

STW IGP_TXR05N024_CO_20140204&05_ Investigation Report
Texas Commission on Environmental Quality
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oca@tceq.texas.gov

Customer: Generic Incident Principal
Customer Number: CN602295370

Regulated Entity Name: 1604 READY MIX CONCRETE OPERATION

Regulated Entity Number: RN102655412

Investigation # 1151378

Incident Numbers

197986

197987

Investigator: JACK HIGGINBOTHAM

Site Classification

MULTISECTOR GENERAL
PERMIT FOR INDUSTRIAL
WW

AGGREGATE PRODUCTION
OPERATION REGISTRATION

Conducted: 02/04/2014 -- 02/05/2014

SIC Code: 1422

NAIC Code: 212312

SIC Code: 2951

Program(s): AGGREGATES
STORMWATER

Investigation Type: Compliance Investigation

Location: 4303 N LOOP 1604 E

Additional ID(s): TXR05N024

Address: 4303 N LOOP 1604 E,
SAN ANTONIO, TX , 78247

Local Unit: REGION 13 - SAN ANTONIO

Activity Type(s): APOSURVYOS - On-site investigation
resulting in a completed survey of an
APO - fulfilling the annual survey
requirement for that site.
SWCCIMSGP - SW CCI Multi-Sector
General Permit
SWSECTJCCI - SW Sector J CCI
SWCMPL - SW Complaint

Principal(s):

Role

RESPONDENT

RESPONDENT

Referred from Principal

Name

VULCAN CONSTRUCTION MATERIALS LP

GENERIC INCIDENT PRINCIPAL

BEXAR COUNTY

Contact(s):

1604 READY MIX CONCRETE OPERATION - SAN ANTONIO

2/4/2014 to 2/5/2014 Inv. # - 1151378

Page 2 of 11

Role	Title	Name	Phone
Participated in Investigation	ATTORNEY AT LAW	MR CHRIS B PEPPER	
Regulated Entity Contact	ENVIRONMENTAL SERVICES MANAGER	MR EDDIE SAUCEDO	
Participated in Investigation	DIRECTOR OF HUMAN RESOURCES	MR CLAY UPCHURCH	
Participated in Investigation	ENVIRONMENTAL SPECIALIST	MS MELISSA MARTINEZ	
Participated in Investigation	ENFORCEMENT COORDINATOR	MS REBECCA JOHNSON	
Participated in Investigation	STAFF ATTORNEY	MS ELIZABETH LIEBERKNECHT	
Participated in Investigation	ATTORNEY	MR JESS ROBINSON	

Other Staff Member(s):

Role	Name
Investigator	TODD JONES
QA Reviewer	TODD JONES
Supervisor	JOY THURSTON-COOK

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
STORMWATER CCI SECTOR J: MINERAL MINING AND DRESSING FACILITIES	VULCAN - Sector J
STORMWATER MSGP CCI	VULCAN - CCI
STORMWATER ADDITIONAL VIOLATIONS	VULCAN - other
WQ COMPLAINT INVESTIGATION	VULCAN - Complaint
STORMWATER CCI SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS	VULCAN - Sector E
STORMWATER CCI SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS	VULCAN - Sector D
AGGREGATE PRODUCTION OPERATION INVESTIGATION	VULCAN - APO

Investigation Comments:

INTRODUCTION

On February 04 and 05, 2014, Texas Commission on Environmental Quality (TCEQ) Environmental Investigators, Mr. Jack Higginbotham and Mr. Todd Jones conducted a Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit (MSGP) Comprehensive Compliance Investigation (CCI) at the Vulcan Construction Materials (VCM), 1604 Operation in San Antonio, Texas - Bexar County. The investigation was prompted by a complaint referral from Bexar County Officials; the complaint was regarding stormwater contamination and air quality concerns. The regulated entity (RE) contact for VCM, is Mr. Eddie Saucedo. A Notice of Violation (NOV) letter has been sent to the RE. A letter to the complainant has also been sent.

BASIC FACILITY AND PROCESS INFORMATION

1604 READY MIX CONCRETE OPERATION - SAN ANTONIO

2/4/2014 to 2/5/2014 Inv. # - 1151378

Page 3 of 11

of the San Antonio River Basin. The total acreage of VCM 1604 Operation is 990 acres.

According to VCM's TPDES MSGP they fall under three separate Standard Industrial Classifications (SIC). The primary SIC is SIC 1422 in TPDES MSGP Sector J, "Mineral and Mining Processing Facilities". According to the Occupational Safety and Health Administration (OSHA), SIC 1422 (Crushed and Broken Limestone) are "establishments primarily engaged in mining or quarrying crushed and broken limestone, including related rocks, such as dolomite, cement rock, marl, travertine, and calcareous tufa. Also included are establishments primarily engaged in the grinding or pulverizing of limestone."

The secondary SIC that VCM is operating under is SIC 2951 in TPDES MSGP Sector D, "Asphalt Paving and Roofing Materials and Lubricants". According to OSHA, SIC 2951 (Asphalt Paving Mixtures and Blocks) are "establishments primarily engaged in manufacturing asphalt and tar paving mixtures; and paving blocks made of asphalt and various compositions of asphalt or tar with other materials."

Another secondary SIC that VCM is operating under is SIC 3273 in TPDES MSGP Sector E, "Glass, Clay, Cement, Concrete, and Gypsum Products". According to OSHA, SIC 3273 (Ready-Mixed Concrete) are "establishments primarily engaged in manufacturing Portland cement concrete manufactured and delivered to a purchaser in plastic and unhardened state. This industry includes production and sale of central-mixed concrete, shrink-mixed concrete, and truck-mixed concrete."

Permit coverage to discharge stormwater associated with industrial activities was originally obtained by VCM on November 19, 2001. Two Notice of Intent (NOI) Renewals have been submitted by VCM and were approved on December 29, 2006 and January 30, 2012. An authorization number of TXR05No24 was issued to VCM.

