TCEQ

Edwards Aquifer Protection Program Contractor's Guide

Building on the Edwards Aquifer?

Added responsibilities and requirements apply.

512-339-2929 (Austin)

210-490-3096 (San Antonio)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Introduction

Holders of approved Edwards Aquifer protection plans and Contributing Zone plans are responsible for complying with Title 30, Texas Administrative Code, Chapter 213 and the provisions of TCEQ Edwards Aquifer approval letters. Contractors should implement construction plans as approved by the TCEQ. This guide explains contractors' responsibilities under the rules.

Typical Contractor Concerns and Responsibilities

Pre-Construction Meeting

General contractors should be given all approved Edwards Aquifer protection plans or Contributing Zone plans and approval letters

- Approved plans must be incorporated into applicable storm water pollution prevention plans (SWPPPs)
- Contractors should review and understand any applicable construction notes
- Plans and approval letters must be kept on-site and accessible by TCEQ personnel when on-site

First Steps in Construction

- Send a written notice to TCEQ Regional Office no later than 48 hours before construction
- Ensure that primary operators have obtained storm water permit coverage
- Use a licensed water-well driller for any well plugging
- Install temporary erosion and sediment (E&S) controls, as approved by the TCEQ
- Install protective barriers around sensitive features (caves, sinkholes, wells, etc.)
- Protect sensitive features as specified in a TCEQ-approved plan
- Rough cut pond and install outlet structure and controls
- Begin clearing and grubbing

Environmental Controls During Construction

- Inspect E&S controls at the frequency outlined in the approved maintenance plan
- Call the project engineer for direction on additional controls
- Do not work outside limits of construction without approval from the TCEQ
- Check approved plan for location and controls for hazardous materials
- Get approval for fuel or other hazardous materials, if not specified in the plan
- Report a spill of 25 gallons or more of gasoline or diesel fuel to the TCEQ
- Report a spill of reportable quantities of any other hazardous material
- Report any spill to surface water or groundwater
- Clean up small spills immediately (e.g., excavate and contain contaminated soil, material, or media)
- Clean up all spills, regardless of size, and dispose of waste properly

Construction of Ponds

- Engineer should have designed temporary outlet structure(s) for the water quality pond(s)
- De-watering operations must ensure that sediment-laden water is filtered through appropriate best management practices (BMPs); sediment should never leave the site
- See details in approved plan for pond liners requirements (concrete, clay, or geomembrane with filter fabric)
- Certain ponds may need a gate valve installed
- Engineer(s) should inspect the pond(s) at critical junctures
- Engineer(s) must certify in writing that permanent BMPs and measures were followed in construction as designed and approved
- A certification letter must be submitted to the TCEQ regional office within 30 days after site completion
- Certain ponds located on a water course will require a water-rights permit
- Certain ponds may be required to meet dam-safety requirements

Sewer-Line Construction

- Notify the TCEQ in writing if you encounter a void larger than 6 inches in any direction
- See plans for type of sewer pipe and water-crossing details (some must be encased)
- Adhere to separation distance between water and sewer lines
- Test all sewer lines and force mains (public and private) 6 inches or more in diameter for leaks after construction
- Sewer lines must be buried for 30 days before initial testing, and an engineer must certify in writing that all sewer lines have passed all required testing
- The engineer must certify sewer lines in writing to the TCEQ regional office within 30 days of test completion
- The plan holder must retain copies of all test results and make the results available on request
- Sewer lines must be tested every five years after being put into use

Inspection and Compliance Problems

TCEQ Inspections

- TCEQ investigators may not be able to attend pre-construction meetings
- TCEQ investigators should give advance notice of a compliance evaluation
  - No notice for complaint investigations or for sites where violations were previously noted

Examples of Common Compliance Problems

- Failure to have the Edwards Aquifer plan approved prior to construction
- Failure to obtain storm water permits prior to construction

