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2006

Natural

OUTLOOK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Legacy in Lumber

Sawmill in good stead with the environment



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Natural OUTLOOK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Informing Texans about important natural resource issues

1 LawN Order

The Landscape Irrigation Program wants homeowners to know the pitfalls of using unlicensed irrigators to install lawn sprinkler systems.

2 The Ties that Bind

Commissioner Martin A. Hubert arrives at the TCEQ with a broad background in law and state government.

from the cover

4 Offering a Helping Hand

The division of Small Business and Environmental Assistance offers a variety of programs for small businesses, industry, and local government. A staff of 80 provides expertise in matters of air and water quality, pollution prevention, rule making, environmental compliance, and hazardous waste. The division's many outreach programs range from confidential site visits to awards for innovative practices.



9 Screening for Health

Having won an endorsement for its new ESL guidelines, the agency's toxicology team begins devising health-based standards for individual chemicals that affect air quality.

on the back

Publications Offer Environmental Guidance

A variety of agency publications are available to help small businesses and local governments become more familiar with environmental protection.

COVER: Rogers Lumber Co. is a family-run sawmill in Orange, which lies in the heart of Southeast Texas timber country. Jeff Rogers and his crew represent one of many small businesses to benefit from the TCEQ's environmental assistance program. Photo by Bob Daemmrlich.

LawN Order

When choosing a landscape irrigator, check for proper credentials

This is the dormant season, as far as most outdoor planting goes. But that doesn't mean homeowners aren't planning for the next round of landscape updates—including how to water all that greenery.

The TCEQ licenses individuals to provide irrigation services in Texas. Anyone searching for an individual or company to design, install, or repair a lawn sprinkler system should make sure that the provider holds a state license.

"Licensed landscape irrigators are held to high standards, and they are required to follow a certain set of rules when installing a home irrigation system," explains Manuel Flores of the TCEQ Landscape Irrigator Program. "But too often, the buyer does not know to ask the individual or company for their irrigator's license number. The buyer should be aware that many companies operate without a license or falsely advertise a license where there is none."

Obtaining a state license means taking a 32-hour course approved by the TCEQ, followed by an examination on system design and installation, hydraulics, and backflow prevention. State rules and ethics are covered as well. The license is good for two years, then renewed through continuing education.

Texas has about 6,000 licensed irrigators. Every irrigation company must have at least one full-time licensed irrigator on staff. The TCEQ also offers an apprentice-type license for installers. A licensed installer must work under the direct supervision of a licensed irrigator.

According to Flores, a licensed irrigator is trained "to know how to design and install an irrigation system that applies the least amount of water required to maintain healthy plant material or turf."

Noting that the agency receives more than 200 complaints a year about irrigation services, Flores urges homeowners to "know who they're dealing with and check their local references.

"Get a written proposal, and confirm the individual or company's license number. Then get a written contract."

As a final precaution, the buyer should withhold final payment "until the contractor has explained the entire system and presented the homeowner with a written warranty, as required by law," he adds.

Flores has seen homes with irrigation piping installed near the top of the ground, rather than six inches belowground, as required. He has also observed spray heads spaced incorrectly, so that parts of the lawn were overwatered while other areas withered

from lack of water. Some property owners have reported exorbitant monthly water bills because their systems were not designed according to state rules.

Anyone wishing to file a complaint with the TCEQ should submit copies of their contract, invoices, and canceled checks, along with the complaint form.

continued on page 8

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By state law, a landscape irrigator must display a license number on all written proposals or contracts, advertisements and business cards, and business vehicles. A buyer should ask for evidence of a license and even verify it by searching the TCEQ web site.

www.tceq.state.tx.us/nav/permits/index.html

The TCEQ Landscape Irrigation Program has an online database of licensed irrigators. Check here under "Find Licensing Records" to determine whether a prospective contractor has the proper credentials. And look under "Landscape Irrigation" for the continuing education courses completed by irrigators. The site also explains who is exempt from state licensing requirements, such as homeowners installing their own systems or licensed plumbers.

To file a complaint about an irrigator or installer, contact the TCEQ. Be prepared to submit the supporting documentation (copies, not originals). Call 512-239-6658, or write to the TCEQ, Landscape Irrigation Program, MC-178, P.O. Box 13087, Austin TX 78711-3087.

