

The Advocate

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

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TNRCC Considering New Fees

PBR Registrations

The TNRCC is considering instituting a new fee to register permits by rule (PBRs). The fee would apply when a facility submitted Form PI-7 in order to register a new PBR, regardless of whether the form was required or submitted voluntarily for agency review. The only exemption from the proposed fee would occur

if Form PI-7 was submitted solely to establish a federally enforceable air emissions limit.

The most recent proposal would levy a fee of \$450 for most PBR registrations. However, small businesses with 100 or fewer employees would be charged \$225.

TNRCC commissioners are scheduled to adopt final proposals for air

fees in September 2002. The latest proposals would raise other air-related fees, including those assessed for:

- Emissions;
- Air Inspections;
- Permit Amendments;
- Permit Renewals;
- Prevention of Significant Deterioration Permits;
- Standard Permits; and
- Flexible Permits.

The agency also recently adopted new fees for permitting grandfathered facilities: \$100 for small businesses and \$450 for other entities.

New Central Registry To Compile Core Data

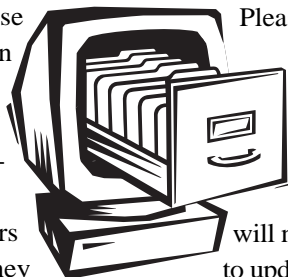
The TNRCC is changing the way it collects and records common information about its customers and regulated entities.

A new computerized Central Registry will compile such information as name, address, and telephone number for everyone who holds a TNRCC permit, registration, or license or who conducts remediation activities. The Central Registry will allow agency staff to more easily track applications and monitor compliance, and will help customers reduce the time and effort they spend filling out forms.

As data are compiled, the Central Registry will assign a unique 11-digit number to each customer (a business, governmental body, or other entity) and to each regulated entity (such as a facility). Eventually, all TNRCC forms will ask for your customer number

(CN) or regulated entity number (RN) instead of common contact information. Common contact information will already be on file in the registry.

The new "Core Data Form" (TNRCC-10400) may be sent to you as part of a registration package or permit application or as a stand-alone form.



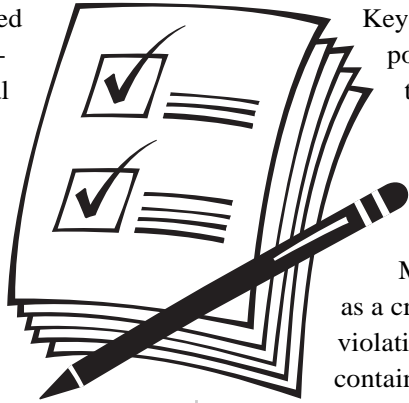
Please make sure that you follow the instructions carefully and return the form to the proper office, as instructed. Once you have been assigned a CN or RN, you generally will need to submit the form only to update or change information associated with that number, such as a new telephone number or a change in ownership. Submitting the one form will update information for every program you deal with at the TNRCC. Form 10400 is available in PDF, Word, and Word Perfect formats at www.tnrcc.state.tx.us/permitting/projects/cr/ ■

On-Site Sewage Facility Charge-Back Fee

The agency is considering rules that would levy charge-back fees on local governments whose status as an Authorized Agent for on-site sewage facilities (OSSF) is revoked by the TNRCC or relinquished by repeal of the order, ordinance, or resolution that established the authorization. (An Authorized Agent has responsibility for issuing permits, investigating complaints, and enforcing the OSSF program.) The charge-back fee would not be assessed if the Authorized Agent relinquished its authority because of material changes in the OSSF rules. The fee would be based on TNRCC's administrative costs and could not exceed \$500. TNRCC commissioners are expected to consider adopting the fee in late July or early August. ■

Agency Finalizing Point System for Rating Compliance History

The TNRCC has proposed rules for how it will rate and consider the compliance history of facilities it regulates. Under a new state law, all facilities must be rated in terms of their compliance with environmental regulations, and the agency must consider a facility's compliance history in most decisions involving permitting, enforcement, inspections, and participation in innovative programs (see *The Advocate*, January-March 2002).



The proposed rule envisions three classifications—high, average, or poor performer—based on the number of points assigned to a facility.