REGULATORY BACKGROUND INFORMATION

No recent stormwater investigations have been conducted at the RE; however, the TCEQ Region 13 Air Program cited VCM for "failure to fully implement established practices" on October 09, 2013 (tracking number 516542).

ADDITIONAL INFORMATION

On February 04 and 05, 2014, Mr. Higginbotham and Mr. Jones reviewed the SWP3 and conducted the onsite portion of the investigation. Each industrial sector of the VCM 1604 Operation was investigated (Sector J, Sector D, and Sector E). During the investigation, Mr. Higginbotham and Mr. Jones identified 12 non-compliances.

The Exit Interview was sent to the RE contact, Mr. Saucedo, on February 18, 2014. Since the VCM 1604 Operation applied for self-audit privilege status on January 29, 2014, Mr. Higginbotham stated in the February 18, 2014 email to Mr. Saucedo, "if any of the violations (that TCEQ investigators) cited have been disclosed in VCM's recent self-audit please coincide them with the violations VCM cited and provide TCEQ with a narrative discussion (for each violation) of why VCM is immune to receiving that/those violation(s)".

On March 05, 2014, Mr. Higginbotham received a response from Mr. Saucedo in regards to the cited violations in the Exit Interview dated February 18, 2014. Mr. Saucedo stated that under the Texas Environmental Health and Audit Privilege Act, Alleged Violation (AV) #1, #2, #3, #4, #5, #6, #7, #8, and #10 on the Exit Interview were self-disclosed.

Upon receiving Mr. Saucedo's response on March 05, 2014, Mr. Higginbotham conducted a comparison review of the RE's self audit vs. the specifics of each AV.

On March 07, 2014, VCM staff (Mr. Eddie Saucedo, Ms. Melissa Martinez) and TCEQ Region 13 staff (Mr. Jack Higginbotham, Ms. Lynn Bumguardner, and Ms. Joy Thurston-Cook) and TCEQ Enforcement staff (Ms. Rebecca Johnson) met at the TCEQ Region 13 Office to discuss the AVs and PV. Ms. Johnson conferred into the call. After TCEQ comments of each AV and PV were disclosed with the VCM staff, Enforcement Coordinator, Ms. Rebecca Johnson, informed VCM staff that if they did not agree with TCEQ comments they could provide TCEQ Office of Compliance and Enforcement (OCE) a response of why VCM is claiming immunity for the AVs and/or PVs that TCEQ Region 13 does not believe VCM has disclosed.

On April 02, 2014, a conference call was held with VCM staff, Mr. Saucedo and VCM attorney Mr. Chris Pepper; TCEQ Region 13 staff, Mr. Jack Higginbotham, Ms. Lynn Bumguardner, Ms. Joy Thurston-Cook, Mr. Todd Jones; TCEQ Enforcement Division, Ms. Rebecca Johnson; and TCEQ Litigation Division, Ms. Elizabeth Lieberknecht

and Mr. Jess Robinson. The goal of this meeting was to discuss each AV on the exit interview form for VCM attorney, Mr. Pepper, and to provide Mr. Pepper technical information in regards to AVs cited. Mr. Pepper led the discussion and went through every AV and compared each AV to VCM's self-audit violations and asked TCEQ to provide technical detail of the TPDES MSGP relating the AVs. This meeting did not clear VCM of any of the AVs cited in the exit interview form. Further evaluation of VCM's self-audit in comparison with the AVs cited in the exit interview form was conducted by TCEQ Litigation Division to determine which AVs VCM is immune to and which AVs VCM is not immune to.

On May 01, 2014, TCEQ Region 13 staff, Mr. Jack Higginbotham, Ms. Lynn Bumguardner, and Mr. Todd Jones, had a conference call with Mr. Jess Robinson to identify the AVs that the RE was immune to and the AVs that will be cited as NOVs. AVs that received immunity, because of VCM's audit of self disclosure, will be cited as additional issues.

The NOVs:

1. Failure to implement adequate erosion and sediment control BMPs adjacent to outfall 005 along Elm Waterhole Creek. Elm Waterhole Creek runs through the RE's site. During the investigation rill erosion was noted on the berms that run along the creek adjacent to outfall 005. The berms were made of road base, which is a final product. The current berms did not have stabilizing vegetation or geotextiles that could mitigate erosional forces. According to the TPDES MSGP, the permittee shall implement all pollution prevention practices that are determined to be necessary, reasonable, and effective by the storm water pollution prevention team, or that are required by a state or local authority, that are necessary to protect the water quality in receiving waters, or that are necessary to remain compliant with this general permit. (Pg. 46) TPDES MSGP Part III.A.4(a)(1-10)

2. Failure to maintain BMPs at outfalls 004 and 005. During the investigation, the rock berms at outfalls 004 and 005 were failing, causing sediment to accumulate into the creek onsite. According to the TPDES MSGP, a section within the SWP3 must be developed to establish a maintenance program for storm water structural controls. These controls must be inspected on a regular basis and maintenance frequencies must be established for each of the controls at intervals that ensure effective operation.

(Pg. 47) TPDES MSGP Part III.A.4(d)(3)

3. Failure to develop additional BMPs after noting TSS exceedances at outfalls 001, 002, and 005 on 5/24/13. The Pollution Prevention Team states in the required 90 day follow up investigation of the exceedances, "the BMPs at outfalls 001, 002, and 005 were determined to be inadequate. The BMPs were reconstructed and samples will be taken at the next rain event." According to the TPDES MSGP, the permittee shall evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility with demonstrated or potential soil erosion and sedimentation. (Pg. 47) TPDES MSGP Part III.A.4(c)

4. Failure to properly conduct the 90 day exceedance investigation following the 5/24/13 TSS exceedances at outfalls 001, 002, and 005 (notable exceedance of 13,600 mg/L at outfall 005 on 5/24/13). The Pollution Prevention Team states in the required 90 day follow up investigation of the exceedances, "the BMPs at outfalls 001, 002, and 005 were determined to be inadequate. The BMPs were reconstructed and samples will be taken at the next rain event." It is not clear what BMPs were reconstructed, why (the cause) they were failing, and why additional BMPs were not installed if the current BMPs were inadequate at outfalls 001, 002, and 005. It was noted during the investigation that outfall 001 had a sock tube filter installed in front of the outfall. This BMP cannot be reconstructed. Furthermore, it is not clear whether the sock tube filter had been installed before or after the 5/24/13 TSS exceedance.