The Ties that Bind

Hubert enjoys close bonds with land, family, and alma mater



In Brief: Martin A. Hubert

Education

Texas A&M University

St. Mary's University School of Law

Georgetown University Law Center

Career

Meyers & Associates, Washington, D.C.

**Texas Senate, general counsel
for the Natural Resources Committee**

**Lt. Gov. Bob Bullock, special assistant
for agriculture and natural resources**

Lt. Gov. Bob Bullock, general counsel

**Texas Department of Agriculture,
deputy commissioner**

Loyalty to Texas A&M University runs far and wide in the Hubert family. Martin A. Hubert, the newly appointed commissioner to the TCEQ, is a graduate. His father, all eight siblings, and even some of their spouses attended A&M or have a degree from there.

“You can color us *deep* maroon,” he laughs.

Ranching—and concerns for natural resources—also run in the bloodline. Hubert, 43, is the fourth generation to be active in the family’s ranching operation in South Texas.

“My parents, my grandparents, all of us consider ourselves to be stewards of the land,” he says. “My family has taken good care of that land and has been very concerned about environmental issues. This had a lot to do with the field I chose to go into and where I am now.”

Hubert now sits on the commission of the state’s leading environmental agency. He and the two other commissioners, all appointed by Gov. Rick Perry, set policy and direction for the TCEQ. A vacancy was created last spring with the retirement of R.B. “Ralph” Marquez.

Hubert, a lawyer by training, comes to the TCEQ from the Texas Department of Agriculture (TDA), where he served as deputy commissioner.

Agriculture Commissioner Susan Combs often described him as the agency’s chief operating officer because Hubert oversaw matters ranging from budgetary decisions to administrative functions for the staff of 500. He also represented Combs on a number of boards and committees.

The TDA also is keenly interested in natural resources, primarily water. The drought plaguing much of Texas kept the TDA busy this year offering advice to farmers and ranchers whose operations suffered from unusually hot, dry weather.

Hubert says his own family in Kleberg County has endured the worst of the drought, thanks to reliable groundwater and a decent stockpile of hay. As often as possible, he returns to the ranch to help his father and brothers work cattle, repair fences, and bale hay.

While Hubert’s college and law degrees were attained in Texas—at A&M and St. Mary’s University—his pursuit of another degree took him to Washington, D.C., in the early 1990s. He earned a master’s of law in federal income taxation from Georgetown University Law Center and immediately went to work for a D.C. firm that led him to renew ties with his alma mater. At Meyers & Associates, Hubert worked on the government relations team representing Texas A&M on federal issues pending before Congress.

During that time, he met Celeste Cooke, who worked in a U.S. senator’s office on Capitol Hill. The two married in 1997 and have two small children.

When the young lawyer returned to his home state, it was to the Capitol to work as general counsel for the Senate Natural Resources Committee. Lt. Gov. Bob Bullock then chose Hubert to be his special assistant for agriculture and natural resources, and eventually promoted him to the position of general counsel. When Bullock retired, Hubert made the transition to the TDA in 1999.

Since arriving at the TCEQ, the new commissioner has been doing lots of homework to expand his knowledge of air quality and waste management issues. His previous state experience included development of legislation related to water issues, including Senate Bill 1, a landmark bill that created a regional planning system for anticipating the state's water needs in the coming decades.

Colleagues say Hubert is known to be a hard worker. Even he admits, "I really like to dig into the issues. That's because I want to know as much as I can—all the background of how we got to where we are. I'm one of those people who like a lot of information, but not to the point of getting bogged down."

The commissioner has made a point of visiting with TCEQ divisions "to learn firsthand about their priorities, as well as their hot-button issues. That way I'll know what we need to focus on."

He thinks the legislative session in 2007 will be crucial, as lawmakers take up matters important to the TCEQ, such as funding for agency water programs.

Outside of work, Hubert runs three to four miles on weekdays, longer on the weekends. He and his wife can be found on the running trail around Austin's Town Lake while pushing their children in a double stroller.

He also enjoys hunting, having recently bagged an antelope in Brewster County, and singing at events like weddings and swearing-in ceremonies. The second tenor was a member of A&M's Singing Cadets until he was tapped for the Ross Volunteers, the governor's honor guard. At A&M, he also served as brigade executive commander in the Corps of Cadets.

