



SMALL BUSINESS AND ENVIRONMENTAL
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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-006/00-2

Volume 5, Issue 2 / March - April 2000

**Many Texas Businesses Will Need
New State Water Quality Permit**

To protect against water pollution from runoff during rainstorms, the federal Environmental Protection Agency has since the mid-1980s administered a general permit for stormwater discharges. This general permit requires preventive measures by many industrial facilities, including a variety of small business operations. When the federal general permit expires in September 2000, the

Texas Natural Resource Conservation Commission (TNRCC) will take over the program and begin issuing a state general permit.

Under the new Texas Pollutant Discharge Elimination System (TPDES), obtaining a permit should be more convenient: applicants will have to deal with only one (state) agency instead of two (both state and federal). For more

information, read over the fact sheet prepared by TNRCC's Small Business and Environmental Assistance (SBEA) division: *Storm Water Permits for Industry and Construction, RG-340*. The fact sheet is available online; follow the "Publications" link on TNRCC's home page (<http://www.tnrcc.state.tx.us>)

For Help from the SBEA Division. If you still have questions, especially about whether your business is affected by these regulations, you can get free advice by calling the SBEA division's hot line at 1-800-447-2827. The division is organized separately from the agency's regulatory and enforcement divisions. Your inquiry will be treated confidentially.

For More Information from the Permit Team. The TNRCC Stormwater Permits Team is now drafting the new state permit. Throughout this process, the agency is posting proposals and information on the application process and deadlines on its Web site (www.tnrcc.state.tx.us/water/quality/wwpermits/genperm.html).

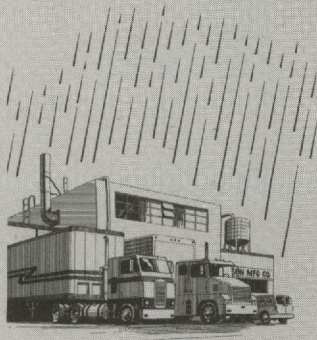
The Web site also lists dates and locations for a series of workshops the team is conducting to help the regulated community understand and comply with the requirements of these new rules. In addition, team members are available to answer questions at 512-239-4433. ▼

TPDES Program Benefits, Industries Covered, and Requirements

TPDES will help ensure quality drinking water for all Texans by keeping rainwater from carrying debris and contaminants into Texas rivers and lakes. As little as one quart of oil washed from several parking lots can pollute 1 million gallons of drinking water.

During rainstorms, runoff also may become contaminated from contact with manufacturing or processing activities or raw materials stored at industrial sites. Because of this danger, certain industries must implement specific measures to limit stormwater pollution. The categories include many small businesses: auto salvage and scrap yards; lumber facilities; mining operations; chemical and plastic operations; glass manufacturing; iron and steel facilities; shipbuilding and repair; transportation operations; and other industries. Facilities that store all materials indoors or under cover and thus avoid exposure to storm water may be eligible for an exemption from permitting.

Stormwater permits essentially require operators to implement a stormwater pollution prevention plan and best management practices (BMPs) to limit contamination from runoff. Industry-specific BMPs are listed in *Preventing Nonpoint Source Pollution: A Guide to Pollution Prevention for Small Business*, available from the Galveston Bay Estuary Program at 281-332-9937. ▼



Agency to Ease Air Regs for Very Small Emission Sources

If your business emits insignificant amounts of air pollutants, TNRCC's new "de minimis" proposals are for you. De minimis means "very small, insignificant additions to background concentrations" that "cause no discernable or unacceptable impact to public health." Under the proposals, facilities with de minimis emissions would be free from notification, registration, permitting, or other TNRCC requirements involving authorization to construct and operate. Eliminating the permitting process for de minimis facilities will let the TNRCC direct its limited resources to areas of need.

As authorized by the 1999 Legislature, TNRCC has set a de minimis threshold for preconstruction air permitting and is developing a list of types of operations and rates

Stay Up to Date on Rules That May Affect Your Small Business

Since May 1999, when the 76th Legislature adjourned, the TNRCC has been busy writing and implementing rules for more than 160 new state laws affecting environmental regulation. Already, the agency has proposed rules to implement new laws dealing with grandfathered facilities and public participation in permitting.

