

# The Advocate



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

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## EPA Lowers Ozone Standard

The U.S. Environmental Protection Agency (EPA) reviews the National Ambient Air Quality Standards (NAAQS) for ground-level ozone every five years as required by the Clean Air Act. Recently, on March 12, 2008, the EPA significantly changed its air quality standards for ground-level ozone, making the newer standards stricter.

Primary standards set limits to protect public health, including the health of “sensitive” populations such as people with asthma, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against visibility impairment, damage to animals, crops, vegetation, and buildings.

The new primary and secondary 8-hour standard is 0.075 parts per million (ppm). The existing primary

standards. At the new standards, 0.075 ppm, an additional 14 counties would not meet the standard. This brings Texas to a total of 22 counties that will exceed the new ozone standard.

The Clean Air Act requires EPA to designate areas as attainment (meeting the standards), nonattainment (not meeting the standards), or unclassifiable (insufficient data to classify) after it sets a new standard, or revises an existing standard. The following schedule will apply to the revised ozone standards:

- States must make recommendations to EPA no later than March 2009 for areas to be designated attainment, nonattainment, or unclassifiable.
- EPA will issue final designations

of attainment, nonattainment, and unclassifiable areas no later than March 2010, unless there is insufficient

information to make these designation decisions. In that case, EPA will issue designations no later than March 2011.

- States must submit State Implementation Plans outlining how they will reduce pollution to meet the standards by a date that EPA will establish in a separate rule

*Ground-level ozone is the primary component of smog.*

(proposal expected in late 2008). That date will be no later than three years after EPA’s final designations. If EPA issues designations in 2010, then these plans would be due no later than 2013.

- States are required to meet the standards by deadlines that may vary based on the severity of the problem in the area.

In addition, EPA will issue a separate rule to address monitoring requirements necessary to implement the new standards. EPA intends to propose a monitoring rule in June 2008 and issue a final rule by March 2009.

For more information on National Ambient Air Quality Standards (NAAQS), visit the EPA’s Web site at <[www.epa.gov](http://www.epa.gov)>. Future issues of The Advocate will keep you updated on new rules and developments. ■

*On March 12, 2008, the EPA significantly changed its air quality standards for ground-level ozone, making the newer standards stricter.*

and secondary ozone standard is 0.08 ppm.

Eight Texas counties currently exceed the existing 0.08 ppm stan-

# Under Enforcement? Tips to Help You Work Closely with the TCEQ

If you are under enforcement action by the TCEQ you can make your case go more smoothly by following the tips below.

## **Respond in Writing**

To discuss your case with TCEQ staff, you can—and should—call to get a faster response, but a phone call won't protect your legal rights. Whenever you call TCEQ staff about your enforcement case, follow your phone call with a letter. Respond to any Notice of Violation (NOV) or Notice of Enforcement (NOE) in writing by the deadline given in the letter. Whatever you do, don't ignore the letters and don't wait for TCEQ staff to call you first.

## **What happens if I don't respond?**

If you don't respond to letters the TCEQ sends you about an enforcement action, the TCEQ could file an Executive Director's Preliminary Report and Petition. This petition notifies you of alleged violations, the penalty being assessed, and any corrective action that you need to take to begin complying with Texas law. This document is not an order, but a petition filed with our Chief Clerk's Office to start the administrative-hearing process. If the TCEQ still does not receive a response from you, TCEQ commissioners might eventually issue a "default order." The default order could require you to pay a fine—even if you have corrected the violations without telling the TCEQ.

## **Stay in Touch**

Keep in contact with the TCEQ until your case is settled. We know that enforcement is not easy to endure, but TCEQ staff strives to reach decisions that are well-informed and fair. Whether that is possible depends greatly on whether you tell the TCEQ when and how you correct the violations.

## **Get Help**

And remember—the Small Business and Local Government Assistance section (SBLGA) may be able to give you technical assistance to bring your facility into compliance with the rules. Call the SBLGA at 800-447-2827 to find out more about the free help we can offer.

Request a copy of *The TCEQ Has Inspected Your Business. What Does This Mean to You?* (RG-344) to learn more about TCEQ's enforcement process. To get a free copy of RG-344, call TCEQ Publications at 512-239-0028, or visit our Web site at [www.tceq.state.tx.us/publications](http://www.tceq.state.tx.us/publications). ■

## **Small Business Compliance Advisory Panel Update**

Did you know that the Small Business Compliance Advisory Panel (CAP) represents you? Commonly known as the CAP, this panel consists of seven members. Two members are appointed by the governor to represent the public; two members each are appointed by the lieutenant governor and speaker of the Texas House of Representatives to represent small businesses; and one member is appointed by the TCEQ chairman.

The Compliance Advisory Panel members meet twice each year and advise federal and state government officials about the effectiveness of the TCEQ's Small Business Assistance Program, including issues such as compliance, enforcement, rulemaking, and voluntary efforts.

CAP members' roles include:

- Advising the TCEQ's Small Business Assistance Program on improving its effectiveness.

- Submitting periodic progress reports and recommendations to the U.S. Environmental Protection Agency's small-business ombudsman.
- Assessing compliance and enforcement trends encountered by specific small-business sectors and recommending improvements to the TCEQ.
- Ensuring that information and regulations affecting small businesses are written in plain language.