Hubert, whose appointment still must be confirmed by the Senate, has begun a term that extends into 2011. His foremost goal, he says, is "to do something positive for the state."

That's just what the Hubert family would expect. ♻️

***"My parents,
my grandparents,
all of us consider
ourselves to be
stewards of the land."***



Hubert takes cover on a rainy day with 5-year-old Annabelle Grier, or "Belle," and 1-year-old Patrick II. The family, including wife Celeste, live in central Austin and are members of St. Theresa's Catholic Church.



Offering a Helping Hand

Environmental assistance programs help Texans take care of Texas

In the East Texas town of Orange, the Rogers family is carrying on a 60-year-old tradition—the Rogers Lumber Co. Most every family member works in the small sawmill, and each one takes personal pride in its success.

But Rogers Lumber isn't just a job for this family, it's their legacy. So when Operations Manager Jeff Rogers received a notice of violation from the TCEQ for not having a storm water plan and permit, he worried about what could happen to the family business and its 25 employees.

"We did not know that such a thing [a storm water plan] existed," recalls Rogers. "After we were told what all was required of us, and about the threat of fines for noncompliance, my grandfather was prepared to close the company after being in operation since 1947."

That is, until he called Charlie Adams, a compliance assistance specialist at the

TCEQ's Beaumont office and a representative of the Small Business and Environmental Assistance (SBEA) Division.

"Charlie stepped in and explained everything," says Rogers. "He got me to understand the requirements, and helped me begin taking the steps to get in compliance."

With Adams' help, Rogers developed a storm water plan and obtained the required permit. And thanks to the assistance, Rogers says, his family did not lose its livelihood.

Events like this are not uncommon as the SBEA Division responds to Texans asking for help.

A staff of 80 includes experts in air, water, pollution-prevention, rule-making, regulations, compliance, and hazardous waste issues.

Most SBEA programs cater to small businesses, local governments, large industry, and consumers who need help

with regulatory, pollution-prevention, or general information matters.

"Small businesses are the backbone of this state," explains Chairman Kathleen Hartnett White. "It's important that they understand our environmental laws to be able to comply with them. Most of these business people are hard-working folks who want to play by the rules."

A number of agency publications have been created to advise small businesses on environmental protection measures (see back page).

Parts of the Whole

Through environmental assistance, public awareness programs, education, and cleanup campaigns, SBEA staff work to reduce pollution and improve the environment.

The division, after a recent reorganization, has two primary sections.

Small Business and Local Government Assistance. SBLGA staff work one-on-one with small businesses and local governments requesting assistance on how to comply with state laws and TCEQ rules. SBLGA's policy of confidentiality allows the regulated entities to work actively with staff on resolving issues, without fear of enforcement.

Pollution Prevention and Education. This new section was created by merging the Pollution Prevention and Industry Assistance and the Event Coordination and Education sections. These combined staffs consist of technical experts, including professional engineers and program specialists, who help businesses and organizations of any size identify ways to protect the environment by reducing pollution or preventing it before it is created. With help from voluntary programs and educational workshops, participating organizations reduced air, water, and waste emissions by a reported 112,000 tons in fiscal 2006 (Sept. 1, 2005, to Aug. 31, 2006).

The PPE section coordinates an array of public programs, including seminars, outreach campaigns, and



Photo by Bob Daemrich

Jeff Rogers is the fourth generation in his family to work at the family sawmill in Orange. When the 60-year-old business ran into problems with the state storm water program, a TCEQ representative got involved and offered some guidance. Rogers Lumber Co. took the proper steps to ensure that environmental protection is in place.

waste collection and cleanup events. The staff also organizes the agency's annual environmental conference and achievement awards program.

Just a Call Away

For SBLGA staff, helping a small business or local government usually starts with receiving a call at 800-447-2827 between 8 a.m. and 5 p.m.

“Calling the confidential hotline is often the first time someone concerned with a compliance matter has mustered the courage to contact the state,” says SBEA Director Matthew R. Baker. “Our folks immediately put the callers at ease, and walk them through the rules and regulations in layman’s terms.”

In fiscal 2006, SBLGA responded to more than 7,000 requests for assistance. About half were from businesses with 20 to 100 employees, more than 30 percent from businesses with fewer than 20 employees, and the remainder from local governments.

Projects with local governments have included explaining major changes in agency rules regarding landfills, transfer stations, and municipal solid waste, all of which affect the daily operations of many cities and towns. SBLGA has also enlisted wastewater utility professionals to help smaller utilities with environmental compliance.

