

The Advocate



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

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Legislative Update

The 83rd Texas Legislature enacted several environmental laws that may affect small businesses and local governments. Over the next few months, the TCEQ will be working to create new rules or make rule changes to meet the new requirements. Some of the new laws include:

Supplemental Environmental Projects (HB 2290): Allows local governments and some other tax-exempt entities who receive funds for supplemental environmental projects to use up to 10 percent of those funds for the administration and oversight of the project. This may include overhead costs, salary and fringe benefits, travel, and per diem expenses associated with implementing the project.

Water Shortage Reporting (HB 252): Requires a retail public utility and each entity that receives wholesale water service to report to the TCEQ when the system has less than a 180-day supply of water.

Water-use Reporting Late Penalties for Water-Right Holders (HB 2615): Establishes late penalties for water-use reporting. Annual water-use reports are required for surface water-right holders. The amount of the penalty will be based on the amount of surface water the water-right holder is authorized to take. If you are authorized to divert less than 5,000 acre-feet per year, the bill allows the agency to assess \$100 for each day your annual report is late. If you are authorized to divert more than 5,000 acre-feet, the bill allows for a \$500 penalty each day

the report is late. The bill also allows for electronic reporting.

Drought Contingency Plan Implementation (HB 3604): Requires a water system to implement its Drought Contingency Plan when its county is declared to be in a state of emergency for drought.

Disposal of Demolition Waste from Abandoned or Nuisance Buildings (SB 819): Allows small counties or municipalities (12,000 people or fewer) to dispose of demolition debris from buildings on county/municipality land in arid exempt areas of the state. An arid exempt area is one that receives no more than 25 inches of annual average precipitation, based on data from the nearest official precipitation recording station for the most recent 30-year reporting period. A similar bill was passed last session, but it applied to counties or municipalities with a population of 10,000 or fewer.

Texas Audit Privilege Act (SB 1300): This bill modifies the Texas Environmental, Health, and Safety Audit Privilege Act (the Act).

It extends the privilege and immunity protections of the Act to new owners who, prior to taking ownership, initiate an audit of the regulated facility or operation and disclose any identified violations within 45 days after the acquisition closing date. The disclosure of any identified violations must also certify that the purchaser was not responsible for environmental, health, or safety compliance prior to the acquisition of the facility or property and did not have the largest ownership share of the facility or a common corporate parent. A person who begins an audit before becoming the owner can also continue an audit beyond the closing date if they provide notification to the agency within 45 days of closing. The audit notice must also certify that the purchaser was not responsible for environmental, health, or safety compliance prior to the acquisition of the facility or property and did not have the largest ownership share of the facility or a common corporate parent. This bill will take effect on September 1, 2013. ■

Kevin Fowler, TCEQ, and TPWD Team Up to Take Care of Texas



Country music star Kevin Fowler has graciously donated his time and talent to team up with the TCEQ and the TPWD to produce a new public service announcement that promotes outdoor recreation in Texas and encourages protection of the state's natural resources. The campaign urges everyone to get outdoors and enjoy Texas' clean air, rivers, lakes, and bays and visit Texas' great state parks. It also asks those who hear or see the PSA to visit <TakeCareOfTexas.org> and pledge to conserve water and energy and keep the air clean. ■

TV Retailers: List of Approved TV Manufacturers Now Published

The Texas Recycles TVs program has published its list of TV manufacturers that accept TVs for recycling at <www.TexasRecyclesTVs.org>. As of April 1, 2013, *retailers may order and sell only products from a television manufacturer that is included on the TCEQ's published list.*

If your business sells new televisions, you must follow specific requirements to comply with the law:

- You may not sell new televisions that are not labeled with the manufacturer's brand.
- Since July 1, 2012, you must provide consumers with information published by the TCEQ about the legal disposal and recycling options for their televisions.

You have several options to comply with this requirement.

Specific details on retailer requirements are available at <www.tceq.texas.gov/goto/TVretailers>. Also, you may call the program coordinator in the TCEQ's Pollution Prevention and Education Section at 512-239-3143. ■

UST Compliance Investigations and Vapor Recovery Rule Changes

The TCEQ conducts compliance investigations of facilities with underground storage tanks (USTs). You must stay in compliance with rules to avoid penalties. Common violations include not having release detection, corrosion protection, and records to document compliance.

To help prepare for an investigation, the TCEQ offers free, confidential, on-site compliance assessments to small businesses and local governments. A third-party contractor will review environmental compliance issues using a checklist and provide you a report identifying compliance deficiencies. The information in the report is confidential from TCEQ investigators and enforcement staff.

To schedule a site visit call the TCEQ's Small Business and Local Government Assistance Section at 1-800-447-2827. You can find compliance resources on our website at <TexasEnvirohelp.org>, including the *PST Super Guide: A Comprehensive Guide to Compliance in Texas* (RG-475). This publication contains brief modules that address multiple PST requirements, including release detection and corrosion protection. You can download this publication from the website, or order a printed copy by sending an e-mail to <puborder@tceq.texas.gov>.