Additionally, the Oil & Grease samples in 2013 were approximately 400% more from the previous year.

5/24/13 - outfall 002 oil grease: 25.6 mg/L; outfall 005 oil and grease: 60.3 mg/L

5/15/12 - outfall 002 oil and grease: <5.0 mg/L; outfall 005 oil and grease <5 mg/L

No discussion was provided as to why these values increased so much. PH levels showed roughly around 7 for the other outfalls, but outfall 002 showed over 8.2 for two consecutive years (2012 and 2013) without an explanation of why or that the Pollution Prevention Team investigated this matter. Outfall 002 is located approximately 40 meters southwest of the Vulcan Sector E. Concrete readymix overflow of stormwater discharged from the settling ponds could be the reason for the PH level to rise to 8.2, suggesting high alkalinity in the stormwater. According to the TPDES MSGP, the Pollution Prevention Team must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 within 90 days following the sampling event. (Pg. 71)

TPDES MSGP Part IV.A.3

5. Failure to update the SWP3 BMP maintenance log following the 2013 annual comprehensive site evaluation. The 2013 annual comprehensive site compliance evaluation states that the rock berms at outfalls 004, and 005 have been reconstructed. The SWP3 BMP maintenance log does not reflect this. According to the MSGP, within 12 weeks following the completion of the Annual Site Compliance Inspection Report, the permittee shall revise and implement the SWP3 to include and address the findings of the report. Revisions must include all changes resulting from the report and all applicable updates to the following: (1) elements of the SWP3 requiring modification; (2) controls (structural controls or BMPs) that should be added or modified; (3) site map; (4) inventory of exposed materials; (5) description of the good housekeeping measures; (6) description of structural and non-structural controls; and (7) any other element of the plan that was either found to be inaccurate. (Pg. 55) TPDES MSGP Part.III.B.5(c)

6. Failure to properly conduct routine inspections of the areas subject to Sector J of the MSGP. The Sector J inspections in the SWP3 indicated 8 quarterly reports of no non-compliances. The SWP3 indicated that rock berms would be installed along both sides of the road at outfall 003; during the onsite investigation, there was not a rock berm installed on the east side of the road where sediment has been accumulating in Elm Waterhole Creek for an unknown period of time. Additionally, rill erosion was noted on the berms that run parallel east to west of Elm Waterhole Creek. Sedimentation into the creek due the rill erosion of the berms was also noted. According to the TPDES MSGP, the inspections must be documented through the use of a checklist that is developed to include each of the controls and measures that are evaluated. At a minimum, the documentation of each routine facility inspection must include any control measures needing maintenance or repairs. (Pg. 51) TPDES MSGP Part III.B.2(c)(5)

7. Failure to conduct semi-annual benchmark monitoring for 2012. The 2012 SWP3 rain log indicated qualifying storm events on:

1/25/12 (2.94 inches);
2/3/12 (2.25 inches);
5/5/12 (1.73 inches);
5/15/12 (RE sampled on this date)
6/11/12 (2.82 inches);
8/18/12 (2.41 inches);
9/13/12 (2.37 inches);
9/14/12 (1.71 inches);
9/28/12 (2.72 inches);
10/26/12 (1.38 inches);

According to the TPDES MSGP, benchmark monitoring must be conducted once every six months for four (4) years following permit issuance. (Pg. 72) TPDES MSGP Part IV.B.1(a)

8. Failure to sample for metals identified in the inventory of exposed materials list and on Pg. 34 of the SWP3 Monitoring Requirements. While the SWP3 included a waiver (signed by the RE) for all metals sampling, the inventory of exposed materials list in the SWP3 identifies spare parts and metals stored in an open area that are exposed to stormwater. Additionally, Pg. 34 of the RE's SWP3 identifies several metals that a grab sample must be collected "once per year". During the investigation the RE's SWP3 stated (Pg. 34): "The Vulcan - 1604 Plant will collect a sample from the first available discharge from the facility occurring during the first sampling period of the permit, analyze the sample for the listed hazardous metals, and if the results indicate that any metal(s) are not present in detectable levels, the facility may obtain a waiver for those specific hazardous metals." The monitoring requirements on Pg. 34 of the RE's SWP3 also states that the metals identified on this list need to be evaluated. According to the TPDES MSGP: the permittee collects a sample from the first available discharge, from the facility, occurring during the first sampling period of the permit, analyzes the sample for one or more of the listed hazardous metals, and the results indicate that the metal(s) is/are not present in detectable levels. Pg. 57 TPDES MSGP Part III.C.1(d)(3)

The additional issues are cited as:

1. Properly prepare the annual comprehensive site evaluation as required by the TPDES MSGP. During the investigation, it was noted that the RE did not provide a narrative discussion, as required by the permit. According

1604 READY MIX CONCRETE OPERATION - SAN ANTONIO

2/4/2014 to 2/5/2014 Inv. # - 1151378

Page 6 of 11

to the TPDES MSGP: within 30 days of performing the annual site compliance inspection, the permittee shall prepare a report that includes a narrative discussion of compliance with the current SWP3. This violation was disclosed in the RE's DOV. (Pg. 54) TPDES MSGP Part III.B.5(b)

2. Update the site map as changes to the SWP3 occur. During the investigation, it was noted that the RE did not include the following on the SWP3 site map: sock filter at outfall 001, stone swale and berms at outfall 005, equipment maintenance area, and impervious cover. This violation was disclosed in the RE's DOV. (Pg. 45) TPDES MSGP III.A.3(d)(1-16)

3. Conduct quarterly visual monitoring as required by the TPDES MSGP. The SWP3 rain log indicates 1 qualifying storm event for the first quarter of 2012 (1/25/12), and 5 qualifying storm events for the third quarter of 2012 (6/11/12)...(8/18/12)...(9/13/12)...(9/14/12)...(9/18/12). According to the TPDES MSGP, Storm water discharges from each outfall authorized by this general permit must be visually examined on a quarterly basis. This violation was disclosed in the RE's DOV. (Pg. 51) TPDES MSGP Part III.B.3

4. During the investigation, the RE stated that the driveway was occasionally pressure washed. Please be aware that pressure washing wastewater is not authorized for discharge.

