

TCEQ Storm Water and Edwards Aquifer Protection Program Compliance Investigations



Todd Jones - Environmental Investigator
San Antonio Region Office

Stormwater Regulation

- Texas Pollutant Discharge Elimination System (TPDES) Phase I & II
 - Industrial
 - Construction
 - Municipal Separate Storm Sewer System (MS4)
- Edwards Aquifer Protection Program (EAPP)
 - In 1970, Texas Water Quality Board, a predecessor agency, issued regulations aimed at protecting the Edwards Aquifer

National Pollutant Discharge Elimination System
40 CFR 122.26

Texas Water Code
Chapter 26

Texas Pollutant Discharge Elimination System
30 TAC 281.25(a)(4)

Edwards Aquifer Rules
30 TAC 213

Industrial, Construction, and MS4s

WPAP & CZP

Regulated Operators

Land Owners / Developers
HOAs

Stormwater General Permits

- Construction General Permit (CGP)
 - TXR150000
- Multi Sector General Permit (MSGP)
 - TXR050000
- Small Municipal Separate Storm Sewer System (MS4)
 - TXR040000
- Individual Discharge Permits

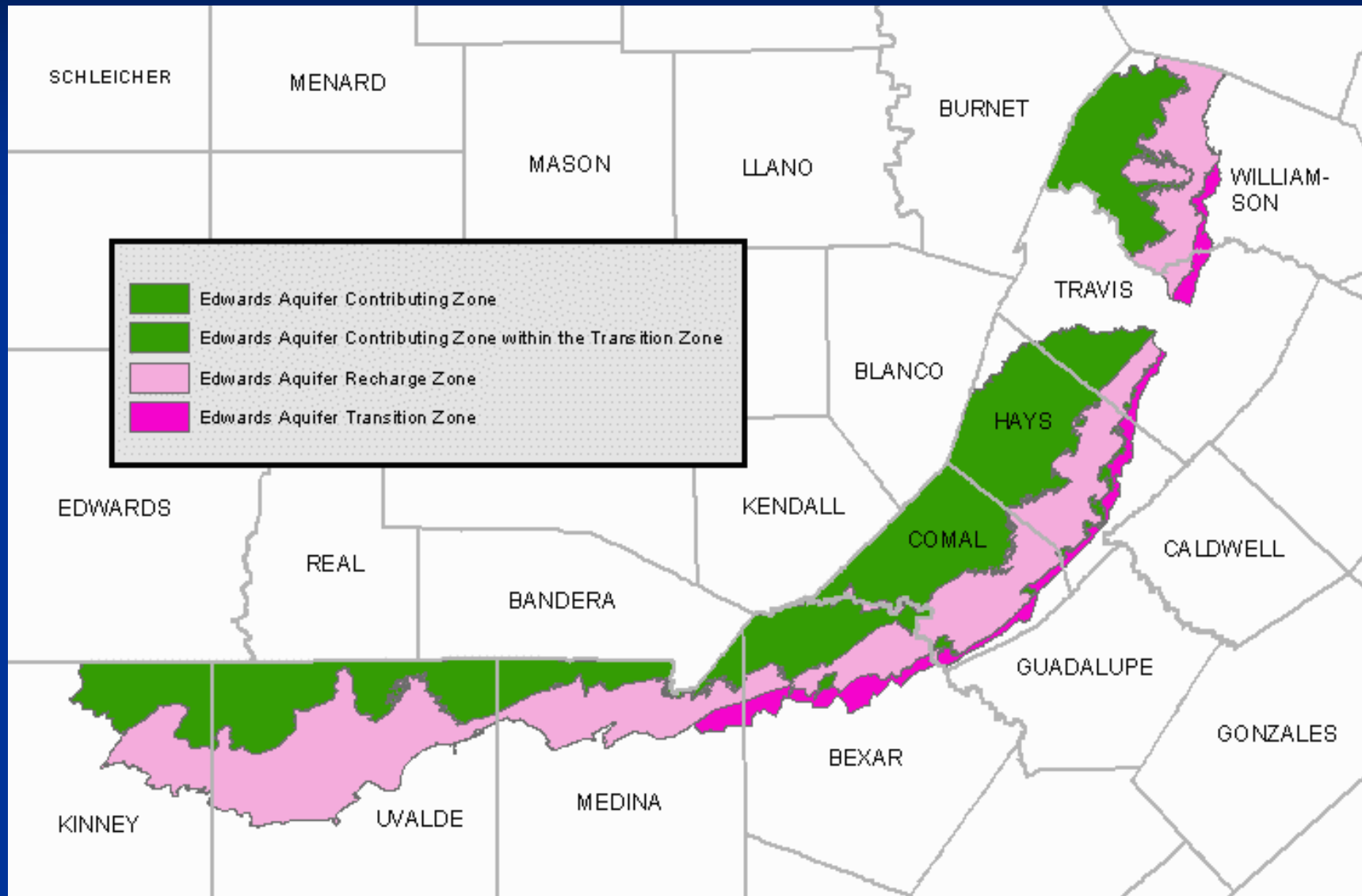
Edwards Aquifer Plans

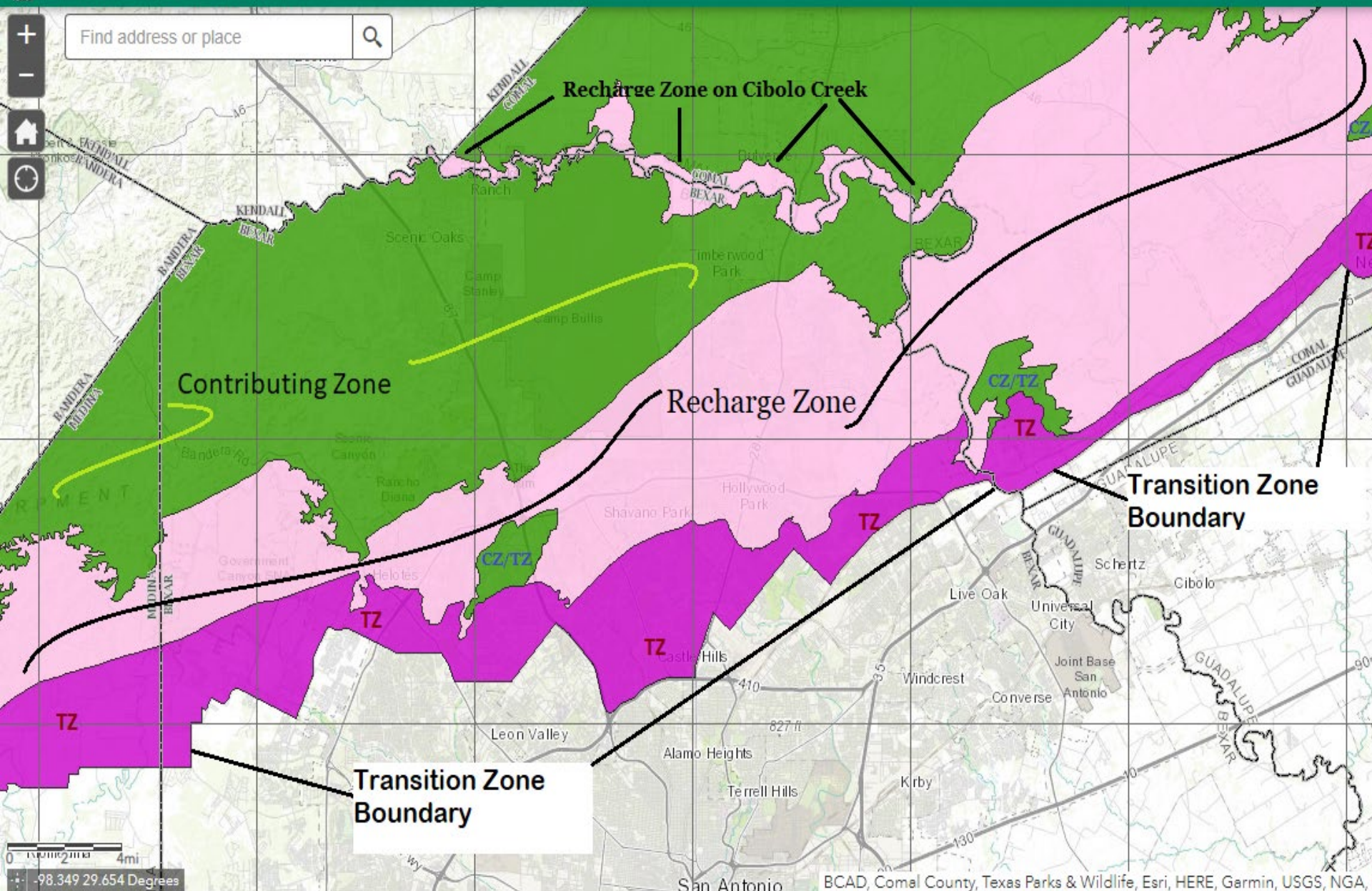
- Recharge Zone
 - Water Pollution Abatement Plan (WPAP)
 - Sewage Collection System (SCS)
 - Aboveground Storage Tank (AST) Facility
 - Underground Storage Tank (UST) Facility
- Transition Zone
 - AST/UST Facility
- Contributing Zone Plans

