



Westward Environmental, Inc.

“Solutions for the Preservation of Industry and Environment”

Proposed Renewal of TPDES General Permit TXG110000

The TXG110000 will expire at midnight, **February 14th, 2005**. This general permit was issued in 2000 and authorizes discharges of waste water, contact storm water, and storm water from construction materials facilities with the following Standard Industrial Classification (SIC) codes:

- 3273 (manufacture of Ready-Mixed Concrete),
- 3272 (manufacture of concrete products, except block and brick), and
- 3271 (manufacture of concrete block and brick).

This permit does not authorize the discharge of domestic sewage.

Facilities that discharge only storm water may obtain coverage under the TXRO50000 multi-sector permit.

The Texas Commission on Environmental Quality (TCEQ) has proposed to renew the permit, and a draft of the permit has been sent to the Environmental Protection Agency (EPA) for their review and approval. After the EPA review, there will be a 30 day comment period on the proposed new permit. During the comment period, please contact a Westward Environmental, Inc. staff member for updates or copies of the draft permit.

Until the draft permit is posted, it is uncertain as to what affects the changes (if any will have on existing Storm Water Pollution Prevention Plans (SWP3).

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Inside this issue:

Renewal of TPDES General Permit	1
Emissions Reduction = Tax Reduction	1
Permitting Engines	2
Clear Streams Initiative Report	2
TCEQ & USFWS Work Together	3
Karst Features & Endangered Species	3
Dates to Remember	4
Westward Information	4

Emissions Reductions = Tax Reductions

By Melissa Steele

Not only will it better the world in which we live, but installing pollution prevention controls to reduce emissions on your property can also save you money!

Whether the Texas Commission on Environmental Quality (TCEQ) requires it or not, if you add a piece of equipment to control pollution on your property, part or all of the cost may be exempt from your property taxes.

On November 2, 1993, the Texas voters approved a constitutional amendment (Proposition 2) providing a tax exemption for property that is used for pollution control. The intent of this amendment was to ensure that capital investments as a result of local, state, or federal environmental rules and regulations did not increase a facility's property taxes.

You may be entitled to a taxation exemption for property that you own which is used wholly or partly as a facility, device, or method for the control or monitoring of air, water, or land pollution. Only property installed after January 1, 1994 can be considered.

According to Texas Tax Code §11.31(b), such property includes any structure, building, installation, excavation, machinery, equipment, or device, and any attachment or addition to or reconstruction, replacement, or improvement of that property. All costs associated with the property are eligible, including costs such as engineering, design, and overhead.

Ineligible property includes motor vehicles (except as explained below), residential property, and property for recreational, park, or scenic uses. Also, you will not receive an exemption based solely because you produce a product used in pollution control or because you provide a service that monitors, controls, or reduces pollution.

Eligible property includes vehicles (such as vacuum trucks, watering trucks, spill response vehicles, etc.) that are used solely for pollution control purposes, land limited to the actual square footage containing the pollution control property, and new or used equipment acquired, installed, or constructed after January 1, 1994. The TCEQ manages a list of common standard equipment that may be claimed under Proposition 2 known as the "Predetermined Equipment List" which can be found on their website.



Melissa Steele
Environmental Specialist

(Continued on Page 2)

Permitting Engines & Gensets

By Michael Mantooth

Whether it is man power, line power, or engine power, a production facility requires a source of energy to operate. If the source of energy at your facility is an engine or genset, the TCEQ requires that it be authorized just like the facility that it is powering. According to the TCEQ, an engine/generator is considered to be a stationary source if it is to be located on-site for more than twelve consecutive months. Therefore, production facilities that are going to be utilizing an internal combustion engine/generator and be on-site for more than twelve consecutive months will be required to obtain an air authorization for the engine. Engines and gensets that will be located at a site for less than twelve months do not require authorization to operate at that site. In addition, if the engine is less than 240 HP, then it is not required to be registered with the TCEQ.

Authorization for engines can be obtained under a permit by rule or under an individual air permit. The Permit by Rule for engines is limited by a certain horsepower range and requires emissions testing. If the facility that is being powered by the engine has an individual permit it is possible to amend that permit to include the engine. Or a new permit for just the engine can be obtained. The producer should be reminded that the average processing time for obtaining a permit by rule is 30 days, for an air permit amendment is 218 days and for a new permit is 325 days, so make sure to plan in advance to obtain the necessary permit.

