

# The Advocate



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

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## TCEQ Issues a New Phase II MS4

The new TPDES general permit for Phase II (Small) Municipal Separate Storm Sewer Systems - TXR040000 became effective December 13, 2013. Operators of small MS4s must apply for authorization under the new permit by June 11, 2014.

Municipalities and other entities such as counties, universities, and special districts may be regulated MS4 operators if their roads, streets, gutters, ditches, channels, drains, or other stormwater conveyances are located within an urbanized area (UA). Maps identifying the urbanized areas are listed by city and state at the United States Census Bureau website at <[www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/)>.

To obtain permit coverage, submit a new Notice of Intent, a \$100 application fee, and a Stormwater Management Program before June 11, 2014. Existing authorizations will remain active until the new applications are approved.

MS4s serving a population of fewer than 1,000 within a UA may qualify for a waiver. Those applications must also be submitted before June 11, 2014. Provisional coverage begins 30 days after the TCEQ receives the application.

The reissued general permit, fact-sheet, Response to Comments, and a Frequently Asked Questions document are now available on the TCEQ website at <[www.tceq.texas.gov/goto/phase2ms4](http://www.tceq.texas.gov/goto/phase2ms4)>.

The revised NOI Form No. 20368 and Waiver Form No. 20369 can be found on the TCEQ website at <[www.tceq.texas.gov](http://www.tceq.texas.gov)>.

<[tceq.texas.gov/search\\_forms.html](http://tceq.texas.gov/search_forms.html)>. Forms from the previous permit period are no longer valid and will not be processed.

Additional compliance resources are available at Assistance Tools for Stormwater Permitting at <[www.tceq.texas.gov/assistance/water/sw.html](http://www.tceq.texas.gov/assistance/water/sw.html)>.

For help understanding the requirements or the permitting process, contact the Small Business & Local Government Assistance Section's compliance hotline at 1-800-447-2827 or the Stormwater & Pretreatment Team at 512-239-4671 or by e-mail at <[SWGP@tceq.texas.gov](mailto:SWGP@tceq.texas.gov)>. ■

## Changes Coming for Stage II Vapor Recovery Systems

When the Federal Clean Air Act was written, it prescribed stage II vapor recovery systems be used until onboard vapor recovery canisters on vehicles were in widespread use. EPA has determined that onboard canisters on vehicles are now in widespread use, which will allow states to develop a procedure for removing or decommissioning stage II systems. The procedure must be approved by the EPA.

The TCEQ has completed revising the rules and they are being reviewed by the EPA. Decommissioning may not begin until 30 days after the EPA approves the modified TCEQ rules. We have been working closely with EPA in this process and we expect the EPA to approve the TCEQ rules sometime in the first half of 2014. In the meantime, you must maintain Stage II vapor recovery system equipment and testing.

Information will be sent to all owners and operators when the EPA approves the TCEQ rules. The updated information will be available at <[www.tceq.texas.gov/assistance/industry/pst/pst.html](http://www.tceq.texas.gov/assistance/industry/pst/pst.html)>.

You can receive updates by e-mail: on the TCEQ home page, <[www.tceq.texas.gov](http://www.tceq.texas.gov)>, click on "sign up for e-mail updates" and after logging in, click on "Regulatory Announcements for Small Businesses and Local Governments." ■



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## 2014 Dates to Remember

This is a guide only; it may not be all-inclusive.

### January

- 1 • Waste Reduction Policy Act: Executive Summary of Five-Year Pollution Prevention Plan, every fifth year
- 10 • Groundwater or purchased water systems: Disinfectant Level Quarterly Operating Report (DLQOR)
- 20 • Quarterly Biomonitoring Discharge Monitoring Report (DMR) and Tables
- 25 • Industrial and Hazardous waste: annual summary report (paper filers)
  - Used-Oil collection center: annual report

- Used-oil filter handlers: renew registration and report in even-numbered years
- 30 • Water and wastewater investor-owned utilities, districts, water supply corporations, and affected counties: regulatory assessment fee
  - Dry cleaners: quarterly registration fee

### February

- 15 • Concentrated Animal Feeding Operations (CAFO): annual report

### March

- 1 • Water rights holder: annual water-use report
  - Scrap-tire transporter: annual activity report
  - Combined scrap tire facility and storage site: annual activity report

- Industrial and hazardous waste: annual summary report (electronic filers)
- Medical waste transporter and self-transporter: annual waste report
- Medical waste: annual registration and summary
  - Tier II reports
- 20 • 2013 Scrap Tire Transporter Annual Report
- 20 • 2013 Tire Facility and Storage Site Combined Annual Activity Reports
- 31 • Air Emissions Inventory Annual Report on air emissions events
- 31 • Multi-sector general permit (MSGP) for:
  - ~Industrial stormwater discharges
  - ~Benchmark monitoring summary
  - ~DMRs on numeric effluent limit (annual hazardous metals) DMRs on sector-specific, numeric effluent limits

### Local Compliance Assistance Specialists are Ready to Help You!

You have free, confidential help right in your backyard.

