

Stormwater Investigations



Jason Lindeman
Texas Commission on Environmental Quality



Jason Lindeman



TCEQ Region 2
Lubbock Office

5012 50th, Ste 100
Lubbock, TX 79414

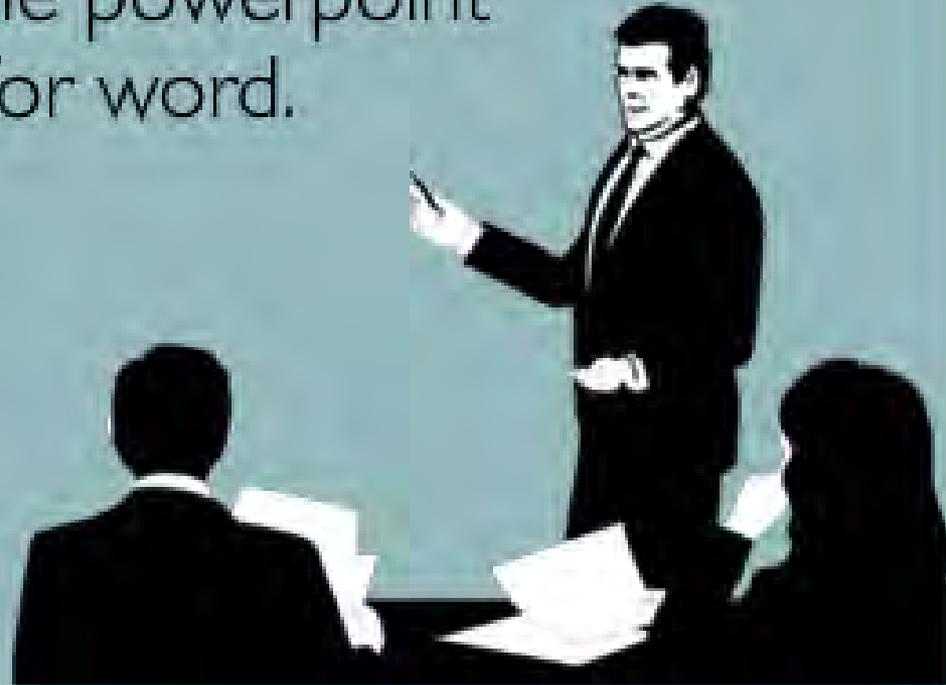
806-796-7092 (p)
806-796-7107 (f)

Jason.Lindeman@
tceq.texas.gov

Disclaimer



For my presentation today, I'll be reading the powerpoint slides word for word.



your  cards
someecards.com



Quick Overview

- ★ TCEQ Structure
- ★ Investigations
 - ◆ Multi-Sector General Permit
 - ◆ Construction General Permit
 - ◆ Municipal Separate Storm Sewer Systems
- ★ What happens after the investigation