NOV Date 05/02/2014 **Method** WRITTEN

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF VIOLATION**

Track Number: 534688

Compliance Due Date: 07/02/2014

Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05N024, MSGP Part III.A.4(d)(3)

Failure to maintain BMPs at outfalls 004 and 005.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/29/2014

Failure to maintain BMPs at outfalls 004 and 005. During the investigation, the rock berms at outfalls 004 and 005 were failing; the berms were observed with accumulated mud on their surface, causing the berms to clog. According to the TPDES MSGP, a section within the SWP3 must be developed to establish a maintenance program for storm water structural controls. These controls must be inspected on a regular basis and maintenance frequencies must be established for each of the controls at intervals that ensure effective operation. (Pg. 47) TPDES MSGP Part III.A.4(d)(3)

Recommended Corrective Action: Repair and maintain BMPs at outfalls 004 and 005. Submit corrective action plans with a narrative and photographs to the TCEQ San Antonio Region office by the compliance due date.

Track Number: 534689

Compliance Due Date: 07/02/2014

Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05N024, MSGP Part III.A.4(a)(1-10)

Failure to implement adequate erosion and control BMPs adjacent to outfall 005 along Elm Waterhole Creek.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/22/2014

Failure to implement adequate erosion and sediment control BMPs adjacent to outfall 005 along Elm Waterhole

1604 READY MIX CONCRETE OPERATION - SAN ANTONIO

2/4/2014 to 2/5/2014 Inv. # - 1151378

Page 7 of 11

Creek. Elm Waterhole Creek runs through the RE's site. During the investigation rill erosion was noted on the berms that run along the creek adjacent to outfall 005. The berms were made of road base, which is a final product. The current berms did not have stabilizing vegetation or geotextiles that could mitigate erosional forces. According to the TPDES MSGP, the permittee shall implement all pollution prevention practices that are determined to be necessary, reasonable, and effective by the storm water pollution prevention team, or that are required by a state or local authority, that are necessary to protect the water quality in receiving waters, or that are necessary to remain compliant with this general permit. (Pg. 46) TPDES MSGP Part III.A.4(a)(1-10)

Recommended Corrective Action: Implement adequate BMPs adjacent to outfall 005 along Elm Waterhole Creek. Submit corrective action with a narrative and photographs to the TCEQ San Antonio Region office by the compliance due date.

Track Number: 534690 **Compliance Due Date:** 07/02/2014
Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05N024, MSGP Part III.B.2(c)(5)

Failure to properly conduct routine inspections of the areas subject to Sector J of the MSGP.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/22/2014

Failure to properly conduct routine inspections of the areas subject to Sector J of the MSGP. The Sector J inspections in the SWP3 indicated 8 quarterly reports of no non-compliances. The SWP3 indicated that rock berms would be installed along both sides of the road at outfall 003; during the onsite investigation, there was not a rock berm installed on the east side of the road where sediment has been accumulating in Elm Waterhole Creek for an unknown period of time. Additionally, rill erosion was noted on the berms that run parallel east to west of Elm Waterhole Creek. Sedimentation into the creek due the rill erosion of the berms was also noted. According to the TPDES MSGP, the inspections must be documented through the use of a checklist that is developed to include each of the controls and measures that are evaluated. At a minimum, the documentation of each routine facility inspection must include any control measures needing maintenance or repairs. (Pg. 51) TPDES MSGP Part III.B.2(c)(5)

Recommended Corrective Action: Properly conduct routine inspections as indicated in the TPDES MSGP. Submit corrective action with a narrative that explains routine inspections will be properly conducted of the areas subject to Sector J of the MSGP to the TCEQ San Antonio Region office by the compliance due date.

Track Number: 534691 **Compliance Due Date:** 07/02/2014
Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05N024, MSGP Part III B.5(C)

Failure to update the SWP3 BMP maintenance log following the 2013 annual comprehensive site evaluation.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/22/2014

Failure to update the SWP3 BMP maintenance log following the 2013 annual comprehensive site evaluation. The 2013 annual comprehensive site compliance evaluation states that the rock berms at outfalls 004, and 005 have been reconstructed. The SWP3 BMP maintenance log does not reflect this. According to the MSGP, within 12 weeks following the completion of the Annual Site Compliance Inspection Report, the permittee shall revise and implement the SWP3 to include and address the findings of the report. Revisions must include all changes resulting from the report and all applicable updates to the following:(1) elements of the SWP3 requiring modification; (2) controls (e.g. structural controls or BMPs) that should be added or modified; (3) site map; (4)

1604 READY MIX CONCRETE OPERATION - SAN ANTONIO

2/4/2014 to 2/5/2014 Inv. # - 1151378

Page 8 of 11

inventory of exposed materials; (5) description of the good housekeeping measures; (6) description of structural and non-structural controls; and (7) any other element of the plan that was either found to be inaccurate. (Pg. 55) TPDES MSGP Part.III.B.5(c)(2)

Recommended Corrective Action: Update BMP maintenance log as maintenance occurs on BMPs. Submit an updated log as corrective action with a narrative to the TCEQ San Antonio Region office by the compliance due date.