In a related outreach effort, the EnviroMentor Program finds independent professionals with technical or legal expertise in environmental issues to help small businesses and local governments comply with state environmental rules. This occurs through one-on-one contact or in a teaching



The Hybrid Vehicle Expo was one of the highlights of the 2006 Environmental Trade Fair and Conference. On display were the newest hybrid applications for commercial fleets, including a refuse hauler and a utility budget truck. Pictured here is a hybrid SUV that is part of the TCEQ fleet. The TCEQ has 24 hybrid vehicles and plans to add more in the coming years.

situation. Assistance from an Enviro-Mentor volunteer is confidential.

Free, on-site environmental compliance assessments are another way of offering assistance—confidentially—to businesses (with 100 or fewer employees) and to local governments. Environmental consultants under contract with the TCEQ conduct the voluntary audits for environmental compliance. If the audited site corrects the noted deficiencies and the consultant verifies compliance, the site becomes eligible for the Compliance Commitment (C2) Partnership. Through this partnership, small business owners and local governments stand to earn a one-year exemption from routine TCEQ investigations.

The site visits help inform business owners and government officials of the various state and federal rules intended to minimize pollution. Last year, SBLGA

compliance specialists coordinated more than 300 requests for site visits, mostly from small businesses.

Stop Pollution at the Source

Through a variety of voluntary programs, the PPE section is responsible for promoting innovative pollution-prevention strategies that improve environmental quality by reducing or eliminating pollution at its source.

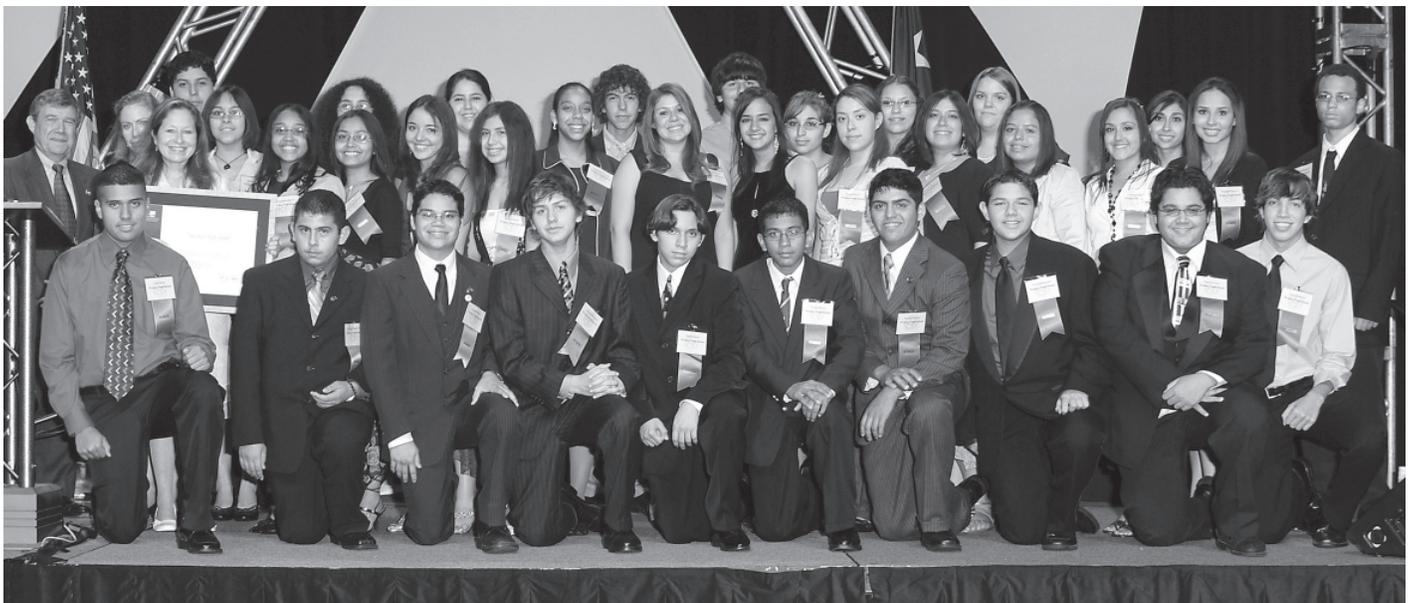
While providing this assistance to sites with potential performance problems, PPE programs mainly focus on organizations looking to enhance their environmental performance to levels beyond state or federal laws. Industry managers understand that protecting the environment can also boost the bottom line for their companies.

