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Texas Natural Resource Conservation Commission

Small Business

# The Advocate

For and about small businesses affected by environmental regulations

Healthy Environment. Strong Business. Good Sense.

PD-006/99-4

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## Legislative Focus: Small Businesses and the Environment

The 76<sup>th</sup> Legislature adjourned May 31 after passing a number of bills to make it easier for small businesses in Texas to comply with environmental regulations. In particular, legislators made major changes to permitting processes.

To find the full text of any legislation from the 76<sup>th</sup> Session online, go to <http://www.capitol.state.tx.us/>

### Streamlined Air Permitting

Many small businesses will be able to take advantage of new streamlined procedures and a more understandable air permitting process at the TNRCC under Senate Bill 766. The TNRCC now is authorized to exempt facilities from the air permitting process if they emit contaminants in such small quantities that there will be no discernable effect on human health or the environment.

Currently, any facility that emits any amount of air pollution must either apply for a permit or register for a "standard exemption" from permitting. These exemptions allow facilities to operate without having to develop specific plans for controlling emissions, so long as they comply with the rules for the exemption. The TNRCC has written about 100

standard exemptions, covering a range of specific facilities from spray paint booths to metal-finishing facilities. If a facility does not meet one of these specific exemptions, its owner must apply for a permit.

With SB 766, the TNRCC now can establish a "de minimis" level of air emissions below which no permit will be needed. This threshold for permitting will apply to any small source of air emissions—not just those for which specific "exemptions" have been written.

The result will be a true exemption from permitting, with savings in time, energy, and financial resources for small businesses and the TNRCC.

The agency expects to announce the permitting threshold next year, after extensively reviewing health effects at various levels of emissions.

The TNRCC also will be developing "standard permits" for specific classes of facilities, as authorized by Senate Bill 766.

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### Spotlight: Automotive Industries

Legislators put the spotlight on automotive industries with a trio of bills designed to help prevent pollution from oil filters and petroleum storage tanks.

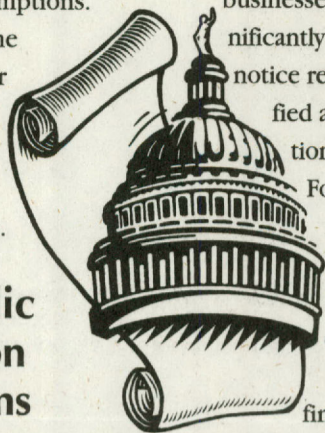
Used oil filter handlers will be required to register with and report to the TNRCC, under House Bill 2619. They also must comply with limits on storing used oil filters, have spill prevention and control plans in place, and establish financial responsibility. The law applies to those who transport or process used oil filters or store more than a certain quantity at one time. The TNRCC must adopt rules to begin enforcing the law effective Jan. 1, 2000.

Owners and operators of underground petroleum storage tanks (PSTs) must complete an annual PST compliance certification form, under House Bill 2815. This bill also extends the window of opportunity for making corrective actions on PSTs and getting costs reimbursed by the state. If your corrective action plan was approved by June 23, 1998, you now have until Dec. 23, 1999, to make repairs that are eligible for reimbursement.

The deadline for reimbursement under the PST remediation program is extended an additional two years, until Sept. 1, 2003, under House Bill 2816. Because this program is expiring, this bill also lowers fees on petroleum deliveries that fund it, effective Sept. 1, 1999. These fees will be phased out completely by March 1, 2002. ■

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These "standard permits" probably will cover facilities that now operate under the agency's standard exemptions. This bill also authorizes the TNRCC executive director as well as the TNRCC commissioners to issue standard permits, thus trimming processing time.



## Flexible Public Participation Mechanisms

Small businesses that must obtain a permit will find new flexibility in the process, thanks to House Bill 801. Under this bill, the TNRCC will adopt rules that encourage public participation early in the permit application process.

The point of the bill is to reduce the likelihood of lengthy contested case hearings by having a business that is seeking a permit take these steps:

- ◆ Give the affected community early notice of the new plans.
- ◆ Allow the community time to study and comment on these plans.
- ◆ Work with the community to clarify and resolve issues raised in these comments.

This bill also changes contested case hearing procedures and limits the scope of these proceedings.

Small businesses may also use more cost-effective ways to issue newspaper notice for air permits. Specifically, the agency has proposed to allow small businesses that aren't expected to significantly affect air quality to satisfy each notice requirement through one classified ad in the "Public Notices" section of an appropriate newspaper. Formerly, all businesses were required to use two of these classified ads and two larger, more expensive ads to satisfy each notice requirement.

The TNRCC expects to finalize these new rules in September. To stay up to date on TNRCC rule developments, log on to the agency's "Rules Tracking" Web page at:

<http://www.tnrcc.state.tx.us/oprd/rulelog.html>

This Web page also has links to the text of existing and proposed rules.

## Expanded Environmental Assistance

The Legislature also directed the TNRCC to expand its efforts to help businesses in Texas comply with environmental regulations. Senate Bill 1594 authorizes the agency to market its "regulatory flexibility" program to businesses throughout the state "using all available appropriate media." This program exempts

businesses from rules designed to control or abate pollution so long as they can achieve the same or better results by using alternative methods or applying alternative standards.

Senate Bill 1594 also requires the agency to endorse alternative methods for reducing or controlling pollution "that will benefit the environment and impose the least onerous restrictions on businesses."

In addition, this bill directs the Small Business and Environmental Assistance Division to help small businesses with 100 to 250 employees by providing compliance audits, pollution prevention assessments, or environmental management system audits. ■

## Free Training!

With the TNRCC's help, Texas State Technical College is hosting a free comprehensive seminar on air, water, and waste regulations Oct. 20th in Waco. By attending, you or your staff can satisfy parts of these environmental training requirements:

- ◆ on pollution prevention, as specified by the multisector federal stormwater permits;
- ◆ personnel training for hazardous-waste generators, as required by RCRA (40 CFR Part 262).

For details, call 1-800-792-8784. ■

## New Info Resources

### TNRCC Publishes Enforcement Process Brochure

The TNRCC's Small Business Assistance Program worked with several other TNRCC divisions to produce a new, easy-to-understand brochure about the agency's enforcement process. Be sure you are given a copy if you are inspected by the TNRCC. For an advance copy of *The TNRCC Has Inspected Your Business—What Does This Mean to You?* (RG-344), call 1-800-447-2827 or download this brochure from the Web at <http://www.tnrcc.state.tx.us/admin/topdoc/sb.html>.

### Web Site "Flush" with P2 Opportunities

A new addition to the Texas Water Utilities Association's Web site lists ideas for saving money and preventing pollution that will help you stop losing resources down the drain—literally! "Pollution Prevention for Wastewaters: Don't Let P2 Opportunities Go Down the Drain" has industry-specific tips for businesses such as auto service shops, surface coaters, laboratories, and printers, to name a few. Visit this site, developed by the TNRCC through an EPA grant, at <http://www.twua.org/p2>. ■



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Web Site: [http://www.tnrcc.state.tx.us/exec/small\\_business](http://www.tnrcc.state.tx.us/exec/small_business)

## UPCOMING EVENTS:

September 16, 1999—Houston SBAC

September 22, 1999—Auto Body/Auto Repair Workshop, Texas City  
(Call 1-800-447-2827 for information)

September 23, 1999—Golden Triangle SBAC, Beaumont

November 9, 1999—Dallas SBAC

November 10, 1999—Fort Worth SBAC