

From: [Susan Jablonski](#)
To: [REDACTED]
Cc: [OCE](#); [David Van Soest](#); [Lori Wilson](#); [Shawn Stewart](#); [Michelle Harris](#); [Robert Sadler](#)
Subject: RE: Enforcement Compliance Request - Lennar
Date: Friday, March 27, 2020 7:52:47 PM

Eric Teague, CPESC, CISEC
Regional Environmental Manager
LENNAR
Hutton Region

Dear Mr. Teague,

This is in response to your March 26, 2020 request for guidance on how to proceed with regard to meeting stormwater compliance requirements during a local order/directive due to the COVID-19 pandemic.

In response to orders/directives issued by many counties/cities, the TCEQ is exercising enforcement discretion for certain water quality related activities. This discretion specifically addresses regulated entities which are unable to comply with permit conditions related to authorized stormwater discharges (i.e. the Texas Pollutant Discharge Elimination Program (TPDES) Construction General Permit (CGP) TXR150000, the TPDES Multi-Sector General Permit (MSGP) TXR050000, the TPDES General Permit TXG110000, and Approved Edwards Aquifer Protection Program plans) due to a local order/directive restricting or curtailing construction activities.

The TCEQ's enforcement discretion applies only to facilities/sites that have not been defined as "essential" or as conducting "essential activities" under a local order/directive and have ceased operation. The requirements found in Title 30, Texas Administrative Code (TAC) Chapters 213, 281, and 305, Permits TXR150000, TXR050000, and TXG110000, and Approved Edwards Aquifer Plans are suspended until such time as the facility/site is deemed "essential", begins conducting "essential activities", or the county/city orders/directives are lifted. Please note that although these requirements are suspended, adequate Best Management Practices (BMPs) should be implemented to minimize the potential for discharges from the facility/site. In addition, all required record keeping should be maintained.

The TCEQ's enforcement discretion does not apply to facilities/sites that have been defined as "essential" or as conducting "essential activities", therefore those facilities/sites shall continue to maintain compliance with any and all requirements found in the TAC, TCEQ permits, and authorizations applicable to that location.

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 Shawn Stewart, Austin Region Water Section Manager at Shawn.Stewart@tceq.texas.gov or 512-239-0431 to discuss your situation.

If you have any questions, please feel free to contact Shawn Stewart, Austin Region Water Section Manager at Shawn.Stewart@tceq.texas.gov or 512-239-0431.

Sincerely,

Susan Jablonski, P.E.
Area Director for Central Texas
Texas Commission on Environmental Quality
(512) 239-6731

From: Eric Teague <>
Sent: Thursday, March 26, 2020 9:22 AM
To: OCE <OCE@tceq.texas.gov>; Ramiro Garcia <ramiro.garcia@tceq.texas.gov>
Subject: City of Austin Stay Home - Work Safe

Hello OCE & Mr. Garcia,

In case you are not aware, the City of Austin has issued order 20200324-007 Stay Home – Work Safe, requiring all non-essential businesses to temporarily close and cease activities.

Order: <http://www.austintexas.gov/sites/default/files/files/Order%2020200324-007%20-%20Stay%20Home%20-%20Work%20Safe.pdf>

The order DOES NOT classify construction activities as “essential businesses” and therefore construction activities will have to temporary cease within the City limits.

Ceasing construction activities, including the weekly and post-rain Stormwater BMP inspections and maintenance, would require non-compliance with TXR150000, as well as Travis County, and City of Austin environmental and storm water ordinances.

Could the TCEQ please provide guidance with how to proceed with regard to meeting compliance requirements during the time this order is in effect?

Thank you,

Eric Teague
LENNAR
281-541-2626

Eric Teague, CPESC, CISEC
Regional Environmental Manager
LENNAR
Hutton Region
281-541-2626

“Do The Right Thing For The Right Reasons”

From: texasenvirohelp <texasenvirohelp@tceq.texas.gov>

Sent: Thursday, March 26, 2020 8:58 AM
To: Eric Teague <[REDACTED]>
Cc: texasenvirohelp <texasenvirohelp@tceq.texas.gov>
Subject: RE: City of Austin Stay Home - Work Safe

** External email from: texasenvirohelp@tceq.texas.gov. If suspicious, forward to:
[REDACTED] **

Thank you for contacting the Texas Commission on Environmental Quality (TCEQ). Below are instructions if you would like to request enforcement discretion from the TCEQ.

With the onset of COVID-19 (coronavirus) and the Governor's Proclamation of a state of disaster in Texas, the TCEQ is aware that regulated entities may be experiencing an impact from a reduced workforce necessary to maintain normal operations at some facilities. All regulated entities are encouraged to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Texans and the environment. However, in the instance that noncompliance is unavoidable directly due to impact from the coronavirus, an email box has been established by TCEQ to accept requests for potential enforcement discretion. Regulated entities should email both OCE@tceq.texas.gov and Ramiro.Garcia@tceq.texas.gov with specific information related to enforcement discretion requests. The OCE email box is monitored daily by multiple TCEQ staff who will ensure the requests are expeditiously addressed. The TCEQ's goal is to provide a response to the regulated entity's request within 24 to 48 hours. The email should at a minimum include the following:

- Concise statement supporting request for enforcement discretion
- Anticipated duration of need for enforcement discretion
- Citation of rule / permit provision for which enforcement discretion is requested
- 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.
- Any questions regarding this guidance should be directed to the OCE email box and a response will be provided.

Thank you,

**Alexander Hinz, Natural Resources Specialist
Small Business and Local Government Assistance Section
Program Support and Environmental Assistance Division
Texas Commission on Environmental Quality
(512) 239-4720
www.TexasEnviroHelp.org**

**Customer Service Survey:
<http://www.tceq.texas.gov/customersurvey>**



From: Eric Teague <[REDACTED]>
Sent: Wednesday, March 25, 2020 3:21 PM
To: texasenvirohelp <texasenvirohelp@tceq.texas.gov>
Subject: City of Austin Stay Home - Work Safe

Hello TexasEnviroHelp,

In case you are not aware, the City of Austin has issued order 20200324-007 Stay Home – Work Safe, requiring all non-essential businesses to temporarily close and cease activities.

Order: <http://www.austintexas.gov/sites/default/files/files/Order%2020200324-007%20-%20Stay%20Home%20-%20Work%20Safe.pdf>

The order DOES NOT classify construction activities as “essential businesses” and therefor construction activities will have to temporary cease within the City limits.

Ceasing construction activities, including the weekly and post-rain Stormwater BMP inspections and maintenance, would require non-compliance with TXR150000, as well as Travis County, and City of Austin environmental and storm water ordinances.

Could the TCEQ please provide guidance with how to proceed with regard to meeting compliance requirements during the time this order is in effect?

Thank you,

Eric Teague
LENNAR
281-541-2626