TCEQ Structure

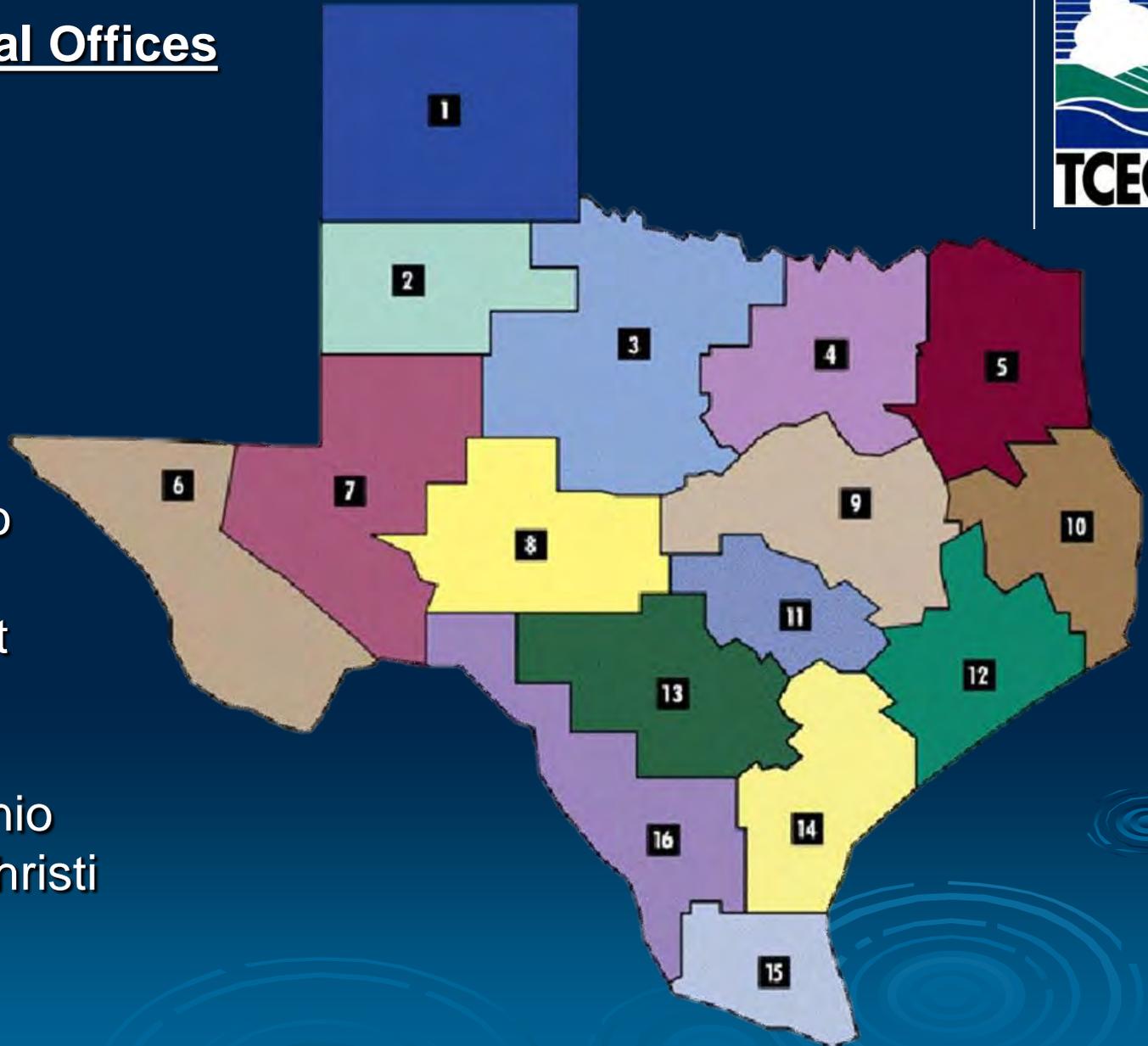


- ★ 3 Commissioners appointed by the Governor
- ★ Executive Director selected by the Commissioners
- ★ Office of Compliance and Enforcement
 - ◆ Border and Permian Basin
 - ◆ Central Texas
 - ◆ North Central and West Texas
 - ◆ Coastal and East Texas
- ★ 5 other offices (Admin, Legal, Air, Waste, Water)
- ★ ~2,500 employees!



TCEQ Regional Offices

- 1 – Amarillo
- 2 – Lubbock
- 3 – Abilene
- 4 – DFW
- 5 – Tyler
- 6 – El Paso
- 7 – Midland
- 8 – San Angelo
- 9 – Waco
- 10 – Beaumont
- 11 – Austin
- 12 – Houston
- 13 – San Antonio
- 14 – Corpus Christi
- 15 – Harlingen
- 16 – Laredo



Regional Offices



- ★ Conduct investigations at permitted sites
- ★ Investigate complaints at permitted and unpermitted sites
- ★ Develop enforcement actions for violations
- ★ Provide environmental education and technical assistance to communities and the public as needed



Investigations

- ★ Main purpose is to evaluate compliance with rules, permits, or standards at a specific site
- ★ Conducted by Regional Staff
- ★ On-site investigations divided into three main categories
 - ◆ Reconnaissance
 - ◆ Focused
 - ◆ Comprehensive



Complaints

- ★ Allegations of environmental, health, or regulatory concerns
- ★ Prioritized according to potential impact on human health and the environment
- ★ May be referred to local jurisdictions if adequate enforcement authority is in place



Stormwater Investigations

- ★ ~20 “full time” TCEQ stormwater investigators (many other “part time”)
- ★ Permitted MS4s also have investigators
- ★ Criteria for choosing a facility for an investigation
 - ◆ Location, potential for impact, history of complaints, proximity to water, environmentally sensitive areas, length of time since last investigation, regional knowledge
- ★ Before calling the facility
 - ◆ Determine compliance history
 - ◆ If unpermitted site, determine if the customer has had a permit at other sites in Texas

Helpful Hints



“If you wait to get your place in order until you get notified that TCEQ is coming out for an investigation, you’ve got bigger problems than the upcoming investigation.”