- Failure to send written construction notification
- Failure to have modifications approved when necessary
- Failure to comply with special conditions specified in an approval letter
- Failure to have storm water pollution prevention plan(s) or approved Edwards Aquifer plan(s) and approval letter(s) on site
- Failure to post a storm water construction site notice and notice of intent at entrance
- Failure to notify the regional office when a geologic feature is encountered
- Failure to install protective barriers for sensitive features before grading
- Failure to have a geologist inspect excavations (lift stations and USTs)
- Failure to continuously evaluate temporary E&S controls for adequacy during construction
- Failure to maintain temporary E&S controls
- Failure to confine construction to the limits of construction
- Failure to promptly stabilize and re-vegetate areas where grading is complete
- Failure to submit an engineer's certification of any water quality ponds or other permanent BMPs
- Failure to submit an engineer's certification of sewer-line testing

Sensitive Features

These cases are a high priority for the TCEQ. The agency will make every effort not to delay construction. Upon receipt of a complete void-mitigation plan (using the Solution Feature Discovery Notification Form, TCEQ-10256), the regional office will review it as soon as possible, but no later than seven calendar days from receipt.

Standard Procedures

- If any sensitive feature (cave, solution cavity, sinkhole, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately

- The applicant or applicant's agent must immediately notify the TCEQ regional office of the discovery of the feature
- When the feature is located in a sewer line or force-main trench (public or private):
  - The feature must be evaluated by a geologist
  - Notification must be in writing and include the geologist's description of the extent and location of the feature no later than 48 hours after its discovery
  - A void-mitigation plan prepared and certified by an engineer for protecting the feature and a geologic assessment of the feature prepared and certified by a geologist and must be sent to the TCEQ regional office for review
- Regulated activities near the feature may not proceed until the executive director has reviewed and approved the void-mitigation plan, which must include the methods proposed to protect the feature and the aquifer from threats to water quality.

Lift-Station and Underground Storage Tank (UST) Excavations

- Upon completion of lift-station and UST excavations, a geologist must certify to the regional office, in writing, his or her inspection of the excavations for sensitive features
- Construction may continue if the geologist certifies there were no sensitive features
- If a sensitive feature is present, proceed as described above for features in sewer-line trenches

Underground Storage Tank Compliance

For sites located on the Edwards Aquifer recharge or transition zone, the Edwards Aquifer UST facility plan must be approved before construction and installation.

Compliance Evaluations

- Compliance with requirements of 30 TAC 334, relating to petroleum storage tanks
- Notifying the TCEQ regional office of construction
- Approval of any modifications to systems
- Approved UST facility plan and approval letter on-site
- Record of the tank-hold inspection by a geologist
- Temporary erosion and sediment controls
- Leak-detection compliance for continuous monitoring

Regional Offices

Austin Regional Office

2800 South IH 35, Suite 100
Austin, Texas 78704-5700
Phone 512-339-2929
Fax 512-339-3795

Counties Within Austin-Office Jurisdiction

Hays, Travis, Williamson

San Antonio Regional Office

14250 Judson Road
San Antonio, Texas 78233-4480
Phone 210-490-3096
Fax 210-545-4329

Counties Within San Antonio–Office Jurisdiction

Comal, Bexar, Medina, Uvalde, Kinney

For Further Reading

Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (TCEQ publication RG-348), revised July 2005

Edwards Aquifer Protection Program website: <www.tceq.state.tx.us/goto/eapp>

The TCEQ Has Inspected Your Business. What Does This Mean to You? (RG-344), revised September 2005

Rules Protecting the Edwards Aquifer Recharge, Contributing, and Transition Zones (RG-011), April 2008

TPDES Storm Water Construction General Permit (TXR150000)

E-mail Address for the EAPP: <eapp@tceq.state.tx.us>

This pamphlet is not intended to be a substitute for the official Edwards Aquifer rules or any other final TCEQ rules. To see the official Edwards Aquifer rules, please refer to 30 TAC 213 online at <www.tceq.state.tx.us/goto/rules>.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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