Key factors in assigning point values include the type of environmental violations that have occurred at the site and the complexity of the facility.

Major violations—such as a criminal conviction or violations of requirements contained in a formal enforcement action—would carry more points than moderate

violations—e.g., failure to monitor properly, maintain records, or have properly licensed or certified personnel on site. Minor violations, such as situations in which most, but not all, testing or analysis requirements were met, would receive the fewest points.

In calculating a facility's ranking, the agency also would consider "mitigating factors" that would demonstrate a commitment to environmental excellence. These could include:

- environmental audits conducted to find problems and resolve them;
- environmental management systems used to ensure compliance; and
- voluntary, on-site compliance assessments offered by the Small Business and Local Government Assistance (SBLGA) Section.

Details on the compliance ranking proposal—including an example worksheet for rating a facility—appear at www.tnrcc.state.tx.us/enforcement/enforce/stkholder/chrsrg.html

The proposed rules are scheduled for adoption in late July 2002. Beginning September 1, 2002, the agency will evaluate the compliance history of regulated sites as needed to make regulatory and enforcement decisions. ■

Site Visits Can Help Your Compliance Rating

You can help boost your facility's compliance history classification with SBLGA's Site Visit program. In this free and confidential program, an environmental consultant conducts an on-site evaluation of your facility to identify compliance problems and then provides recommendations for resolving issues.

Site visit information is kept confidential from TNRCC's enforcement authority: the assessment will NOT trigger an inspection nor will the agency issue any citations or penalties as a result of the site visit. It is recommended that you correct any compliance deficiencies after receiving your evaluation. If a follow-up visit from the consultant finds your facility in full compliance, you'll be eligible for a Compliance Commitment Partnership Certificate of Recognition. **This will exempt your facility from TNRCC scheduled inspection for one full year.**

Call us at 1-800-447-2827 for more information or to schedule your site visit. ■

Grease Control Saves Big \$\$\$ for Texarkana

Texarkana Water Utilities is saving more than \$85,000 annually after putting into practice some easy techniques for reducing sewer stoppages caused by grease buildup. Thanks to the new grease control program, the number of stoppages has decreased by 38 percent, saving staff time, overtime, and equipment costs. Over 100 food-service grease traps were replaced, upgraded, or installed.

Initially, the utility worked with local authorities to create ordinances

requiring food service facilities to meet minimum standards for sizing, installation, operation, and maintenance of grease traps and related equipment. Next, utility staff educated food service personnel about the ordinances and how to comply through proper operation and maintenance of grease traps, including regular cleaning, inspection, and repair. In areas prone to frequent sewer stoppages, facilities had to upgrade immediately.

New establishments are not provided water service until they install appropriate equipment. Water utility staff also conduct regular inspections of grease traps and track cleaning schedules through required liquid waste transporter permits.

The Texarkana program is one highlight of the SBLGA's Grease Control Workshops. For more information on bringing this workshop to your area, call 1-800-447-2827. ■

IN BRIEF . . .

Important Deadline for Leaking PST Sites

Are you a responsible party for a leaking petroleum storage tank (PST) site? Did you report the site to the TNRCC prior to December 22, 1998? If you answered yes to both questions, you must report results from full site and risk assessments to the TNRCC's PST Responsible Party Remediation Section by September 1, 2002. Failure to submit the report by the September 1 deadline means that cleanup efforts are no longer eligible for reimbursement. For more information, log on to www.tnrcc.state.tx.us/permitting/remed/rpr/updates.html or call the PST Responsible Party Remediation Section at 512/239-2200.

Reminder: TNRCC = TCEQ

The Texas Natural Resource Conservation Commission becomes the Texas Commission on Environmental Quality on September 1, 2002. The new name does **not** change any of the commission's authorities, responsibilities, or procedures. (For more information on the new name, log on to www.tnrcc.state.tx.us/name_change.html or see the April-June 2002 issue of *The Advocate*.)