- Mike Lowe, City of Lubbock Water System Supervisor

Helpful Hints



- ★ I'm from the government & I'm here to help!
- ★ Develop a good professional working relationship with the investigator
- ★ Think about other aspects of compliance
 - ◆ Complaints
 - ◆ Legal liabilities
 - ◆ Loss of business
 - ◆ Business expenses

Common Problems



- ★ Paperwork
- ★ Maintenance
- ★ Housekeeping
- ★ Unaware of rules and how they apply
 - ◆ Not implementing the plan
 - ◆ Not conducting inspections
- ★ Unaware of employee/contractor activities

MSGP Stormwater Pollution Prevention Plan (SWP3)



- ★ Do they have one developed?
- ★ Covered with dust or well maintained?
- ★ Is the SWP3
 - ◆ signed
 - ◆ complete
 - ◆ in compliance with permit requirements
 - ◆ site specific



SWP3 Contents

- ★ Pollution prevention team
- ★ Description of potential pollutants and sources
 - ◆ Inventory of materials
 - ◆ Narrative description of activities
- ★ Site map
 - ◆ Stormwater flows across facility to outfalls
 - ◆ Areas that change stormwater flow or quality
- ★ Best Management Practices (BMPs)
 - ◆ Developed to address potential pollutants
 - ◆ Implemented!

The Pollution Prevention Team



- ★ Identified members or positions and complete listing of responsibilities assigned to the members



Pollution Prevention Measures and Controls



- ★ Necessary
- ★ Reasonable
- ★ Effective



















Pollution Prevention Measures and Controls



Good Housekeeping

- ◆ developed in the SWP3
- ◆ implemented on site



Erosion Control Measures



- ★ Developed in the SWP3
- ★ Implemented on site
- ★ Controls include:
 - ◆ vegetative cover
 - ◆ contouring slopes
 - ◆ paving and structural controls (berms, etc.)











Maintenance for Structural Controls



- ★ Developed in the SWP3
- ★ Implemented on site
 - ◆ oil/water separators
 - ◆ catch basins
 - ◆ sediment ponds
 - ◆ grass swales
- ★ Routine inspection and maintenance
- ★ Document estimated volumes of solids removed



Spill Prevention and Response



- ★ Identify potential spill areas
- ★ Develop and implement procedures to prevent stormwater contamination from spills
- ★ Label containers and special handling of hazardous materials
- ★ Provide spill clean up material and equipment





September 22, 2015

TCEQ Water Quality/Stormwater Seminar





Employee Training and Education



- ★ Annual training described in the SWP3
- ★ Required for employees responsible for implementing or maintaining activities identified in the SWP3
- ★ Documentation of information required by the permit and training records
 - ◆ Material management, spill prevention, spill clean up, spill reporting, good housekeeping, BMPs, SWP3 goals
 - ◆ Attendance sheet with training date
- ★ Employee education
 - ◆ Employees not directly responsible for implementing activities identified in the SWP3
 - ◆ SWP3 goals and reporting stormwater issues

Employee Training and Education



- ★ Don't assume anything
- ★ Don't rely on your ideas of common sense

“Common sense is the collection of prejudices acquired by age eighteen.”
– Albert Einstein

Non-Stormwater Discharge Survey and Certification



- ★ Description of eligible discharges
 - ◆ Potable water
 - ◆ Air conditioner /compressor condensate
 - ◆ Dust suppression
- ★ Certification of evaluation
 - ◆ Were unauthorized discharges discovered?
 - ◆ Were they eliminated?
 - ◆ Who conducted the evaluation?
 - ◆ How and when did they do it?











Periodic Inspections



- ★ Quarterly site inspections
- ★ Quarterly visual monitoring of stormwater discharges
- ★ Annual Comprehensive site inspection
- ★ Monitoring
 - ◆ Hazardous metals (unless waived)
 - ◆ Benchmark

Waste Issues

- ★ Waste storage or disposal can contribute pollutants and create additional violations
- ★ Wastes must be properly managed and disposed



Construction General Permit SWP3



- ★ Site / Project description
- ★ Schedule
- ★ Number of acres
- ★ Site map
- ★ Best Management Practices (BMPs)
- ★ Erosion and sediment controls
- ★ Copy of General Permit TXR150000

Common Problems at Construction Sites



- ★ Not authorized (or sign not visible)
- ★ SWP3
 - ◆ Not implemented
 - ◆ Incomplete
 - ◆ Outdated
- ★ Improperly installed BMPs
- ★ Poor housekeeping
- ★ Not conducting any inspections



