

Small Business The Advocate

For and about small businesses affected by environmental regulations

Healthy Environment. Strong Business. Good Sense.

PD-006/98-1

Volume 3, Issue 1 / December 1997 - January 1998

Free On-Site Help from SBAP

Small businesses confused by the bewildering maze of environmental regulations have a new navigation tool: free, on-site compliance assessments offered through the Small Business Assistance Program (SBAP) of the TNRCC.

At your request, an environmental consultant under contract with SBAP will conduct a site visit of your facility to identify compliance problems and give plain language guidance on the corrections needed.

The visit and consultation are absolutely free. What's more, all information is kept confidential and cannot be used for any enforcement action. Assessment is available to any Texas business that is independently owned and operated with 100 or fewer employees.

For further information or to schedule an on-site visit, contact the SBAP toll-free at:

800-447-2827

Or visit the SBAP website:

www.tnrcc.state.tx.us/exec/small_business ■

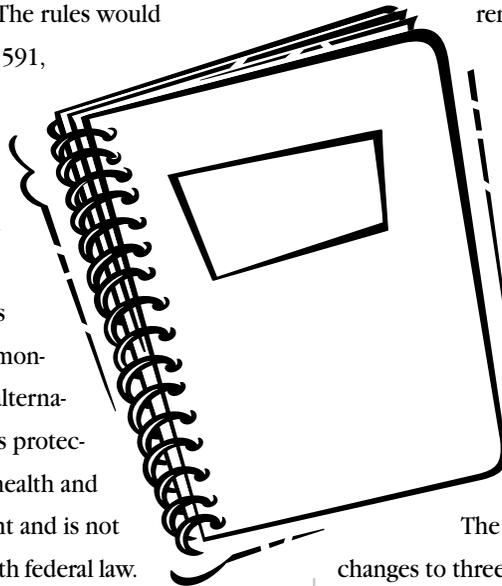
Rules Notebook

Upcoming compliance proposal...

Facilities could be exempted from certain agency requirements if they used acceptable alternative methods of complying with pollution control or abatement rules or laws, under rules now being developed by the TNRCC. The rules would implement SB 1591, enacted during the last legislative session (97166-000-AD).

Companies will have to demonstrate that the alternative is at least as protective of human health and the environment and is not inconsistent with federal law. The rules will outline methods of application, public participation, and the criteria the agency will use to make a final determination on proposed alternatives. The rules will be published for formal

public comment before a final version is adopted in **July 1998**.



... Pending amendments

Used oil-filter storage rules (97169-330-WS) are being amended by the TNRCC to allow auto service centers, gas stations, and auto repair businesses more flexibility in handling and disposing of filters. Cur-

rently, a company must register as a storage facility if it accumulates more than 165 gallons of used filters. The amended rule will allow a facility to accumulate up to 330 gallons of used oil filters before having to register. The amended rule was adopted in **December 1997**.

The TNRCC also is proposing changes to three exemptions from air permitting rules (97165-106-AI) that would affect:

- **woodworking shops** — The agency proposes to eliminate Section 106.222, pertaining to woodworking shops, since these businesses now are regulated by streamlined requirements in Section 106.231.
- **anhydrous ammonia storage and distribution facilities** — Handling requirements for nurse tanks and individual tank size limits would be added to Section 106.477 to help control emissions.
- **trash incinerators** — New temperature controls, stack height restrictions, and/or distance limitations would be specified for dual chamber incinerators in Section 106.491. The agency will publish proposed changes for formal public comment before adopting final rules in **March 1998**. ■

Stage II Exemption/Extension Deadlines Looming



Gasoline outlets that have received an exemption from TNRCC Stage II vapor recovery requirements must confirm that they still have less than 10,000 gallons of throughput per month by submitting records for the past 12 months in **January 1998**. Gasoline storage tank owners who have qualified as an Independent Small Business Marketer of Gasoline (ISBMG) must confirm their status by submitting throughput records in January. ISBMGs are eligible for a compliance extension as late as **December 1998**. ■

New TNRCC Penalty Policy Good News for Small Business

Small businesses stand to gain from the new penalty and enforcement policy recently issued by the TNRCC. The policy, which took effect October 1, details procedures the agency will now use in evaluating violations and determining administrative penalties.

The process of evaluating violations takes into account the nature of the source (major or minor) and the extent of any harm to the environment, property, and human health. It also considers such factors as culpability and the economic benefit gained from failure to comply with regulations as well as good-faith efforts to meet regulatory requirements and the facility's overall compliance history.

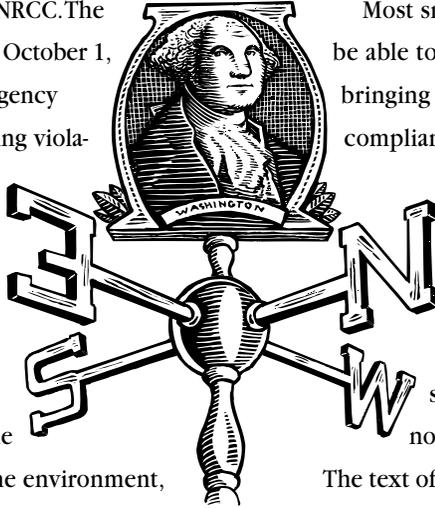
Under the policy, facilities cited for violations may be allowed up to 180 days to achieve compliance, and the compliance

actions taken by the company may offset a portion of the monetary penalty.

Most small businesses should be able to resolve violations by bringing their facilities into compliance as soon as violations are discovered. The new enforcement guidelines also replace an earlier no-penalty policy for small entities and minor sources.

The text of the new guidelines, complete with standardized penalties and examples of calculations, is available as publication RG-253 from the TNRCC Publications Office, 512-239-0029. Copies also may be downloaded from the TNRCC website:

www.tnrcc.state.tx.us ■



**YES! I would like to receive
Small Business' The Advocate**

Article V, Section 66C, H.B. 558, 66th Legislature, 1979, requires state newsletters to notify recipients in three consecutive issues that they must formally request the publication in order to continue receiving it. **If you wish to continue receiving Small Business' The Advocate, please return this form to:**

Small Business Assistance Program, MC 106
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

Name _____

Address _____

City/State/Zip _____

The Small Business Advocate is published bimonthly by the Small Business Assistance Program. Comments or suggestions for future articles should be sent to:

The Small Business Advocate Editor
Small Business Assistance Program, MC 106
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

**Toll Free
1-800-447-2827
(All calls are confidential)
Fax: 512-239-1065**



The TNRCC is an equal opportunity/affirmative action 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 TNRCC at (512)239-0028, Fax 239-4488 or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-3087.

WHAT'S INSIDE:

- Rules Notebook
- Free On-Site Help From SBAP
- PST Exemption/Extension Deadlines Looming
- New TNRCC Penalty Policy Good News for Small Business

UPCOMING EVENTS:

JANUARY

Golden Triangle Small Business Advisory Committee	Jan 29
Houston/Galveston Small Business Advisory Committee	TBA

FEBRUARY

Fort Worth/ Small Business Advisory Committee	Feb 11
Greater Dallas Chamber of Commerce	Feb 12
Houston Bar Association	Feb 13
Dallas Small Business Advisory Committee	Feb 24

Call SBAP at 1-800-447-2827 for details.

RETURN SERVICE REQUESTED

SMALL BUSINESS ASSISTANCE PROGRAM, MC 106
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
PO BOX 13087
AUSTIN TX 78711-3087