For companies that have already demonstrated environmental commitments

or want to revitalize their programs, there is CLEAN TEXAS—the state’s voluntary environmental leadership program. With different criteria required at each membership level (bronze, silver, gold, and platinum), organizations can tailor their commitments to fit their unique goals and objectives.

In addition to providing members assistance in implementing their commitments, CLEAN TEXAS requires its 350 participants to work within their community to improve the environment. Projects can include hosting a household hazardous waste collection event, participating in the watershed protection programs, educating the community about ozone action days, and sponsoring a vehicle maintenance event.

To help organizations wanting to make new environmental commitments, as well as sites that simply want to improve their environmental performance, PPE recently initiated the Site Assistance Visit Plus Program. The SAV+ team will help organizations generate



Commissioner Larry R. Soward and Chairman Kathleen Hartnett White, left, congratulate members of Weslaco High School at the 2006 awards banquet. The students won the Texas Environmental Excellence Award in the youth category for creating a school botanical garden, which serves as an outdoor learning lab. The quarter-acre of plants, trees, herbs, and flowering shrubs is used in studies about resource conservation, nutrition, and community service. Students donate the produce they grow to a local food bank.

innovative ideas, identify performance issues, and provide site-specific pollution prevention tips. The SAV+ visits will be neither regulatory nor enforcement in nature—their only purpose is technical assistance.

“We recognize that different sites have different needs, so our goal is to tailor our assistance to fit the needs of each organization,” explains Baker. “By identifying opportunities to improve environmental performance, we hope to make the new SAV+ program an ‘on-ramp’ to CLEAN TEXAS.”

He said the PPE section not only addresses pollution prevention in general, but also has programs geared specifically to air, water, or waste. For example, staff coordinate with local and state-wide efforts to improve air quality. One voluntary program is the SmartWay Transport Partnership, which assists freight transport fleets in reducing emissions. Also, various efforts are under way to encourage the use of hybrid vehicle technologies among commercial fleets, as well as commuters.

When looking to reduce pollution at its source, waste reduction is the primary focus. Programs such as the Resource Exchange Network for Eliminating Waste (RENEW), Texas Recycled, and a composting program promote ways of reusing materials that would otherwise be wasted, and they identify new markets for recycled materials.

On the other hand, some waste reduction efforts—such as the Pollution Prevention (P2) Plans required under the Waste Reduction Policy Act—are not voluntary.

“Our pollution prevention program has long been recognized as a leader nationwide,” says Commissioner Larry R. Soward. “Our goal is



Photos by EnviroGLAS

Walking on Glass

Four years ago, the city of Plano issued a challenge. It was looking for someone to come up with a viable market for its tons of recycled glass.

That sparked an idea and led to a marketable product for Tim Whaley.

As the head of EnviroGLAS, a small glass recycling plant, Whaley worked to improve the lackluster reputation of glass as a recycled product by developing a flooring concept that is as visually striking as it is innovative.

With EnviroGLAS Terrazzo, crushed recycled glass is combined with multi-colored crystals, an epoxy resin binder, and Plano’s discarded bottles, mirrors, and windows. The result—crushed glass aggregate turned into elegant flooring—now graces the floors of several public and private buildings in North Texas and beyond.

With a U.S. patent for its product, EnviroGLAS won a Texas Environmental Excellence Award in 2005.

Since then, Whaley has appeared in national home product television shows and magazines, and his business is booming, all while reusing scrap and saving landfill space.

“Winning the TCEQ award in the small business category has been great for EnviroGLAS,” says Whaley.

“It has become part of our story, lending credibility and building interest in our recycled glass terrazzo products. For a customer considering doing business with our small, young company, the award makes a significant impression.” ♻️



TCEQ staff are available at the annual Environmental Trade Fair and Conference in Austin to answer questions and distribute materials to attendees, who come from across the state.

to ensure that it also becomes one of the agency's essential tools for addressing its priorities."

Training Opportunities Abound

The TCEQ's Environmental Trade Fair and Conference is an annual event that draws about 2,000 environmental professionals and members of the public. The environmental symposium, held for three days each May, is considered to be among the best in the country.