Track Number: 534692

Compliance Due Date: 07/02/2014

Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05No24, MSGP Part III.A.4(c)

Failure to develop additional BMPs noting TSS exceedances at outfalls 001, 002, and 005 on 5/24/13.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/22/2014

Failure to develop additional BMPs after noting TSS exceedances at outfalls 001, 002, and 005 on 5/24/13. The Pollution Prevention Team states in the required 90 day follow up investigation of the exceedances, "the BMPs at outfalls 001, 002, and 005 were determined to be inadequate. The BMPs were reconstructed and samples will be taken at the next rain event." According to the TPDES MSGP, the permittee shall evaluate and use appropriate measures and controls to reduce soil erosion and sedimentation in areas of the facility with demonstrated or potential soil erosion and sedimentation. (Pg. 47) TPDES MSGP Part III.A.4(c)

Recommended Corrective Action: Develop BMPs in response to the 5/24/13 TSS exceedances at outfalls 001, 002, and 005. Submit corrective action with a narrative to the TCEQ San Antonio Region office by the compliance due date.

Track Number: 534695

Compliance Due Date: 07/02/2014

Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXR05No24, MSGP Part IV.B.1(a)

Failure to conduct semi-annual benchmark monitoring for 2012.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/22/2014

Failure to conduct semi-annual benchmark monitoring for 2012. The 2012 SWP3 rain log indicated qualifying storm events on: 1/25/12 (2.94 inches); 2/3/12 (2.25 inches); 5/5/12 (1.73 inches); *5/15/12 (RE sampled on this date, indicating only one benchmark monitoring sample for 2012); 6/11/12 (2.82 inches); 8/18/12 (2.41 inches); 9/13/12 (2.37 inches); 9/14/12 (1.71 inches); 9/28/12 (2.72 inches); 10/26/12 (1.38 inches); According to the TPDES MSGP, benchmark monitoring must be conducted once every six months for four (4) years following permit issuance. (Pg. 72) TPDES MSGP Part IV.B.1(a)

Recommended Corrective Action: Begin semi-annual benchmark monitoring as indicated in the TPDES MSGP. Submit a corrective action plan of how Vulcan will ensure future monitoring to the TCEQ San Antonio Region office by the compliance due date.

1604 READY MIX CONCRETE OPERATION - SAN ANTONIO

2/4/2014 to 2/5/2014 Inv. # - 1151378

Page 9 of 11

Track Number: 534696

Compliance Due Date: 07/02/2014

Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXRo5No24, MSGP Part IV.A.3

Failure to properly conduct the 90 day exceedance investigation following the 5/24/13 TSS exceedances at outfalls 001, 002, and 005 (*notable exceedance of 13,600 mg/L at outfall 005 on 5/24/13).

Alleged Violation:

Investigation: 1151378

Comment Date: 05/29/2014

Failure to properly conduct the 90 day exceedance investigation following the 5/24/13 TSS exceedances at outfalls 001, 002, and 005 (notable exceedance of 13,600 mg/L at outfall 005 on 5/24/13). The Pollution Prevention Team states in the required 90 day follow up investigation of the exceedances, "the BMPs at outfalls 001, 002, and 005 were determined to be inadequate. The BMPs were reconstructed and samples will be taken at the next rain event." It is not clear what BMPs were reconstructed, why (the cause) they were failing, and why additional BMPs were not installed if the current BMPs were inadequate at outfalls 001, 002, and 005. It was noted during the investigation that outfall 001 had a sock tube filter installed in front of the outfall. This BMP cannot be reconstructed. Furthermore, it is not clear whether the sock tube filter had been installed before or after the 5/24/13 TSS exceedance.

Additionally, the Oil & Grease samples in 2013 were approximately 400% more from the previous year.

5/24/13 - outfall 002 oil grease: 25.6 mg/L; outfall 005 oil and grease: 60.3 mg/L

5/15/12 - outfall 002 oil and grease: <5.0 mg/L; outfall 005 oil and grease <5 mg/L

No discussion was provided as to why these values increased so much. PH levels showed roughly around 7 for the other outfalls, but outfall 002 showed over 8.2 for two consecutive years (2012 and 2013) without an explanation of why or that the Pollution Prevention Team investigated this matter. Outfall 002 is located approximately 40 meters southwest of the Vulcan Sector E. Concrete readymix overflow of stormwater discharged from the settling ponds could be the reason for the PH level to rise to 8.2, suggesting high alkalinity in the stormwater. According to the TPDES MSGP, the Pollution Prevention Team must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 within 90 days following the sampling event. (Pg. 71) TPDES MSGP Part IV.A.3

Recommended Corrective Action: Begin conducting the 90 day exceedance investigations in accordance with MSGP Part IV.A.3. For the 5/24/13 exceedance evaluation submit results and corrective action plans with a narrative to the TCEQ San Antonio Region office by the compliance due date.

Track Number: 535416

Compliance Due Date: 07/02/2014

Violation Start Date: 2/4/2014

30 TAC Chapter 281.25(a)(4)

PERMIT TXRo5No24, MSGP Part III.C.1(d)(3)

Failure to sample for metals identified in the inventory of exposed materials list and on Pg. 34 of the SWP3 Monitoring Requirements.