For more information, contact the SBLGA at 800-447-2827, or visit [www.tceq.state.tx.us/assistance/sblga/cap.html](http://www.tceq.state.tx.us/assistance/sblga/cap.html). You also can sign up for e-mail updates about the CAP at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Click on "Sign up for e-mail updates." In the system, select "Regulatory Announcements for Small Businesses and Local Governments" under the "TCEQ Rules" topic. (The system e-mails you a confirmation.) ■

## **Notice: Construction Storm Water Permit Number Correction**

In the April to June 2008 edition of *The Advocate* we inadvertently printed the wrong permit number in the "Construction Storm Water General Permit Reissued" article. The correct permit number is TXR150000 (not TXG150000). For more information on this permit, visit our Web site at [www.tceq.state.tx.us/permitting/water\\_quality/stormwater/TXR15whattodo.html](http://www.tceq.state.tx.us/permitting/water_quality/stormwater/TXR15whattodo.html). ■

# Texas Mercury Convenience-Switch Collection Program Reports Results

In 2006, the TCEQ helped coordinate the implementation of a voluntary mercury-switch collection program for the state of Texas. The mercury convenience-switch is typically located in the hood or trunk of a vehicle, automatically turning on when either is opened. This program encourages auto salvage facilities to remove mercury convenience-switches from vehicles before they are shredded for recycling, with the goal of keeping the mercury these switches contain out of the environment. In addition, to facilitate this and other programs throughout the

U.S., automobile manufacturers created a not-for-profit corporation called End of Life Vehicle Solutions (ELVS).

Since the beginning of the program in 2006, ELVS has reported that Texas has collected 28,533 switches, accounting for an estimated 62.77 pounds of mercury recycled.

Regulatory and Monetary Incentives:

- End of Life Vehicle Solutions will pay participating facilities \$1 for each mercury convenience switch that is received for processing.
- On-site technical assistance is available to vehicle recyclers through the TCEQ's

Small Business and Local Government Assistance (SBLGA) program.

- A participating facility can qualify for an adjustment to its compliance-history classification.
- Regulatory incentives are provided to entities with an average or high compliance-history classification through the Clean Texas program.

For more information on the Texas Mercury Convenience-Switch Collection Program and how to qualify for the monetary and regulatory incentives, visit <[www.tceq.state.tx.us/assistance/sblga/mercury\\_switches.html](http://www.tceq.state.tx.us/assistance/sblga/mercury_switches.html)>. ■

## U P C O M I N G E V E N T S

### The 10th Annual MS4 Operator's Conference

EPA Region 6 (Texas, New Mexico, Oklahoma, Arkansas, and Louisiana)  
July 14–17, Waco

For more information, please visit the conference Web site at <[www.epa.gov/region6/6wq/npdes/sw/ms4/conference.htm](http://www.epa.gov/region6/6wq/npdes/sw/ms4/conference.htm)>

### Small Business Advisory Committee (SBAC) Meetings

Dallas SBAC - July 23 - Lori Rose, 817-588-5836

Fort Worth SBAC - July 23 - Tasha Burns, 817-588-5868

Houston SBAC - Sept. 17 - Clarence Gray, 713-767-3582

### Air Curtain Incinerator Compliance Workshop

July 22, Spring Branch Community Center, Houston from 1pm-4pm  
For more information, please contact Becky Southard, 512-239-1638

### Compliance Advisory Panel Meeting

Sept. 11, Texas Commission on Environmental Quality, Austin - 800-447-2827

### Pollution Prevention Workshop

Sept. 17–18, Sheraton Austin Hotel, Austin – Danell Zawaski, 512-239-2389

### Advanced Air Permitting Seminar

Sept. 29–30, Austin Renaissance Hotel, Austin - Sue Phillips, 512-239-6327

### Sanitary Sewer Overflow (SSO) Initiative Workshops

July 10, Martin Luther King Community Center, 2300 Butternut Lane, Midland

July 17, Water Utilities Service Center, 1350 Langham Road, Beaumont

July 29, City of Waco Water Utility Billing Office Conference Room,  
425 Franklin, Waco

July 31, Water Utilities Administration Building,  
2726 Holly Road, Corpus Christi

For questions related to the SSO workshops, please contact UT Arlington at 817-272-2581 or visit <<http://www.uta.edu/ced/>>.

## New Electronic Tools Available

Need some assistance complying with environmental rules and regulations? Our new electronic compliance tools may help. These resources help with the following subjects:

- **Minor Sources of Nitrogen Oxide (Houston-Galveston-Brazoria area).** To make it easier for owners-operators of small combustion sources to comply with air quality rules, the TCEQ has developed equipment logs, a calculation spreadsheet, and an equipment profile worksheet.
- **National Emissions Standards for Hazardous Air Pollutants (NES-HAP) Tools for Auto Body, Surface Coating and Paint Stripping Businesses.** For area businesses that conduct paint stripping and miscellaneous surface coating, the TCEQ has developed fact sheets, a NESHAP/Permit by Rule comparison table, and notification forms for new and existing sources.
- **Perc Dry Cleaners.** A form is now available for dry cleaners that use perchloroethylene (perc) as a dry-cleaning solvent to certify compliance with Federal Maximum Achievable Control Technology (MACT) standards.  
Visit <[www.sblga.info](http://www.sblga.info)> to access these tools today! ■

## CALL ON US

Toll Free & Confidential: **1-800-447-2827**

Get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the TCEQ. SBLGA works for you by:

- 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: [www.sblga.info](http://www.sblga.info)**

SBLGA is entirely separate from TCEQ's enforcement program.

*You are currently on our subscription list to receive the quarterly rules update, *The Advocate*. Instead of receiving the paper copy in the mail, you have the option of receiving e-mails from us when we post the latest issue in PDF format on our Web site at [www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/pd/pd-006.html](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/pd/pd-006.html).*

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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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RETURN SERVICE REQUESTED

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