



Legislation Text

File #: REP 13-1116, **Version:** 1

Receive report from EAA staff and a representative of an underground storage tank (UST) facility regarding the deadline for upgrading or removing USTs at the facility.

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, and then to hear from the owner representative, Mr. Raymond McNiece, of the 7-Eleven convenience store located on the recharge zone at 1815 State Highway 46-west in New Braunfels, regarding an upcoming deadline for upgrading or removing underground storage tanks (USTs) at the facility.

According to the storage tank registration form submitted for the facility, USTs were installed at the facility in March 1989 and that the tanks are not tertiary contained. Section 713.607 (c) of the EAA's rules indicates that "Irrespective of any other provision in these rules, thirty years from the date of the installation of a UST system, all UST systems located on the recharge zone shall:

- (1) incorporate a method of tertiary containment through the major modification process; or
- (2) remove the UST from service."

In addition to previous general conversations and electronic communications between EAA staff and UST owners, on July 23, 2018, EAA staff sent an email to the 7-Eleven facility that specifically reminded them that March 2019 will mark 30 years since the tanks were installed and that by then USTs will need to be upgraded to tertiary containment or be removed. On October 25, 2018, EAA staff sent another reminder letter of the upcoming upgrade deadline.

In November 2018, Mr. McNiece met with EAA program staff and mentioned he may have difficulty completing required upgrades by the March 2019 deadline. He expressed concern about removing the ASTs from service while waiting for upgrade plans to be approved and implemented. Since EAA staff cannot extend the deadline to comply with this upgrade requirement, Mr. McNiece wanted an opportunity to discuss his situation with the EAA Permits/Enforcement Committee before the upcoming deadline.

At the January 22 Permits/Enforcement Committee meeting, EAA staff will review EAA rules regarding UST upgrades, our assistance efforts to date, and allow Mr. McNiece, representing the 7-Eleven facility, to address his specific concerns and plans. Based on these discussions and the outcome of ongoing compliance efforts, this matter may return to the Permits/Enforcement

Committee at the April 2019 meeting to review the status and requirements of this case, and consider possible enforcement action.

M/WBE PARTICIPATION:

This section is not relevant to this item.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal D. Prevent the Pollution of the Aquifer.

FISCAL IMPACT:

None.