The Trade Fair's programs and workshops offer up-to-date information on a broad range of agency rules and activities. In addition, more than 400 companies and organizations set up exhibits, providing information on services and products available for environmental protection.



The conference highlight is the presentation of the Texas Environmental Excellence Awards, which are the highest environmental honors in the state. Presented by the TCEQ and the Governor's Office, these awards recognize individuals, companies, and organizations that have contributed significantly to environmental stewardship and awareness.

"These awards show off good environmental projects in Texas and encourage continued good works," says Commissioner Martin A. Hubert. "We get to honor the winners and pat them on the back for going the extra mile to take care of Texas."

Throughout the year, PPE staff also coordinate workshops and seminars for other TCEQ divisions to help them provide timely, specific information to their customers. These training opportunities include

continuing education credits for professionals working on specific air, water, and waste issues, and forums that allow colleagues to share information.

The PPE section also coordinates public campaigns designed to encourage Texans to be environmentally responsible. For example, the section authorizes local hazardous household waste collection events held by cities, counties, and companies to promote safe disposal of wastes. Rural communities benefit from free agricultural recycling and waste disposal collection events arranged by the section.

Another campaign, Drive Clean Across Texas, is conducted in partnership with the Texas Department of Transportation to publicize useful information on saving fuel and limiting air pollution through proper vehicle maintenance and good driving habits. ♻️

Contributing to this article:

— Sylvia Womble-Saenz, James Voelker, Joe Thomas, and Melinda Houlihan

For more information
about Small Business and Environmental Assistance programs, call 800-447-2827 (if in the Austin area, call 239-3100). Or visit www.tceq.state.tx.us/about/organization/ed.html#5

LawN Order *continued from page 1*

Irrigators suspected of operating without a license will be referred to the agency's enforcement program, which has the authority to levy administrative penalties. Licensed irrigators found to be negligent could have their license suspended or revoked.

Installing a lawn sprinkler system is no small expense—the cost to cover a typical residential lot ranges from \$1,500 to \$3,500, but some go much higher. Flores points out that the TCEQ has no authority to recover funds lost due to negligence, "so consumer education is the best protection." ♻️

Screening for Health

Guidelines are at the heart of air quality standards

Calls have come from other states. Now e-mails are arriving from Japan, Australia, New Zealand, and Canada, all wanting to know about the Effects Screening Levels (ESLs) in development at the TCEQ.

The news is out that the TCEQ's proposed ESL program ran the gauntlet of a rigorous peer-review panel of scientific experts—and won their stamp of approval.

With that endorsement, many air quality programs from around the country and beyond are seeking information on the new ESL guidelines, which will become the basis of many decisions made by the TCEQ in the coming years.

Although “effects screening level” is hardly a household term, it is important for anyone living in urban areas where air quality is a concern.

ESLs are chemical-specific air concentrations established to protect human health. These levels are among the key factors used in setting emissions limits in air permits, evaluating air monitoring data, and determining safe cleanup levels during remediation projects.

Protecting Public Health

“The vast majority of monitored levels of air pollutants in Texas are below their established ESLs,” says Michael Honeycutt, Ph.D., manager of the TCEQ Toxicology Section. “We felt that our ESLs were health-protective, but they did not incorporate all the latest science. We were using ESLs developed in the 1970s.”

That is why Honeycutt and his team of 13 toxicologists embarked on the laborious task of reviewing all known methods of deriving ESLs and arriving at a new methodology for the agency. Two years of research and analysis culminated in June 2005 with a presentation before a panel organized by Toxicology Excellence for Risk Assessment (TERA).

TERA, an independent nonprofit based in Cincinnati, is recognized internationally for its peer reviews. The review of the TCEQ's ESL guidelines was conducted over two days by a panel of nine experts with specialties in inhalation toxicology, acute and chronic hazard identification and dose response, and cancer and noncancer risk assessment.

Honeycutt and his team presented an ESL methodology designed to meet the highest scientific standards. The review panel also took public comment on the proposed guidelines.

The result was TERA's endorsement, accompanied by suggested improvements. The TCEQ has spent the last year addressing those suggestions.

Work Remaining

Honeycutt and his team are now busy developing individual ESLs for 1,100 chemicals permitted by the agency. That includes the 150 chemicals that are monitored for health reasons by stationary and mobile monitoring equipment.

