remind visitors to "Turn off the faucet. Every drop counts."

**Bumper Sticker (M-36):** Use on fleet vehicles to showcase the "Conserve Water" message.

Order these and other Take Care of Texas publications for free from the online catalog at <[www.TakeCareOfTexas.org/publications](http://www.TakeCareOfTexas.org/publications)>. ■

**Connect with Take Care of Texas on Facebook!**

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## TCEQ Allows for Disposal of Waste From Nuisance and Abandoned Buildings

A new state rule allows small counties and municipalities to dispose of demolition waste from nuisance or abandoned buildings. The new rule applies to counties or municipalities with 10,000 or fewer people that have acquired buildings through bankruptcy, tax delinquency, or condemnation. They can dispose of demolition waste only on land owned or controlled by the municipality or county, and the land must qualify for an arid exemp-

tion under the TCEQ's rules, meaning the land receives an average annual precipitation of 25 inches or less.

To claim this permit-by-rule, all you need to do is complete a simple application form and provide information about your municipality or county, and the proposed disposal site. You must wait for a response from TCEQ before disposing of any waste. The complete rule can be found in 30 Texas Administrative Code (TAC) Chap-

ter 330, Subchapter A, specifically 330.7(i) at <[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=30&pt=1&ch=330/](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=330/)>

For help with claiming this permit-by-rule or to get the application form, call the TCEQ's Municipal Solid Waste Permits section at 512-239-2335. You can also get information or help with the permit-by-rule by calling TCEQ's Small Business and Local Government Assistance (SBLGA) section at 800-447-2827. ■

# Act Fast! Request Free and Confidential Site Visit through Compliance Commitment Program

Do you run an aggregate production operation? Are you confused about new environmental regulations? Or are you an electronics recycler who isn't quite sure if you can store those old parts outside? Maybe you have a petroleum storage tank, and you're not sure you're complying with all the rules. TCEQ's site visits could be for you.

A site visit, provided through our Compliance Commitment program, offers *free and confidential* help from an environmental professional to help answer those questions. Assistance is available for aggregate production operations, electronics recycling facilities, petroleum storage tanks, auto body facilities, auto repair facilities, dry cleaners, metal finishers, and many more. Visit <TexasEnviroHelp.org> for more information.

## Are you eligible?

To participate, your site or facility must:

- be independently owned and employ a companywide 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.

## To sign up, just follow these three simple steps:

**Step 1:** Call our representative at 800-447-2827 to request a site visit. Our contracted consultant will call you back to schedule a site visit.

**Step 2:** During the site visit, the consultant uses a checklist to identify any compliance problems. After the visit, the consultant mails you a report detailing recommended actions to resolve those problems. These options often can save you money by improving the efficiency of your process or reducing the time you spend on paperwork.

**Step 3:** You'll have three to six months to correct deficiencies. You'll then be contacted to schedule a follow-up site visit. If you have made all necessary corrections, then you may be eligible for TCEQ's C2 Certificate.

## Rewards

The C2 Certificate will *exempt* your facility from scheduled inspections by the TCEQ and other participating partners for up to two years. ■

## Local Compliance Assistance 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

Diana Steele,  
325-481-8061

### Region 4 - Dallas-Ft. Worth

John Aquilino,  
817-588-5836  
Kathryn Bazan,  
817-588-5827

### Region 5 - Tyler

Jack Holsomback,  
903-535-5158

### Region 6 - El Paso

Pamela Aguirre,  
915-834-4974

### Region 7 - Midland

Celeste Hoehne,  
806-796-7642

### Region 8 - San Angelo

Diana Steele,  
325-481-8061

### 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

Danielle Doss,  
713-767-3693  
Cynthia Williams,  
713-767-3549

### Region 13 - San Antonio

Asma Vahora,  
210-403-4039  
Nathan Weiss,  
210-403-4092  
Amber Fisher,  
210-403-4028