Alleged Violation:

Investigation: 1151378

Comment Date: 05/22/2014

Failure to sample for metals identified in the inventory of exposed materials list and on Pg. 34 of the SWP3 Monitoring Requirements. While the SWP3 included a waiver (signed by the RE) for all metals sampling, the inventory of exposed materials list in the SWP3 identifies spare parts and metals stored in an open area that are exposed to stormwater. Additionally, Pg. 34 of the RE's SWP3 identifies several metals that a grab sample must

be collected "once per year". During the investigation the RE's SWP3 stated (Pg. 34): "The Vulcan - 1604 Plant will collect a sample from the first available discharge from the facility occurring during the first sampling period of the permit, analyze the sample for the listed hazardous metals, and if the results indicate that any metal(s) are not present in detectable levels, the facility may obtain a waiver for those specific hazardous metals." The monitoring requirements on Pg. 34 of the RE's SWP3 also states that the metals identified on this list need to be evaluated. According to the TPDES MSGP: the permittee collects a sample from the first available discharge, from the facility, occurring during the first sampling period of the permit, analyzes the sample for one or more of the listed hazardous metals, and the results indicate that the metal(s) is/are not present in detectable levels. Pg. 57 TPDES MSGP Part III.C.1(d)(3)

Recommended Corrective Action: In order to receive a waiver from Numeric Effluent Limitations for Hazardous Metals, remove exposed materials from exposure to stormwater. Revise SWP3 to show spare parts (>600 tons) are not exposed to stormwater. Provide photographic evidence that the spare parts are not subject to run-on. During the next qualifying rain event, conduct water quality sampling and an analytical analysis for hazardous metals to demonstrate that these metals are not present in stormwater run off. Submit a narrative and photographs to the TCEQ San Antonio Region office by the compliance due date.

Additional Issues

Description Item 1

Additional Comments

During the investigation, the RE stated that the driveway was occasionally pressure washed. Please be aware that pressure washing wastewater is not authorized for discharge.

Description Site Map--Has the facility prepared a site map including:outfalls,drainage areas and patterns,connections or discharges to MS4,all structures,structural controls,process wastewater treatment units,air treatment units exposed to precipitation,landfills,scrapyards,surface water,vehicle/equipment maintenance areas,physical features that influence storm water runoff,locations of reportable quantity spills or leaks, and processing,storage and loading/unloading areas.TPDES GP,Part III,SectionA(4)(c)

Additional Comments

Update the site map as changes to the SWP3 occur. During the investigation, it was noted that he RE did not include the following on the SWP3 site map: sock filter at outfall 001, stone swale and berms at outfall 005, equipment maintenance area, and impervious cover. This violation was disclosed in the RE's DOV. (Pg. 45) TPDES MSGP III.A.3(d)(1-16)

Description Quarterly Visual Monitoring--Is monitoring of each outfall being performed each quarter during daylight and operation hours, and are samples being examined in a well lit area for color, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and odor? TPDES General Permit TXR050000, Part III, Section A(5)(h)

Additional Comments

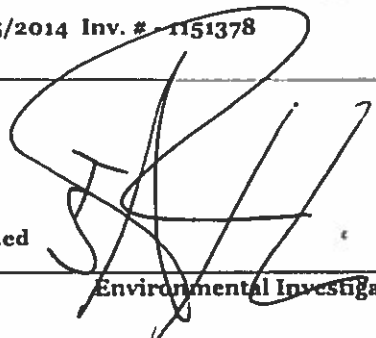
Conduct quarterly visual monitoring as required by the TPDES MSGP. The SWP3 rain log indicates 1 qualifying storm event for the first quarter of 2012 (1/25/12), and 5 qualifying storm events for the third quarter of 2012 (6/11/12)...(8/18/12)...(9/13/12)...(9/14/12)...(9/18/12). According to the TPDES MSGP, Storm water discharges from each outfall authorized by this general permit must be visually examined on a quarterly basis. This violation was disclosed in the RE's DOV. (Pg. 51) TPDES MSGP Part III.B.3

Description Has the facility prepared a site compliance evaluation report discussing the facility's compliance with the SWP3 including date of evaluation, personnel performing the inspection, and incidents of non-compliance? TPDES General Permit TXR050000, Part III, Section A(7)(c)

Additional Comments

Properly prepare the annual comprehensive site evaluation as required by the TPDES MSGP. During the investigation, it was noted that the RE did not provide a narrative discussion as required by the permit. According to the TPDES MSGP, within 30 days of performing the annual site compliance inspection, the permittee shall prepare a report that includes a narrative discussion of compliance with the current SWP3. This violation was disclosed in the RE's DOV. (Pg. 54) TPDES MSGP Part III.B.5(b)

Signed



Environmental Investigator

Date

5/29/14

Signed



Supervisor

Date

5/30/2014

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type): N/A
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify):
E.I. , Complaint Refuse

TEXAS AUDIT ACT - DISCLOSURE OF VIOLATIONS: ADDENDUM (REVISED)

Vulcan Construction Materials LP
 1604 Stone and Base Plant
 RN102655412

No.	Apparent Violation	Citation	Apparent Violation Start Date	Corrective Action Plan	Schedule or Target Completion Date	Corrective Action Status
1	Hazardous waste determinations were not performed for all solid wastes generated at the site and/or records of such determinations were not available.	30 TAC 335.62 and 335.504, and/or 335.9(a)(1) and 335.513(a)	January 1, 2005	Perform a hazardous waste determination for each solid waste for which it is not clear that such a determination has been performed, and develop and maintain records of such determinations. Train appropriate employees regarding performing a hazardous waste determination for any new solid waste, and developing and maintaining records of such determinations.	Initial Target Completion Date: January 30, 2014 Revised Target Completion Date: June 4, 2014	Extension requested on initial target completion date. In process of performing hazardous waste determinations, developing records of such determinations, and training appropriate employees. Completed - Training was completed on November 12, 2013
2	Non-hazardous waste classifications were not performed for all solid wastes generated at the site, and/or records of such classifications were not available.	30 TAC 335.503, and/or 335.9(a)(1) and 335.513(a)	January 1, 2005	Perform a non-hazardous waste classification for each solid waste for which it is not clear that such a classification has been performed, and develop and maintain records of such classifications. Train appropriate employees regarding performing a non-hazardous waste classification for any new solid waste, and	Initial Target Completion Date: January 30, 2014 Revised Target Completion Date: June 4, 2014	Extension requested on initial target completion date. In process of performing non-hazardous waste classifications, developing records of such classifications, and training appropriate employees. Completed - Training was completed on November 12, 2013

