

**From:** [David Ramirez](#)  
**To:** [Geithner, Dieter](#)  
**Cc:** [Anita Keese](#); [OCE](#); [Ramiro Garcia](#)  
**Subject:** RE: Enforcement Discretion for Compliance Issues Related to the COVID-19  
**Date:** Wednesday, April 22, 2020 4:45:11 PM

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Good afternoon Mr. Geithner,

The TCEQ has received your request for enforcement discretion for a “Groundwater and Fire Protection Upgrade” project at a construction site located at the UT McDonald Observatory at 3640 Dark Sky Dr., Fort Davis, being conducted by AECOM. Specifically, you have requested:

- Enforcement Discretion for monthly inspections as required by 30 TAC 281.25(a)(4) and Part III.F.7.(c).iv. of the General Permit (TXR150000) for small construction sites.

Since you have indicated that the secondary operator and owner, The University of Texas at Austin, will continue conducting monthly inspections, we do not anticipate that enforcement discretion would be needed in this circumstance. The General Permit also requires an inspection 24 hours after the end of a storm event of 0.5 inches or greater. The University of Texas will be required to conduct this required activity if it is needed during this time period. If an unauthorized discharge resulting in environmental harm occurs from unmonitored BMPs, enforcement discretion may be granted on a case-by-case basis. If this occurs, please contact Kent Waggoner, El Paso Region Section Manager at [Kent.Waggoner@tceq.texas.gov](mailto:Kent.Waggoner@tceq.texas.gov) or (915) 834-4949 to discuss your situation.

The TCEQ remains committed to working with our regulated community on a case by case basis. Regulated entities must maintain records adequate to document activities related to the noncompliance under enforcement discretion, including details of the regulated entity’s best efforts to comply.

Regards,  
David A. Ramirez, Area Director  
Border and Permian Basin Area  
Texas Commission on Environmental Quality

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**From:** Geithner, Dieter <[REDACTED]>  
**Sent:** Wednesday, April 22, 2020 5:45 AM  
**To:** OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>; Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Subject:** Enforcement Discretion for Compliance Issues Related to the COVID-19

Please find below and attached the information that you require to grant Enforcement Discretion due to COVID-19 related issued.

AECOM has a project at the UT McDonald Observatory in Fort Davis, TX performing Groundwater and Fire Protection Upgrades. As part of this work, AECOM has prepared a SWPPP to perform piping installation and has been performing weekly inspections of the erosion control best management practices (BMPs) during construction. Attached, for your reference, is the Small Construction Site

Notice.

Because of the COVID-19 issues, work has stopped and all contractors have demobilized from the facility. All BMPs in all place and in good condition and since work has stopped, inspections have been transitioned to monthly instead of weekly. Work is currently scheduled to resume around the beginning of June, but that is subject to change based on future State and County Orders. The Secondary Operator (Owner - University of Texas) has performed concurrent inspections to date with AECOM and will continue to perform monthly inspections of the BMPs.

Because this is generally the driest time of year, BMP's are in good condition, and the Secondary Operator will continue to perform monthly inspections, AECOM requests approval to defer it's inspection until approximately June 5, 2020 when work is expected to resumes at the facility.

Please let me know if you have any questions or need more information.

Dieter Geithner  
Field Site Supervisor  
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**AECOM**

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# SMALL CONSTRUCTION SITE NOTICE

FOR THE  
Texas Commission on Environmental Quality (TCEQ)  
Stormwater Program  
**TPDES GENERAL PERMIT TXR150000**

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of stormwater runoff from small construction sites. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

<https://www.tceq.texas.gov/permitting/stormwater/construction>

Operator Name:	AECOM
Contact Name and Phone Number:	Dieter Geithner 512-636-4113
Project Description: <i>Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized</i>	UT McDonald Observatory Facility, 3640 Dark Sky Dr., Fort Davis, TX 79734 Start date: 6/11/19 End Date: 12/31/20 Perform the installation and upgrades to fire water systems including, water line installation, and pump station and storage tank construction
Location of Stormwater Pollution Prevention Plan:	Physical Plant Bldg 200 Lunar Cir, Fort Davis, TX 79734

For Small Construction Activities Authorized Under Part II.E.2. (Obtaining Authorization to Discharge) the following certification must be completed:

I Dieter Geithner (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A stormwater pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title \_\_\_\_\_ Date 6/10/19

\_\_\_\_\_ Date Notice Removed

\_\_\_\_\_ MS4 operator notified per Part II.F.3.