



## Legislation Details (With Text)

<b>File #:</b>	REP 13-1117	<b>Version:</b>	1	<b>Name:</b>	AST upgrade deadline
<b>Type:</b>	Staff Report	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	1/3/2019	<b>In control:</b>		<b>In control:</b>	Permits/Enforcement Committee
<b>On agenda:</b>	1/22/2019	<b>Final action:</b>		<b>Final action:</b>	1/22/2019
<b>Title:</b>	Receive report from EAA staff on the compliance status of aboveground storage tank system facilities located on the Edwards Aquifer recharge zone.				
<b>Sponsors:</b>					
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Date	Ver.	Action By	Action	Result
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**Receive report from EAA staff on the compliance status of aboveground storage tank system facilities located on the Edwards Aquifer recharge zone.**

### STAFF RECOMMENDED MOTION:

This item is for discussion purposes only. No action required.

### SUMMARY:

The purpose of this agenda item is for the Permits/Enforcement Committee to receive a report from EAA staff regarding the requirements and prohibitions for aboveground storage tank (AST) systems subject to EAA regulations. As outlined in § 713.605 (c) of the EAA rules, "irrespective of any other provision in these rules, no later than December 31, 2018, the owner or operator of an existing, regulated AST located on the Recharge Zone shall:

- (1) incorporate an approved method of secondary containment; or
- (2) remove the AST from service."

The Edwards Aquifer Recharge Zone (EARZ) has always been recognized as an environmentally sensitive area, and the EAA Board of Directors promulgated rules early in its history to regulate certain activities having the potential for polluting the aquifer in this area in order to protect existing and potential uses of groundwater. In 2002, rules were passed to regulate certain aboveground storage tanks (ASTs) and underground storage tanks (USTs) storing certain regulated materials on the EARZ. These early rules required that regulated AST systems would incorporate a method of tertiary containment, and since these containment requirements would be more stringent than existing regulations, EAA rules allowed owners and operators to register their ASTs with the EAA, and granted additional time to meet these higher levels of protection. (The 2002 rules allowed 15 years from the publishing of those rules for owners to have incorporated a method of approved

(tertiary) containment - August 13, 2017).

In December 2016, the EAA board promulgated new rules for AST systems that more aligned with Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Protection Program (EAPP) rules to allow for approved methods secondary containment requirements for AST systems, and also pushed back the deadline for this action to December 31, 2018.

EAA staff has worked with these regulated AST owners and operators to remind them of this deadline. All applicable AST owner/operators were sent reminder letters following the 2016 rule revision, and since that date, additional site-specific reminder notifications were sent. Through correspondence, electronic communications, and verbal reminders during routine inspections, EAA staff ensured these facilities would have sufficient time to achieve the requirements as outlined in EAA rules.

Since the beginning of 2018, EAA staff reminded and offered assistance to over 50 facilities who had not yet satisfied this requirement, and as the 12/31/18 deadline passed, thirteen (13) AST systems are identified as failing to incorporate an approved method of secondary containment, and have not removed the AST from service.

At the January 22 Permits/Enforcement Committee meeting, EAA staff will review EAA rules regarding AST approved containment, our notification and compliance assistance efforts to date, and the status of on-going violations. Based on these discussions, EAA staff may recommend referring owners/operators who remain in violation for enforcement at the February 26 meeting.

#### M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

#### STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal within the Strategic Plan, but supports the general EAA mission.

#### FISCAL IMPACT:

None.