3	Opacity testing was not performed at times for certain equipment, and/or records of the results of such opacity testing were not complete or available for all equipment.	Air Permit #8594 Special Condition # 2	May 1, 2007	developing and maintaining records of such classifications. Perform opacity testing on all equipment for which such testing is required, and develop and maintain records of such testing. Train appropriate employees regarding performing such testing, and developing and maintaining records of such testing.	Estimated completion: March 1, 2014 Revised Completion date: August 30, 2014	Extension Requested: In process of performing such opacity testing, developing records of such testing and training appropriate employees. Completed – Training was completed on November 12, 2013
4	Hourly air permit production limitation was exceeded at times	Air permit # 8594 Special Condition # 5	February 1, 2012	Determine appropriate permit authorization to increase hourly production limitation, and obtain such authorization.	Application to be submitted April 2014 Revised Submission: May 23, 2014 Estimated completion September 30, 2014	In process of 3 rd party consultant completing permit amendment application in order to authorize an increase in production limits.
5	Records of repairs and maintenance of emissions abatement systems not maintained or available	Air permit # 8594 Special Condition # 9C	July 1, 2011	Make appropriate revisions to recordkeeping system to ensure that records of repairs and maintenance of emissions abatement systems are maintained and available. Train appropriate employees regarding such	Revisions to recordkeeping system were completed on September 20, 2013 Employee training to be performed by November 12, 2013	Completed – Appropriate revisions have been made to the recordkeeping system to ensure that records of repairs and maintenance of emissions abatement systems will be maintained and available.

Stormwater Audit

**Disclosure of Violations
Environmental Compliance Audit
January 29, 2014**

Company: Vulcan Construction Materials
Plant: 1604 Operations (RN102655412)
Location: 4303 N. Loop 1604 East, San Antonio, Bexar County, Texas

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
1	SWP3 site map does not accurately depict storm water control devices present on facility.	TPDES Permit TXR05N024: Part III Section A.3.(d)(5) 30 TAC § 305.125 (1)	Aug. 2011	The catch basin west of the cattle guard and north of Outfall 001 will be added to the site map.	Prior to: 6/29/2014	Pending
2	Log of Spills and Leaks not updated during the 3rd quarter of 2013.	TPDES Permit TXR05N024: Part III Section A.3.(e) 30 TAC § 305.125 (1)	Oct. 2013	Log must be updated on a quarterly basis and must include all additional spills and leaks (even document if there are no spills or leaks).	Prior to: 6/29/2014	Pending
3	SWP3 did not contain acknowledgment letter from TCEQ.	TPDES Permit TXR05N024: Part III Section A.5.(a)(2) 30 TAC § 305.125 (1)	Aug. 2011	Insert TCEQ acknowledgement letter into SWP3.	Prior to: 6/29/2014	Pending
4	Copies of routine inspection reports for November, 2013, for Sector D facilities (Asphalt) were not available for review.	TPDES Permit TXR05N024: Part III Section B 2(b) 30 TAC § 305.125 (1)	Oct. 2013	Documentation of findings of each routine facility inspection performed must be maintained onsite with the SWP3.	Prior to: 6/29/2014	Pending

Stormwater Audit

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
5	Copies of routine inspection reports for the 3rd quarter of 2013 for Sector J facilities (Quarry) were not available for review.	TPDES Permit TXR05N024; Part III Section B 2(b) 30 TAC § 305.125 (1)	Oct. 2013	Documentation of findings of each routine facility inspection performed must be maintained onsite with the SWP3.	Prior to: 6/29/2014	Pending
6	Routine Facility (Periodic) inspections are not being signed in accordance with Part III, Section E.6.(c) of the TPDES Permit.	TPDES Permit TXR05N024; Part III Section B.2.(c) 30 TAC § 305.125 (1)	Aug. 2011	The signature on a Routine Facility Inspections must make the certification set forth in 30 TAC 305.44(b) "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system..."	Prior to: 6/29/2014	Pending
7	Visual monitoring not being performed on quarterly basis	TPDES Permit TXR05N024; Part III Section B.3.(a) 30 TAC § 305.125 (1)	Aug. 2011	Quarterly visual monitoring must be conducted at least once per quarter per outfall and observations recorded in the SWP3. If monitoring is not conducted the reason(s) for not monitoring must be documented.	Prior to: 6/29/2014	Pending

Stormwater Audit

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
8	Annual Comprehensive Site Compliance Inspections do not document observations relating to the implementation of control measures.	TPDES Permit TXR05N024: Part III Section B.5.(b)(4) 30 TAC Chapter 305.125 (1)	Aug. 2011	Train appropriate personnel regarding the Annual Comprehensive Site Compliance Inspections to insure it documents observations relating to the implementation of control measures. Specifically: previously unidentified discharges, previously unidentified pollutants in existing discharges; evidence of, or the potential for, pollutants entering the drainage system; evidence of pollutants discharging to receiving waters, and the condition of and around each outfall; and additional control measures needed to address any conditions requiring corrective action.	Prior to: 6/29/2014	Pending
9	The facility is not conducting benchmark monitoring at outfall 002 as per permit requirements. Monitoring for Benchmark Parameters must include: TSS, pH, and total Iron. The facility has not been sampling total Iron.	TPDES Permit TXR05N024: Part V Section E.6. 30 TAC § 305.125 (1)	Aug. 2011	Outfall 002 should also be sampled for total Iron semiannually.	Next Qualifying Rain event	Pending

Stormwater Audit

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
10	Sediment discharge noted at Outfall 003 in the creek bottom.	TPDES Permit TXR05N024: Part II Section A.4.c <u>30 TAC § 305.125 (1)</u>	Dec. 2013	Remove sediment from Elm Creek. Maintain rock berms along the on-grade creek crossing and be vigilant in best management practice (BMP) maintenance and removal of accumulated sediment from BMP (and the creek if necessary).	Prior to: 6/29/2014	Pending

Air Audit

Company: Vulcan Construction Materials, L.P.