Who Needs a Permit?

- Industrial Facility Operators
 - Standard Industrial Classification (SIC)
 - Activity Type
- Primary Construction Site Operators
 - Soil disturbance >1-Acre
 - Common Plan of Development
- MS4 Operators
 - Urbanized Area
- Edwards Aquifer

Edwards Aquifer Regulated Zones









30 TAC 213

Subchapter A: 213.1 - 213.14.

■ **Recharge and Transition Zones**

- No minimum soil disturbance
- Exception Request applications can be submitted for minor disturbances
- AST/UST installation prohibited within 150 feet of sensitive natural features
- On the Recharge Zone, most construction related activity and some post-construction activity requires a permit prior to initiating
- Clearing, excavation, or any other activities that alter or disturb the topographic, geologic, or existing recharge characteristics of a site

■ **Transition Zone**

- Only AST/UST Facility Installations are regulated

Subchapter B: 213.20 - 213.28.

■ **Contributing Zone**

- Applies *only* to regulated activities disturbing at least five acres, or regulated activities disturbing less than five acres which are part of a larger common plan of development or sale with the potential to disturb cumulatively five or more acres.
- Goal is to protect surface streams entering the Recharge Zone
- Regulated activity is defined differently
- Plan types are Contributing Zone Plan (CZP) and Modifications (CZPMOD)
- May include SWP3 in lieu of a temporary section