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## TCEQ Announces Grants for Alternative Fueling Stations

The TCEQ is offering up to \$7.6 million in grants to eligible individuals, businesses, and governmental entities to continue the development of a network of alternative fuel and/or natural gas fueling stations. The grant application period began Nov. 15, 2013, and runs through Feb. 18, 2014.

The Clean Transportation Triangle and Alternative Fueling Facilities Program grants are part of the Texas Emissions Reduction Plan, and we offer them to eligible entities that intend to build, own, and operate alternative fuel and/or natural gas fueling stations in eligible Texas counties.

For more information on the grant programs and to access up-to-date information on the application process, specific geographic eligibility requirements, and copies of all application forms for both programs, visit our website at <[www.tceq.texas.gov/airquality/terp/ctt.html](http://www.tceq.texas.gov/airquality/terp/ctt.html)>, or call Kathleen Vale, TCEQ's CTT/AFFP Grant Manager, at 800-919-TERP (8377). ■

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# Rulemaking Related to HB 252 Has Begun— 180-Day Reporting Requirement for Water Utilities

The TCEQ has begun the rulemaking process to implement HB 252, which went into effect on Sept. 1, 2013. The legislation requires water utilities to determine the number of days of available water supply and

report to the TCEQ when their available water supply is less than 180 days.

Although the legislation is in effect, we are writing a rule which explain in more detail what utilities are required to report and how to report it. We

anticipate that the rule will be proposed at the Commissioners' Agenda on Feb. 26, 2014.

For more information about the proposed rules go to [www.tceq.texas.gov/goto/hb252](http://www.tceq.texas.gov/goto/hb252). ■

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## Learn More About Compliance History

Every Sept. 1, the TCEQ calculates compliance-history ratings and determines compliance-history classifications for all entities regulated under Title 30, Texas Administrative Code, Chapter 60 (the compliance-history rule). These ratings are based on an evaluation of an entity's compliance with environmental rules and regulations. This evaluation includes a review of any violations, investigations or audits that occurred within the previous five years.

On Nov. 15, the TCEQ publishes these ratings and makes them

available for viewing on the TCEQ website. Any entities that receive an unsatisfactory classification for the first time will receive an "Unsatisfactory Compliance History Notification" letter from the TCEQ. These letters are for informational purposes only and do not require any action to be taken by the recipient.

You can learn more about compliance history, including how to appeal an unsatisfactory rating, from RG-457, Compliance History: How it Works, at [www.tceq.texas.gov/publications/rg/rg-457.html](http://www.tceq.texas.gov/publications/rg/rg-457.html), or by visiting the following Web page: [www.tceq.texas.gov/enforcement/history](http://www.tceq.texas.gov/enforcement/history). ■

## UPCOMING EVENTS

From the general calendar of events at [www.tceq.texas.gov/events](http://www.tceq.texas.gov/events)

### *Industrial Emissions Inventory Workshop*

Jan. 23, 9:00-4:30, Pickle Center, Austin, Texas

Contact: Mary Kelley, 512-239-3143

More information:

[www.tceq.texas.gov/p2/events/industrialemissionsinventoryworkshop](http://www.tceq.texas.gov/p2/events/industrialemissionsinventoryworkshop)

### *TCEQ Environmental Trade Fair and Conference Scheduled for May*

This year's Trade Fair will take place May 6-7, 2014 at the Austin Convention Center.

The event includes more than 100 educational sessions on topics from oil and gas to waste management, as well as more than 400 exhibits showcasing the latest environmental information.

To register to attend, and find additional information, please visit [www.tceq.texas.gov/goto/etfc](http://www.tceq.texas.gov/goto/etfc).

## CALL ON US

Toll Free & Confidential:

**1-800-447-2827**

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- 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:

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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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