### Region 14 - Corpus Christi

Glenda Swierc,  
361-825-3421

### Region 15 - Harlingen

Imelda Peña,  
956-389-7427

### Region 16 - Laredo

Carmen Ramirez,  
956-721-8457

## TCEQ to End Requirements for Stage II Vapor Recovery Equipment

Changes may be coming to gasoline dispensing facilities in Texas. TCEQ staff is recommending revising rules and the State Implementation Plan (SIP) to decommission Stage II vapor recovery systems in current program areas (16 counties identified in ozone nonattainment areas). This is in response to a U.S. Envi-

ronmental Protection Agency (EPA) determination that on-board refueling vapor recovery technology is in widespread use for controlling motor vehicle refueling emissions in the motor vehicle fleet. The finalization of the EPA rule allows states to decommission Stage II programs as long as it can be shown that the air qual-

ity will not be affected with the removal of the Stage II equipment. By spring 2013, we expect to propose changes to the rules and SIP, and finalize them by fall 2013. If the commission adopts the SIP and rule revisions, the packet will be submitted to the EPA for approval.

*(continued on next page)*

## TCEQ to End Requirements for Stage II Vapor Recovery Equipment (continued)

While rules are being revised, the following apply.

- Fueling facilities (also known as GDFs) with Stage II vapor recovery systems installed must continue to maintain the equipment and follow current state regulations.
- Fueling stations must continue to meet Stage I requirements.
- New facilities should refer to the Stage II Enforcement Discretion Directive at < [www.tceq.texas.gov/assets/public/assistance/sblga/Stage\\_II\\_Enforcement\\_Discretion\\_Directive.pdf](http://www.tceq.texas.gov/assets/public/assistance/sblga/Stage_II_Enforcement_Discretion_Directive.pdf)>.

For more information on rule updates, please visit <[www.tceq.texas.gov/assistance/industry/pst/pst.html](http://www.tceq.texas.gov/assistance/industry/pst/pst.html)>. ■

### 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.TexasEnviroHelp.org](http://www.TexasEnviroHelp.org)**

SBLGA is entirely separate from TCEQ's enforcement program.

## The Texas Audit Privilege Act

Some business owners may not know about the Texas Environmental, Health and Safety Audit Privilege Act, which offers regulated entities immunity from administrative and civil penalties for certain violations identified during an audit if they disclose and correct those violations within a reasonable amount of time. It also allows businesses to keep certain information confidential by claiming "limited evidentiary privilege" for certain information gathered during a voluntary self-audit.

### Notifying the TCEQ About Your Self-Audit

Before conducting a self-audit, you must submit notification to the TCEQ through a Notice of Audit (NOA). Either an owner or operator, an employee, or an independent contractor can conduct the audit for the business. Submit the NOA by certified mail and include information such as:

- the location and extent of the audit,
- any TCEQ permits and registrations your business holds,

- and how long your proposed audit will take, although you are not allowed to take longer than six months.

To extend your audit past the initial six-month deadline, you must receive written approval from the TCEQ before the six-month cutoff date; otherwise, you may limit the availability of privilege and immunity. The TCEQ grants extensions on a case-by-case basis.

The evidentiary privilege and immunity from penalties apply only to information you gather and violations you discover and properly disclose. You cannot receive immunity for violations you discovered before the audit. Additionally, the Small Business and Environmental Assistance (SBEA) Compliance Commitment (C2) Program cannot be used to conduct the audit.

For more information on privilege for certain violations, specific details you must include in the NOA, and confidentiality, you can review the *Guidance on the Texas Environmental, Health and Safety Audit Privilege Act (RG-173)* online at <[www.tceq.texas.gov/publications/rg/rg-173.html](http://www.tceq.texas.gov/publications/rg/rg-173.html)>, or call Suzanne Walrath, TCEQ Enforcement, at 512-239-2134. ■

## UPCOMING EVENTS

### Environmental Trade Fair and Conference

April 30–May 1, Austin Convention Center

500 East Chavez St., Austin 78701

For more information, visit

<[www.tceq.texas.gov/p2/events/etf/etf.html](http://www.tceq.texas.gov/p2/events/etf/etf.html)>

Contact: 512-239-3100

### Small Business Advisory Committee (SBAC)

Jan. 29, 11:30 a.m.–1 p.m.

Golden Triangle Small Business Advisory Committee

Southeast Texas Regional Planning Commission

2210 Eastex Freeway, Beaumont 77703

Contact: Lori Palmer, 409-899-8789

March 21, 10 a.m.–noon

Houston Galveston Area Council

3555 Timmons Lane, Conference Room C, Houston 77027

Contact: Danielle Doss, 713-767-3693



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

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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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