Changes to the Environmental Protection Agency UST rules will become final later this year. The proposed rules included increased inspections and maintenance of UST systems. Look for rule changes as Texas implements these requirements. To keep up with the latest information, subscribe to this quarterly publication, *The Advocate*, at <www.tceq.texas.gov/publications/pd/pd-006.html>. For more information on the EPA's Office of USTs, go to <epa.gov/oust>. For current TCEQ UST rules go to <[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=334](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=334)>.

All facilities with USTs must comply with operator training requirements. Operators must re-train every three years. You can get information regarding UST Facility Class A and Class B Operator Training Courses and requirements at <www.tceq.texas.gov/remediation/pst_rp/ust_training>.

In addition to UST rules, Texas vapor recovery rules are being modified. The comment period for Stage II vapor recovery rules has closed and TCEQ staff are now incorporating comments received into the final rule proposal. The rule package will address procedures for the decommissioning and removal of Stage II equipment. Potential changes to Stage I testing requirements have been discussed in stakeholder meetings. We encourage you to participate in the process and keep up to date with the latest information on vapor recovery rules at <TexasEnviroHelp.org>. ■

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
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
Cynthia Williams,
713-767-3549
Stephen Scalise,
713-767-3726

Region 13 - San Antonio
Asma Vahora,
210-403-4039

Nathan Weiss,
210-403-4092
Amber Fisher,
210-403-4028

Region 14 - Corpus Christi
Daphne McCann,
361-825-3387

Region 15 - Harlingen
Imelda Peña,
956-389-7427

Region 16 - Laredo
Carmen Ramirez,
956-721-8457

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:

TexasEnviroHelp.org

SBLGA is entirely separate from TCEQ's enforcement program.

Water Systems Can Make More Money by Lowering Water Loss

Texas is still in a drought. If you operate a water system, the Texas Water Development Board (TWDB) has tools that will help you maximize revenue.

Leak Detection

TWDB loans leak detection equipment that utilities can borrow for free. To borrow this equipment, use the forms on the TWDB Web page at <www.twdb.state.tx.us/conservation/municipal/waterloss/leak-detection.asp>.

Water Loss Audits

Get a handle on water loss:

- Where did we lose the water?
- How much water was lost?
- How much did the loss cost the utility?
- Why did we lose the water?

Download a Water Audit Worksheet from the TWDB Web page at <www.twdb.state.tx.us/conservation/municipal/waterloss/index.asp>. ■

Get Involved with the Small Business Advisory Committee (SBAC) Near You

Dallas Small Business Advisory Committee

Contact: Kathryn Bazan, 817-588-5827

Fort Worth Small Business Advisory Committee

Contact: Kathryn Bazan, 817-588-5827

Golden Triangle Small Business Advisory Committee

Contact: Lori Palmer, 409-899-8789

Houston Small Business Advisory Committee

Next meeting: Sept. 19, 2013

Contact: Stephen Scalise, 713-767-3726

To check the dates, times, and locations of these meetings, or to register to attend, please visit our website at <www.tceq.texas.gov/assistance/advise/sbac/sbac.html>. For more information, contact our Small Business and Local Government Assistance section at 800-447-2827 or by e-mail at <sbap@tceq.texas.gov>. ■

UPCOMING EVENTS

From the general calendar of events at <www.tceq.texas.gov/events>

Advanced Air Permitting Seminar and Oil & Gas Facilities Workshop

Sept. 25-26, 2013

*Austin Convention Center
1st floor, Ballroom A, B, & C
500 East Cesar Chavez, Austin, TX 78701*

Contact: Mary Kelley, 512-239-3143

Information: www.tceq.texas.gov/p2/events/air-permitting.html

Water Quality/Stormwater Seminar

October 3-4, 2013

*DoubleTree Hotel
6505 IH 35 North, Austin, TX 78752*

Contact: Mary Kelley, 512-239-3143

Information: www.tceq.texas.gov/p2/events/stormwater.html

For more information, see the TCEQ website: www.tceq.texas.gov

Environmental Summits

The TCEQ Environmental Summits engage the general public, political leaders, neighborhood associations, nonprofits, businesses, and students to discuss and resolve environmental challenges in their areas. While the summits are free and open to the public, registration is required.

Valley Environmental Summit

Oct. 4, 2013 • 8:30 a.m. – 3 p.m.

*South Padre Island Convention Centre
7355 Padre Blvd, South Padre Island, TX 78597*

Contact: Imelda Peña, 956-389-7427

Register: TexasEnviroHelp.org
Information: www.valleyes.org

El Paso Environmental Summit

Oct. 11, 2013 • 8:30 a.m. – 3 p.m.

El Paso Marriott Hotel, 1600 Airway Blvd., El Paso, TX 79925

Contact: Pamela Aguirre, 915-834-4974

Register: TexasEnviroHelp.org
Information: www.ecowiseelpaso.org

Laredo Environmental Summit

Oct. 17, 2013 • 8:00 a.m. – 3:30 p.m.

*Texas A&M International University (TAMIU)
5201 University Blvd., Laredo, TX 78041*

Contact: Carmen Ramirez, 956-721-8457

Register: TexasEnviroHelp.org
Information: www.laredoenvironmentalsummit.com



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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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