■ **Contributing Zone within the Transition Zone**

- Provisions of both Subchapter A & B

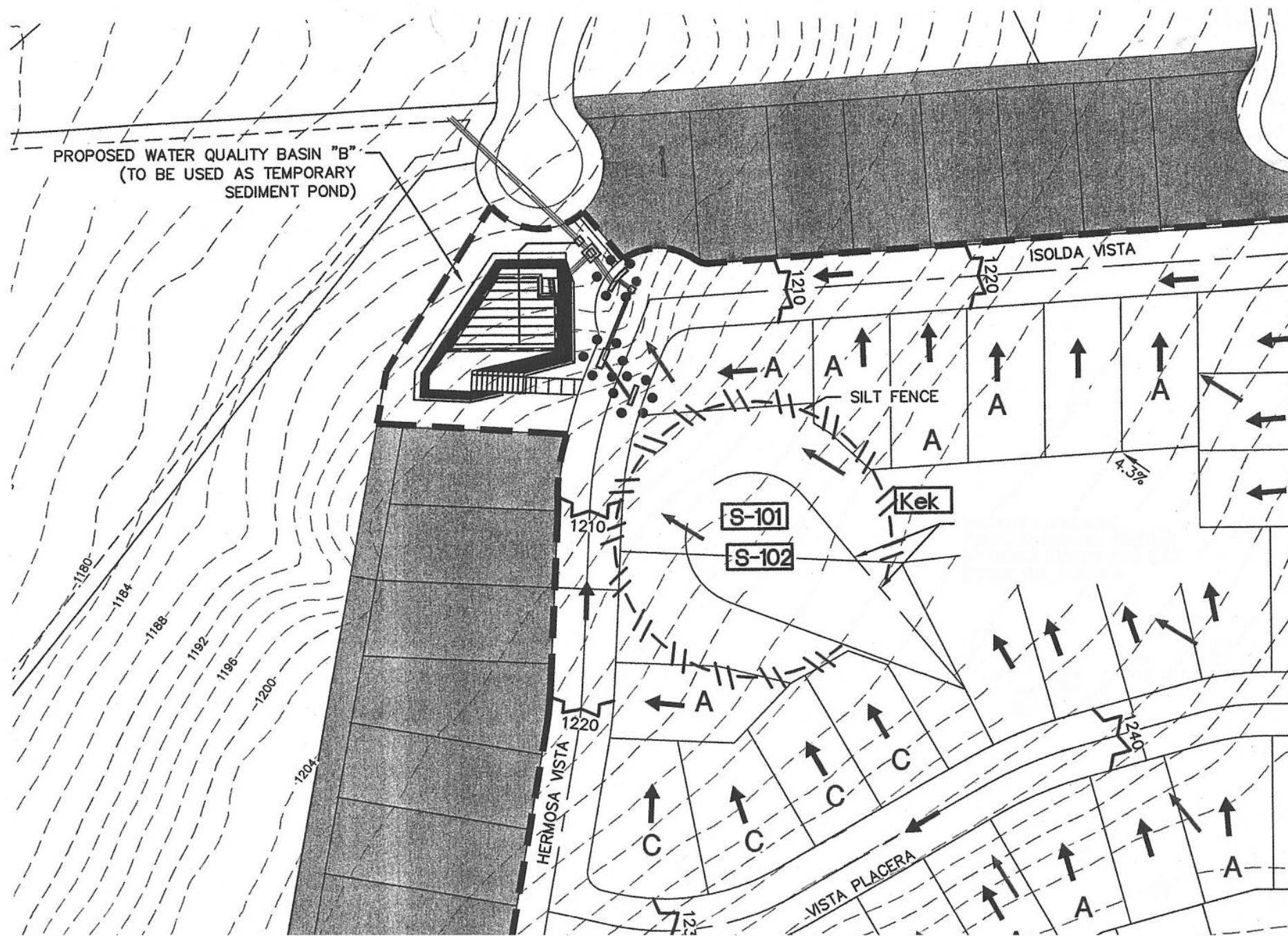
Applying for an Edwards Permit

- Visit the TCEQ's Edwards Aquifer Protection Program webpage
 - <https://www.tceq.texas.gov/permitting/eapp>
 - Consult with professional engineers and geoscientists to prepare the application
 - Can designate individuals or firms with agent authorization so they can submit and discuss with TCEQ
 - Contact the appropriate regional office to schedule the required administrative review



NOV 15 2008

PROPOSED WATER QUALITY BASIN "B"
(TO BE USED AS TEMPORARY
SEDIMENT POND)



COMPLIANCE



ENFORCEMENT



11/24/2008



2021/12/29

Right of Entry

- TCEQ is authorized by the Texas Water Code and Texas Health and Safety Code
- TCEQ Investigators from San Antonio Region Water Program will attempt to contact the responsible party once on site

Prior Notification

- TCEQ will contact the operator to schedule the investigation, unless:
 - The investigation is initiated by a complaint
 - The site/facility is a poor performer
 - Reconnaissance investigations can be initiated “on the spot”

Unannounced Investigations

- Investigators are looking for:
 - Construction Site Notices
 - Stormwater Pollution Prevention Plan (SWP3) and Inspection Reports
 - Proper installation and maintenance of BMPs
 - Edwards Aquifer protection plan compliance



2021/12/21



2019/10/28

Announced Investigations

- Comprehensive Compliance Investigation
 - Evaluate overall compliance
 - BMP installation and maintenance
 - Records, Training, and Certification
 - Discharge Monitoring
 - Edwards Aquifer permanent BMPs
 - Constructed as designed
 - Maintenance Schedule

1.11 EDWARDS AQUIFER

Does this project fall within the Edward Aquifer?

Yes No

Discharges cannot be authorized by the general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer). In addition, commencement of construction (i.e., the initial disturbance of soils associated with clearing, grading, or excavating activities, as well as other construction-related activities such as stockpiling of fill material and demolition) at a site regulated under 30 TAC Chapter 213, may not begin until the appropriate Edwards Aquifer Protection Plan (EAPP) has been approved by the TCEQ's Edwards Aquifer Protection Program.