Stabilization and Pollution Control Examples



- ★ Temporary/Permanent seeding
- ★ Mulching
- ★ Vegetative buffer strips
- ★ Preservation of trees
- ★ Contouring and protecting areas
- ★ Proactive approach to stabilize areas and prevent erosion

Best Management Practices



- ★ Structural controls
- ★ Sedimentation basins for drainage areas >10 acres (where feasible)
- ★ Protection of down slope boundaries
- ★ Silt fences
- ★ Earth dikes or berms
- ★ Drainage swales
- ★ Inlet protection































MS4 Stormwater Management Program (SWMP)



- ★ Public education and outreach
- ★ Public involvement or participation
- ★ Detection and elimination of illicit discharges
- ★ Controls for construction sites
- ★ Post-construction management for new and re-development
- ★ Pollution prevention and “good housekeeping” for municipal operations

Post Investigation



- ★ General compliance
- ★ Additional issues
- ★ If violations are documented, an Exit Interview Form is provided
- ★ Notice of Violation (NOV)
- ★ Notice of Enforcement (NOE)

Post Investigation



- ★ Timeframe is set for a response
- ★ Investigator is the point of contact for NOV
- ★ Violations can be appealed ONLY if respondent has new information
- ★ If there is no response or inadequate response to the NOV, the respondent may be referred to Enforcement

Formal Enforcement



- ★ RG-344 “The TCEQ Has Just Inspected My Business”
- ★ Penalties are typically associated with NOEs
- ★ Statutory maximum is \$10,000 per day per violation
- ★ Specific penalties are determined by the enforcement division
- ★ RG-253 “Penalty Policy”



Field Citations

- ★ Streamlined enforcement process for clear-cut violations
 - ◆ Failure to obtain a MSGP
 - ◆ Failure to obtain a CGP
- ★ Customer must have knowledge of requirements (previous permit, violation, or denial letter)
- ★ \$875 fine
- ★ Deferral for “expedited process”

Take the Pledge!

**Take Care
OF Texas™**

It's the only one we've got.



Watch for snakes...



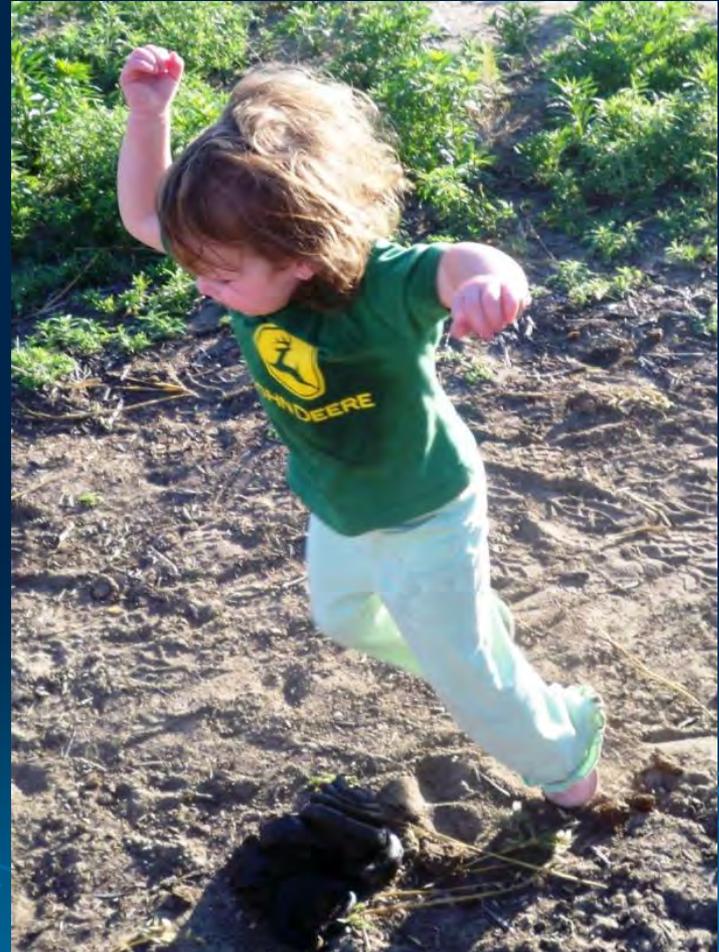
Stay cool...



Beware of dogs...



And watch your step!





Questions?



TCEQ Region 2
Lubbock Office

5012 50th, Ste 100
Lubbock, TX 79414

806-796-7092 (p)
806-796-7107 (f)

Jason.Lindeman@
tceq.texas.gov