For the next year, the toxicologists will concentrate on 20 individual chemicals that are of particular interest.

One is 1,3 butadiene—controversial because it is a known human carcinogen and Harris County produces more of these emissions than any other location in the country. Another is benzene, also a carcinogen and one of the most commonly used chemicals in industry.

In several rounds of public comment offered on the proposed ESL methodology, much of the public debate centered on the TCEQ's decision to use a 1-in-100,000 cancer risk to regulate carcinogenic chemicals, as opposed to a 1-in-10,000 risk or a 1-in-1,000,000 risk.

Honeycutt said that some states use the 1-in-10,000 risk level, but in Texas this would likely result in deteriorating air quality. The ultra-low 1-in-1,000,000 level would be desirable, he said, but not realistically attainable.

The 1-in-100,000 risk level is both health-protective and realistic, he says, explaining that exposure to an air concentration at or below this level “is not likely to cause adverse health effects in the general public, including sensitive groups such as children or the elderly.”

Honeycutt said the TCEQ will invite public comment on how individual ESLs are developed.

“We are confident now that our work on ESLs is supported by the latest science,” says Honeycutt. “People may not agree with them, or even like them, but they can't say they are not scientific.” 

Publications Offer Environmental Guidance

For small businesses and local governments, the TCEQ provides easy-to-understand publications that explain the agency's technical rules and environmental regulations. Many of the publications are available in both English and Spanish.

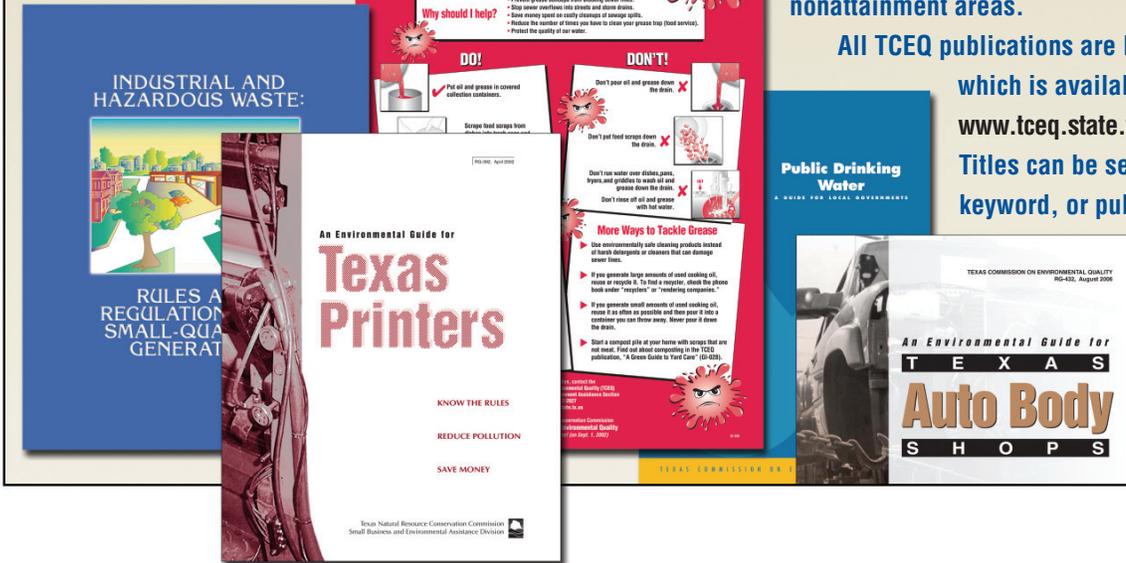
These guidance materials are important because many businesses—even the small ones—have emissions that affect the community around them. And municipalities

often need help interpreting new or revised rules affecting their activities, such as operating a landfill or a public water system.

Many publications are geared to a specific type of business, such as car washes, engine repair shops, or rock crushers. The brochures and booklets explain the environmental concerns associated with various business operations, the permits required, and any special requirements in place for regulated entities in ozone nonattainment areas.

All TCEQ publications are listed in a catalog, which is available online at www.tceq.state.tx.us/goto/publications. Titles can be searched by subject, keyword, or publication number.

To order, call 512-239-0028. Single copies are free, but orders of multiple copies require a prepayment.



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