A Summary of TCEQ's "Clear Streams Initiative" Report

By Chip Fly

In September 2004, the TCEQ issued its report on the results of the Clear Streams Initiative. The Clear Streams Initiative was an investigation conducted in May-June 2004 of 316 rock mining facilities in 62 Texas counties, with the objective of assessing the level of compliance with the Multi-Sector General Permit (MSGP) requirements for storm water control. TCEQ Regions that were affected included Abilene, Dallas/Fort Worth, Waco, Austin, Houston, and San Antonio. The overall finding of the investigation was that waterways in the State of Texas are not significantly impacted by mining activities

The focus of the investigative initiative was to examine and assess the following areas of storm water compliance:

1. Are BMPs (Best Management Practices) in place and adequate to prevent pollution of the State's waters;
2. Is sampling being performed during storm water runoff events to assess for TSS (Total Suspended Solids) and pH;
3. Are annual compliance evaluations being conducted;
4. Has a SWPPP (Storm Water Pollution Prevention Plan) been developed and implemented for the facility; and,
5. Are records being kept in accordance with the permit's requirements.

The data compiled during the investigation indicate that of the 316 sites investigated, 103 (33%) were found to be un-permitted, and 50 did not require a permit. TCEQ documented 72 operational violations (potential or actual impact to the environment), and 138 administrative violations (paperwork or record keeping violations). The most common operational violation among the facilities was that BMPs were either absent or inadequate. Examples of inadequate BMPs were cited as: incorrect installation of controls, improper design of controls, failure to modify controls in accordance with facility expansion, rock berms with improperly sized rock that failed to retain sediment, poorly maintained silt fences, soil erosion prevention measures, berm failure or erosion, etc. During the site investigations, two other common operational violations that were noted were 1) unauthorized discharges, and 2) failure to perform required monitoring.

Lastly, the TCEQ report outlines a series of "next steps" that will be conducted in continuance of the Clear Streams Initiative, which include:

- Follow-up investigations at sites that were issued NOVs (Notice of Violation)
- Follow-up investigations at sites that were issued NOEs (Notice of Enforcement)
- Perform a comprehensive assessment of facilities that pose an environmental risk to major rivers
- Developing new Sand & Gravel general permit which includes rock mining operations (anticipated completion date: early 2005)
- Review of pending sand and gravel permits received from TPWD
- Inspect additional facilities not targeted and investigated during the 2004 phase of the initiative.

The full report can be viewed at the TCEQ website by following this link: http://www.tceq.state.tx.us/comm_exec/communication/media/09-04clearstreams.html

(Emissions Reductions = Tax Reductions Continued from Page 1)

This list of over 250 items includes: air controls ranging from monitors to baghouses to oxidizers, wastewater controls ranging from separators to various treatments and technologies, solid waste management controls ranging from decontamination equipment to monitoring and detection systems, spill prevention controls ranging from overflow alarms to containments to storage tanks, and miscellaneous controls ranging from paving to sampling equipment. Even process changes may qualify for partial exemption if you can demonstrate a related environmental benefit. To actually obtain a tax exemption, you must follow the formal procedures mandated by Texas Administrative Code Title 30 Chapter 17. The owner of the facility must submit a written application and corresponding application fee to the TCEQ, who will determine if the property is used for pollution control. If your property qualifies, then the TCEQ will grant a positive use determination which is good for the life of the property. You must then submit the positive use determination to the county tax appraisal district in which your facility is located, and they will notify all of the taxing authorities within that district.

If you need an application, have any questions, or want more information about Proposition 2, please contact our office or visit the TCEQ website at: <http://www.tnrc.state.tx.us/exec/chieffeng/prop2>.



Working Together on Edwards Aquifer Issues

The Texas Commission on Environmental Quality (TCEQ) and the U.S. Fish and Wildlife Service (USFWS) have realized their responsibilities with regards to the Edwards Aquifer and its indigenous endangered species overlap (water quality and endangered species habitats). The USFWS recognized that the upcoming “optional” water quality measures for developers may help protect the endangered species of the Edwards Aquifer region.



Beginning in February, these optional measures will be available for developers applying for a Water Pollution Abatement Plan (WPAP). These optional methods include, but are not limited to, increased best management practices (BMPs) efficiency requirements, stream channel erosion protection, protection of sensitive features (Karst, sinkholes, etc.) documentation of BMP maintenance (inspections and recordkeeping for WPAP and Storm Water Pollution Prevention Plans) among other guidelines.

Currently, development over the Edwards must receive a WPAP from the TCEQ and coordinate with the USFWS to make sure there are no impacts to species. With the new optional measures process, the USFWS may consider the WPAP developed under the more stringent guidelines to, in some instances, to conform to the endangered species requirements.*

* Many cases will still require guidance from the USFWS, such as non water quality related issues or takings permits. Always contact the USFWS in each case.

For more information, please contact your Westward Environmental, Inc. representative.

Karst Features & Endangered Species in Texas

By Matt Bellos

They say that all things are bigger in Texas and certainly that is often the case; however some rather small things may cause you Texas-size problems if you operate in Bexar, Travis, Williamson, and Burnet Counties. Over the last two (2) decades the U. S. Fish and Wildlife Service has listed 16 species of cave dwelling invertebrates as endangered. These invertebrates, or “cave bugs,” have only been found in Bexar, Travis, Williamson, and parts of Burnet Counties, Texas. The cave bugs live in caves and Karst features along the Balcones Escarpment. Aggregate operations along this escarpment (which runs essentially along the Austin-San Antonio corridor) account for a significant amount of the crushed aggregate and sand produced in Texas. Getting to know something about these little creatures may become an important part of your long term mining plans.