TNRCC Simplifies Forms for Waste Generators

The newly revised form TNRCC-0002 replaces three separate forms previously required of waste generators. Generators now can use the single form with the new Core Data Form (see "New Central Registry to Compile Core Data" article) to register with the TNRCC. Use TNRCC-0002 by itself to notify the agency of changes to waste streams or waste management units. Old forms TNRCC-0002A and TNRCC-0002B have been consolidated into the new TNRCC-0002. You may download the form by going to www.tnrcc.state.tx.us/forms.html. ■

You Can Call on Us

***Confused about environmental regulations?
Concerned about inspections? Who can you turn to for help?***

**Call the folks with Small Business and Local Government Assistance
1-800-447-2827**

www.tnrcc.state.tx.us/exec/sbea/sblga.html

You can get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the Texas Natural Resource Conservation Commission (TNRCC).

Small Business and Local Government Assistance (SBLGA) works for you by:

- providing local environmental assistance when and where it's needed;
- giving small business and local government a voice in TNRCC rule and policy making; and
- communicating technical information in plain language.

SBLGA is entirely separate from TNRCC's enforcement program.

With SBLGA, you benefit from:

- a toll-free hotline and Web site with answers to technical questions on air, water, waste, and pollution prevention;
- industry-specific compliance guidebooks for metal finishers, printers, dry cleaners, auto body and auto repair shops, and facilities making wood and fiberglass products;
- the *Local Government Guide to the TNRCC* (GI-145), a reference book with plain language environmental information; and
- many more services.

Local Specialists are Ready to Help You!

You've also got free, confidential help right in your back yard. Just check the list below for your local compliance assistance specialist:

Region 1 (Amarillo)

Doug White 806/468-0505

Region 2 (Lubbock)

Celeste Hoehne 806/788-5005

Region 3 (Abilene)

Mandy Ellifritz 915/698-6104

Region 4 (Dallas/Ft. Worth)

Mike Smithson 817/588-5836
Melinda Houlihan 817/588-5868

Region 5 (Tyler)

Kevin Glanton 903/535-5133
Cynthia Skief 903/535-5158

Region 6 (El Paso)

Pamela Aguirre 915/834-4971

Region 7 (Midland)

Kit Owens 915/620-6116

Region 8 (San Angelo)

Bill Koger 915/481-8061

Region 9 (Waco)

Elaine Alexander 254/761-3044
Polly Porter 254/761-3039

Region 10 (Beaumont)

Charlie Adams 409/899-8788

Region 11 (Austin)

Scott Wiedeman 512/239-7015

Region 12 (Houston)

Clarence Gray 713/767-3582
Cynthia Williams 713/767-3549

Region 13 (San Antonio)

Christine Bergren 210/403-4028

Region 14 (Corpus Christi)

Glenda Swierc 361/825-3421

Region 15 (Harlingen)

Jane Scheidler 956/389-7426

Region 16 (Laredo)

Carmen Ramirez 956/721-8457

UPCOMING EVENTS:

Clean Water Safe Harbor Workshop – Blasting/Coating Industry

Corpus Christi, July 25;

Erin Parsons, registration, 512/239-6122 Glenda Swierc, technical, 361/825-3421

Dallas Small Business Advisory Committee

Dallas, August 20; Melinda Houlihan, 817/588-5868

Water Utility Rates Seminar

Austin, August 22; Diane Stallings 512/239-6333

Environmental Health and Safety Seminar

TX State Technical College in Waco, August 22; Jerry Atlas, 1-800-792-8784 x3023

Centralized Compost Operator Training (Compost Camp)

Austin, August 26-28; Frank Kiolbassa, 210/520-1905

Household/Small Business Waste Seminar

Dallas, September 3; Sue Phillips, 512/239-6327

Houston Small Business Advisory Committee

Houston, September 5; Clarence Gray, 713/767-3582

Municipal Solid Waste Management & Resource Advisory Council

Austin, September 5; Gary Trim 512/239-6708

Golden Triangle Small Business Advisory Committee

Beaumont, September 12; Charlie Adams, 409/899-8788

Fort Worth Small Business Advisory Committee

Fort Worth, September 13; Mike Smithson, 817/588-5836

Pollution Prevention Workshop

Dallas, September 19-20; Houston, October 17-18; Dana Macomb, 512/239-4745

Waste Management Seminar

Dallas, September 24-25; Diane Stallings, 512/239-6333

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

The Advocate Editor
Small Business and Environmental Assistance Division, 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 512/239-4488 or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, TX 78711-3087.

RETURN SERVICE REQUESTED

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



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