

**From:** [Susan Jablonski](#)  
**To:** [Scott Halty](#)  
**Cc:** [OCE](#); [Ramiro Garcia](#); [Michelle Harris](#); [Rosalind Stockton](#); [Joel Anderson](#); [Lynn Bumguardner](#)  
**Subject:** RE: TCEQ Enforcement Discretion Draft Response - SAWS, Bexar County  
**Date:** Friday, September 11, 2020 8:53:31 AM

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Mr. Scott Halty  
Director of Resource Protection and Compliance  
San Antonio Water System  
2800 US HWY 281N  
San Antonio, Texas 78212

RE: Request for Enforcement Discretion of the Quarterly Compliance Monitoring Requirements on Significant Industrial Users (SIU).

Dear Mr. Halty:

This in response to your request dated September 8, 2020, regarding a temporary waiver of San Antonio Water System's (SAWS) quarterly monitoring requirement on 28% of significant industrial users (SIUs). The Texas Commission on Environmental Quality (TCEQ) is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing impacts due to the COVID-19 pandemic.

The issues you outline in your request are impacts for which we would consider granting enforcement discretion. As a result of the COVID-19 pandemic, and stay at home closure orders issued by the State and the City of San Antonio, approximately 28% of SIUs required to sample are closed or functioning with greatly reduced operations. This correspondence will serve as authorization granting your request. Per your request, for the period of July 1 through September 30, 2020, 72% of SIU monitoring will be collected as scheduled, the remaining 28% that are closed or have greatly reduced operations will not be collected. Should an extension beyond the September 30, 2020 reporting be needed, please re-submit your request accordingly.

The discretion is limited to the TCEQ and does not limit the U.S. Environmental Protection Agency's ability to enforce federal regulation.

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.

If you or members of SAWS staff have any questions, please feel free to contact Ms. Lynn Bumguardner, TCEQ Region 13 Water Section Manager, at (210) 403-4050.

Sincerely,

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

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**From:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>  
**Sent:** Tuesday, September 8, 2020 8:55 AM  
**To:** Scott Halty <[Scott.Halty@saws.org](mailto:Scott.Halty@saws.org)>; OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>  
**Cc:** Susan Jablonski <[susan.jablonski@tceq.texas.gov](mailto:susan.jablonski@tceq.texas.gov)>; Michelle Harris

<[michelle.harris@tceq.texas.gov](mailto:michelle.harris@tceq.texas.gov)>; Tracy Miller <[tracy.miller@tceq.texas.gov](mailto:tracy.miller@tceq.texas.gov)>; Susan Johnson <[susan.johnson@tceq.texas.gov](mailto:susan.johnson@tceq.texas.gov)>

**Subject:** RE: Request for TCEQ enforcement discretion

Good morning Mr. Halty,

This email confirms receipt of your correspondence. We are reviewing your request and expect to have a response soon.

Best regards,

Ramiro Garcia, Jr.  
Deputy Executive Director  
TCEQ

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**From:** Scott Halty <[Scott.Halty@saws.org](mailto:Scott.Halty@saws.org)>

**Sent:** Tuesday, September 8, 2020 8:47 AM

**To:** Ramiro Garcia <[ramiro.garcia@tceq.texas.gov](mailto:ramiro.garcia@tceq.texas.gov)>; OCE <[OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov)>

**Subject:** Request for TCEQ enforcement discretion

Good morning,

You have requested that SAWS seek relief from TCEQ as a result of COVID-19 caused effects on sampling events conducted under the pretreatment program. On March 18, 2020, TCEQ announced an enforcement discretion policy for permit violations caused by the COVID-19 pandemic. Attached is the SAWS Request for Enforcement Discretion Resulting from COVID -19. Should you have any questions or concerns, please don't hesitate to contact me at (210) 233-3536.

Thank you,  
Scott R. Halty



September 8, 2020

Mr. Ramiro Garcia, Deputy Director  
Office of Compliance and Enforcement – MC172  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, Texas 78753

Re: Request for enforcement discretion resulting from COVID-19

Dear Mr. Garcia:

The San Antonio Water System (SAWS) requests that the Texas Commission on Environmental Quality (TCEQ) exercise enforcement discretion pursuant to the guidance issued by TCEQ on March 18, 2020, and pursuant to 30 Tex. Admin. Code §70.7 (Force Majeure).

TPDES Permit Nos. WQ0010137033 (Steven M. Clouse WRC) and WQ0010137003 (Leon Creek WRC) that are applicable to SAWS municipal wastewater treatment plants and the sewage collection system that conveys sewage to these plants each contain a provision, in the permit section entitled “Contributing Industries and Pretreatment Requirements”, requiring that SAWS operate an industrial pretreatment program in accordance with an approved pretreatment program.

The SAWS’ approved pretreatment program requires that each significant industrial user (SIU) that discharges into the sanitary sewer system must obtain a permit. These permits contain maximum concentration limits for various substances that the SIUs discharge into the sewage collection system. The permits provide that SAWS shall collect samples of SIU sanitary sewer system discharges at designated outfalls on a quarterly basis. The samples are then subjected to laboratory analysis to ensure that the discharge concentration limits that are provided by permit are not exceeded.

As a result of the COVID-19 pandemic, and stay at home and closure orders issued by the State and the City of San Antonio, approximately 28 percent (28%) of the SIUs that SAWS is required by permit to sample on a quarterly basis are closed, or are functioning with greatly reduced operations. SAWS will not be able to conduct the permit required quarterly sampling for the period July 1 through September 30, 2020. SAWS cannot predict when these conditions will change or when the SIUs will reopen for business. SAWS will continue to conduct sampling of discharges from SIUs that are open for business and operating at normal capacity. SAWS will coordinate with SIUs as they

reopen to conduct sampling when operations are representative of normal operating conditions.

SAWS requests that TCEQ exercise enforcement discretion pursuant to its March 18, 2020, guidelines and 30 Tex. Admin. Code §70.7 and determine not to initiate any enforcement actions resulting from SAWS' inability, as a result of the COVID-19 pandemic, to conduct permit required quarterly sampling for the period through September 30, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott R. Halty", with a long horizontal flourish extending to the right.

Scott R. Halty, Director  
Resource Protection & Compliance  
San Antonio Water System  
2800 U.S. Highway 281 N  
San Antonio, Texas 78212  
(210) 233-3536