Currently, the TNRCC is soliciting comments on a number of proposals with potential to affect small businesses. These involve a range of subjects, including de minimis air permitting thresholds, private sewage facilities, petroleum storage tanks, and aquaculture facilities.

You can stay current on proposals and rules that affect small businesses through our Web site. Check out the TNRCC's rule-tracking log at www.tnrcc.state.tx.us/oprd/rulelog.html. From it, you can link to the text of proposed and adopted rules. ▼

of chemical usage that would qualify facilities as de minimis.

Facilities not on the list also could qualify for de minimis status by showing that their emissions were below levels listed in the rule for various contaminants.

These levels are established by scientific analysis and set well below those that could cause any harm. In addition, facilities could ask the agency for a case-by-case determination of their status.

The TNRCC commissioners will be reviewing the de minimis proposals in late March. If approved for publication, the proposals will appear in the *Texas Register* and be open for public comment for 30 days. ▼

A Clean Sweep of Cleanup Rules

Cleaning up water or soil contaminated by environmental pollutants can be a daunting task. However, thanks to the TNRCC's new Texas Risk Reduction Program (TRRP), you can be more certain that the cleanup is complete and may have more flexibility in demonstrating that fact to the TNRCC.

For example, instead of dictating the exact cleanup level and setting requirements for exactly how that cleanup goal must be reached, the rule provides for (1) a simpler process to factor in site-specific considerations when setting cleanup levels; and (2) more latitude for you to manage the contamination in certain situations, which may lessen your costs compared to a full-scale cleanup.

Under TRRP, almost all environmental contamination is addressed by a single set of rules, regardless of how the contamination happened. This one set of rules includes industrial solid waste and municipal hazardous waste, wastewater treatment, and underground injection control programs, as well as the state Superfund and Voluntary Cleanup programs. Effective May 1, 2000, newly reported cases of environmental contamination that are regulated under these programs must follow TRRP cleanup procedures. On September 1, 2003, TRRP also will apply to cleanups under the petroleum storage tank program. For further information on TRRP, go to www.tnrcc.state.tx.us/permitting/trrp.htm, or call 512/239-1023. ▼

UPCOMING EVENTS:

May 1-3: Austin, TNRCC Environmental Trade Fair and Conference (512/239-3155)

May 2: Texas Environmental Excellence Awards (TEEA) Banquet (512/239-3150)

May 10: Fort Worth, Small Business Advisory Committee

May 23: Dallas, Small Business Advisory Committee

May 25: Beaumont, Golden Triangle Small Business Advisory Committee

June 1: Houston, Small Business Advisory Committee

August 4: Houston, Water Conservation in Landscape and Irrigation (512/239-6333)
(For SBAC information, call 1-800-447-2827.)

Free Legal, Technical Help from EnviroMentors

Stymied over environmental regulations? Get free, confidential help from the Texas EnviroMentor Program.

Some 70 volunteer technical and legal professionals have signed up to provide small businesses with a variety of services from compliance review and advice to assistance with permit applications, all free and confidential. The program is open to independently owned businesses in Texas with 100 or fewer employees that are regulated by the TNRCC.

Technical volunteers have degrees in engineering or science and five or more years of full-time experience in their areas of expertise. Legal volunteers have law degrees, are members of the state bar, and have two or more years of experience practicing environmental law in Texas.

Sample projects volunteers have taken on involved:

- ▼ helping a cement batch plant obtain a standard exemption;
- ▼ developing a stormwater management plan for a gas plant;
- ▼ suggesting cost-saving modifications to a metal finisher's hazardous waste management practices;
- ▼ showing an automotive repair facility how to correctly file waste reports; and
- ▼ developing a regulatory compliance plan for a wood products facility.

In many cases, the free help would have cost over \$2,000. What's more, this free advice can help you comply with regulations that carry costly penalties for noncompliance.

For more information about Texas EnviroMentors, call the TNRCC's Small Business hot line at 1-800-447-2827; or go to www.tnrcc.state.tx.us/exec/small_business/txmentor/quest01.htm. ▼

The Small Business Advocate is published bimonthly by the Small Business Assistance Program.

Comments or suggestions for future articles should be sent to:

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