Plant: 1604 Stone and Base Plant (RN104369855)

Location: 4303 N. Loop 1604 East, San Antonio, Bexar County, Texas

**Disclosure of Violations
Environmental Compliance Audit
January 29, 2014**

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
1	Failure to obtain maintenance, startup, and shutdown (MSS) authorization for PBR No. 73098L001	30 TAC §101.22H and §106.263 (a)	1/7/2013	Submit request to TCEQ in order to authorize MSS emissions at the site. Additionally, begin record keeping for all MSS activities onsite.	Prior to: 6/29/2014	Pending

Air Audit

**Disclosure of Violations
Environmental Compliance Audit
January 29, 2014**

Company: Vulcan Construction Materials, L.P.
Plant: 1604 Operation Astec Asphalt Plant (RN102846680)
Location: 4303 N. Loop 1604 East, San Antonio, Bexar County, Texas

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
1	Failure to submit start of operation-start of construction and completion of construction (SOC-COC-SOO) notification for Permit No. 20609	Permit No. 20609 General Conds. 3 and 4 30 TAC §116.115(b)(2)	March 1991	Vulcan personnel has been made aware of the SOC-COC-SOO notification requirement and will comply for future permits/operations.	11/19/2013	No further action is needed
2	Failure to obtain maintenance, startup and shutdown (MSS) authorization for Permit No. 20609 and associated PBR No. 84031.	30 TAC §101.22H and §106.263(a)	1/7/2013	Submit request to TCEQ in order to authorize MSS emissions at the site. Additionally, begin record keeping for all MSS activities onsite.	Prior to: 6/29/2014	Pending
3	Failure to mark all equipment authorized by Permit No. 20609 with the assigned TCEQ regulated entity number or permit number	Permit No. 20609, S.C. 9 30 TAC §116.115(c)	8/28/2006	Apply and maintain RN or Permit No. marking to all equipment authorized by Permit.	Prior to: 6/29/2014	Pending
4	Failure to conduct initial determination of compliance stack sampling for PM after the initial startup of the facilities	Permit No. 20609, S.C. 11 30 TAC §116.115(c)	March 1991	Conduct stack sampling to comply with NSPS Subpart A and I requirements.	Prior to: 6/29/2014	Pending
5	Plant roads do not appear to be completely paved as required to achieve maximum control of dust emissions and to maintain compliance with all TCEQ rules and regulations.	Permit No. 20609, S.C. - 6 B. C. 30 TAC §116.115(c)	8/28/2006	All plant roads used to haul product from the facility shall be paved with a hard surface of asphalt concrete and/or steel reinforced cement concrete.	Prior to: 6/29/2014	Pending

Air Audit

Company: Vulcan Construction Materials, L.P. **Disclosure of Violations**
Plant: 1604 Asphalt Concrete Plant Gencor (RN101638419) **Environmental Compliance Audit**
Location: 4303 N. Loop 1604 East, San Antonio, Bexar County, Texas **January 29, 2014**

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
1	Failure to submit start of construction- completion of construction and start of operation (SOC-COC-SOO) notification for Permit No. 956	Permit No. 956, General Cond. 3 and 4 30 TAC §116.115(b)(2)	10/5/2005	Vulcan personnel has been made aware of the SOC-COC-SOO notification requirement and will comply for future permits/operations.	11/19/2013	No further action needed
2	Failure to obtain maintenance, startup, and shutdown (MSS) authorization for Permit No. 956 and associated PBR Nos. 108420 and 107889	30 TAC §101.22H and §106.263(a)	1/7/2013	Submit request to TCEQ in order to authorize MSS emissions at each site. Additionally, begin record keeping for all MSS activities.	Prior to: 6/29/2014	Pending

Air Audit

Disclosure of Violations
Environmental Compliance-Audit
January 29, 2014

Company: Vulcan Construction Materials
Plant: 1604 Ready Mix Concrete Operation (RN102655412)
Location: 4303 N. Loop 1604 East, San Antonio, Bexar County, Texas

No.	Violation	Citation	Violation Start Date	Corrective Action Plan	Target Completion Date	Violation Status Completion or Actual Completion Date
1	Failure to submit start of construction-completion of construction-start of operation (SOC-COC-SOO) notification for Permit Nos. 2626, 8594 and 971	Permit No. 2626 and Permit No. 8594, General Cond. 3 and 4 30 TAC §116.115(b)(2)	10/19/2006	Vulcan personnel has been made aware of the SOC-COC-SOO notification requirement and will comply for future permits/operations.	11/19/2013	No further action needed...
2	Documentation of testing relating to 40 CFR Part 60, Subparts A and OOO performed was not maintained onsite for Crusher #4	Permit No. 2626, S.C. 2 30 TAC §116.115(c)	10/19/2006	Conduct NSPS testing on Crusher #4 as required by 40 CFR Part 60 App. A, Method 9	Prior to: 6/29/2014	Pending
3	Failure to obtain maintenance, startup and shutdown (MSS) authorization for associated PBR Nos. 107907, 73991 and 96383	30 TAC §101.211 and §106.263(a)	1/7/2013	Submit request to TCEQ in order to authorize MSS emissions at the site. Additionally, begin record keeping for all MSS activities onsite.	Prior to: 6/29/2014	Pending
4	Failure to maintain MSS records for Permit Nos. 2626 and 8594	30 TAC §101.211 and §106.263(g)	1/7/2013	Begin maintaining records of all emissions resulting from planned MSS activities onsite.	Prior to: 6/29/2014	Pending
5	Failure to construct and maintain permanent spray bars at some locations per Permit No. 8594.	Permit No. 8594, S.C. 6A. 30 TAC §116.115(c)	9/15/2006	Permanently mounted spray bars will be installed at the inlet and outlet of all crushers, at all shaker screens, and at all material transfer points.	Prior to: 6/29/2014	Pending