The “cave bugs” inhabiting the endangered list include:

Rhadine infernalis (Ground beetle)
Rhadine exilis (Ground beetle)
Texella reddelli (Harvestman)
Texella reyesi (Harvestman)
Cicurina venii (Meshweaver)
Batrisodes texanus (Beetle)
Texella cokendolpheri (Harvestman)
Cicurina vespera (Meshweaver)

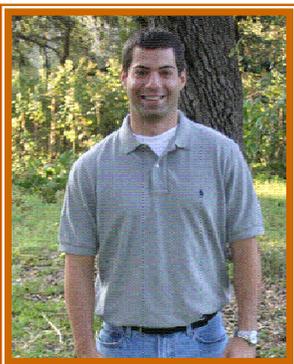
Neoleptoneta microps (Spider)
Batrisodes venyivi (Beetle)
Texamaurops reddelli (Beetle)
Cicurina madla (Meshweaver)
Cicurina baronia (Meshweaver)
Rhadine Persephone (Beetle)
Cicurina wartoni (Meshweaver)
Neoleptoneta myopica (Spider)



Cicurina madla
(Meshweaver)



Rhadine exilis
(Ground beetle)



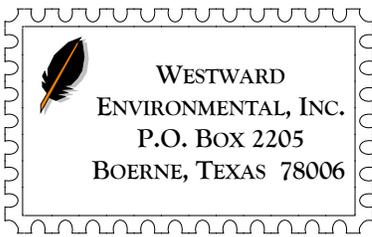
Matt Bellos
Environmental Field
Technician

Those names kind of just roll off of the lips, don't they?

Since the listing of these cave bugs many landowners have been affected. The endangered species can be impacted by changing the lay of the land outside the cave as well as changes to the cave itself. The USFWS asks the landowners, developers, and real estate officials to consider potential impacts to these invertebrates when developing land use plans and long term land uses. The USFWS can also recommend a preserve be put into place around the sensitive area to make sure that the area is protected in its natural state. The USFWS has also suggested that some property other than the protected area be purchased to mitigate for potential harm to the cave invertebrates.

The USFWS also has Karst Survey Protocols to use in determining whether a given property does or does not have Karst features which are likely to support federally-listed karst invertebrates. A map that outlines Karst Zones 1-5 is a good start in determining if there are features and/or caves that listed invertebrates can live in. Zone 1 is defined as areas most likely to contain caves and endangered invertebrates; and as you move to Zone 4 in Austin and Zone 5 in San Antonio, these areas are less likely to have listed cave invertebrates. Other protocols include: Background Geology, Area to be Surveyed, Transects, Assessing Features, and Adjacent Properties. The USFWS has also provided a set of protocols that are used to determine if the landowner may have endangered Karst invertebrates on

their property. These protocols include: Number of Sampling Occasions, Suitable Sampling Conditions, Sampling Diligence and Thoroughness, Excavation and Mapping Within Cave, and Baiting. Understanding these and other endangered species issues will help keep you from developing Texas sized problems in the future. Further information can be found on the U. S. Fish and Wildlife Service website <http://www.fws.gov> or by contacting Westward Environmental, Inc.



www.westwardenv.com

DATES TO REMEMBER

February 1 - April 30	OSHA Form 300-A must be posted
February 14	TXG110000 General Permit Expires
March 1	Texas Tier Two Reporting Due
March 6-8	TACA 47th Annual Short Course & Tradeshow
March 15-19	Conexpo - CON/AGG - Las Vegas
March 21-24	23rd Annual South Central Joint Mine H&S Conf., SA, TX
May 1	TACA - Truck Driving Championship, Katy, Texas

???? - When is your SWP3 Annual Compliance Evaluation Due
???? - MSHA facilities, when is your Earth Resistance Test Due
???? - Is your annual refresher training current

If you need help with any of the above items, please contact Westward Environmental, Inc.



Michelle M. Lee, P.G.
Geologist

A Balance of the Environment and Industry

Summary of Services

- Air, Water & Groundwater Permitting
- Stormwater Permits and Plans (SWP3)
- Waste Water Discharge Permitting
- Water Resource Management
- Visible Emissions Testing
- Phase I/II Environmental Site Assessments
- Spill Prevention Control and Countermeasures Plans (SPCC)
- Facility Specific Overall Compliance Programs & Audits
- Endangered Species and Wetland Programs/Surveys
- Geologic Surveys and Reserves Analysis
- Mine Plan Development
- Quarry Plans
- Mold Surveys
- Safety, Health, and Environmental Training Programs
- Employee Exposure Monitoring

For more information, please contact:

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