- (A) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone (CZ), operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of the general permit.
- (B) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule is in addition to the requirements of the general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in the general permit for this pollutant.
- (C) (c) For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact: TCEQ Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact: TCEQ Water Program Manager
Austin Regional Office
12100 Park 35 Circle
Room 179, Building A
Austin, Texas 78753
(512) 339-2929

2021/12/21

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amazon

Common Violations

- Best Management Practices (BMPs)
 - Not installed or installed properly
 - Not maintained
 - Sediment track-out or discharge
- Industrial stormwater monitoring
- Edwards Aquifer Permanent BMPs
 - Not inspected or maintained

Stabilized Construction Exits



Compliant BMPs





04/23/2014



04/23/2014



CONSTRUCTION ENTRANCE

**HARD HATS
REQUIRED**



12 10:04 AM

SWPPP INFORMATION

For plan information contact
254-756-7240/254-666-1102

PERMIT ENCLOSED
DO NOT REMOVE

SWPPP
INFORMATION

SWPPP INFO 888-243-3605

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Site Notice
FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program
TPDES GENERAL PERMIT TXR150000

The notice applies to construction sites operating under Part 02.03 of the TCEQ General Permit Number TXR150000 for activities of runoff from construction sites equal to or greater than five acres, including the larger activities plus all development. This is an optional notice, which contains information required in Part 02.03 of the general permit. This information should be posted along with a signed copy of the Notice of Intent. Additional information regarding the TCEQ storm water permit program may be found on the internet at:

www.tceq.texas.gov/conservation/conservation/permits/tpdes.htm

TPDES Permit Number	Project
Contact Name	EMILY SLOAN
Contact Phone Number	254-475-2787
Project Description	100' x 100' SWPPP
Location of the SWPPP	100' x 100' SWPPP
Location of the SWPPP	100' x 100' SWPPP

26 1:30 PM

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Page 1 of 1

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2019/09/12



2021/09/01





2019/04/11



2019/04/08



2019/04/11

Exit Interview

- Any alleged or potential violations will be communicated to the operator
 - TCEQ Exit Interview Form
 - Investigator will typically provide a verbal summary of the investigation results while on site
- Formal Correspondence with Investigation Results

Who Receives the Violation?

■ Stormwater

- Operators – Permit Holders

■ Edwards Aquifer

- WPAP and CZP Holders
- Property owner where the violation was observed

Example Violation Descriptions

- Failure to maintain a best management practice (BMP) in operating condition. During the investigation, the silt fence at (*) was observed in an ineffective operating condition.
- Failure to conduct Benchmark Monitoring
- Failure to submit an Annual Report
- Failure to submit certification from a Texas licensed professional engineer within 30-days of site completion

NOV/Field Citation/Enforcement

- Notice of Violation
 - Regional violation resolution
 - Area of Concern
- Notice of Enforcement
 - Enforcement Division
 - Field Citation
 - Agreed Order

Rule Citations

- General Permit Operators
 - 30 TAC 281.25(a)(4)
 - Permit Provisions
- WPAP and CZP Plan Holders
 - 30 TAC 213.4(k) - WPAPs and Modifications
 - 30 TAC 213.23(j) - CZPs and Modifications
 - Some BMPs allowable under the CGP may not be allowable in the Recharge Zone

Quick Recap & Suggestions

- Be aware the requirements over the Edwards Aquifer
- Make sure your site is prepared for a TCEQ Investigation; from record keeping to BMP maintenance
- SWP3 designers should refer to agency approved Edwards Aquifer protection plans before finalizing their SWP3 plans
- Edwards Aquifer protection plans required weekly and after every rainfall

Assistance and Contact Info

- Small Business and Local Government
Assistance: 210-490-3096
 - Kayla Ayala
 - John Mikus
 - Priscilla Hudson
- Stormwater Permitting: (512) 239-4671

QUESTIONS?

- TCEQ San Antonio Region Office
 - Atascosa, Bandera, Bexar, Comal, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, Real, Uvalde, Wilson
 - Region Main Line: 210-490-3096; Fax: 210-545-4329
 - Todd Jones, Environmental Investigator
 - todd.jones@tceq.texas.gov