

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## ENFORCEMENT INITIATION CRITERIA (EIC)

<http://www.tceq.texas.gov/assets/public/agency/eic-rev-14-120112.pdf>

**Revision No. 14**

**Effective December 1, 2012**

The EIC effective on the start date of an investigation applies

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**(Excerpts)**

**A6.** Unauthorized or noncompliant discharge, release, spill, (including spills responded to in compliance with 30 TAC Ch. 327) or emission which results in a documented effect on human health or safety or a documented serious impact to the environment. [Fish kills that satisfy the “Notice, Response and Cause Demonstrations for Potable Water Discharges” and the “Notice, Response, and Cause Demonstrations for SSOs Due to Grease Blockages” (described on page 49) are not included in this category. If appropriate, enforcement discretion should be applied if the demonstrations on page 49 are met]

# Notice, Response and Cause Demonstrations

## Potable Water Discharges

A violation may not be addressed via NOV or NOE, or Order against a regulated entity for the discharge of potable water, if proper and complete notice (as required by rule/statute/permit) is provided to the appropriate TCEQ regional office; AND

1. Reasonable steps were taken as soon as possible to stop and/or minimize the actual/possible environmental impact of the potable water discharge; and
2. The cause was based on one of the following:
  - a) The discharge was unavoidable due to proper maintenance (which must include adequate dechlorination when practicable) or servicing of the water system and/or due to the negligent actions of a third party (excluding contracted services that were performed per the responsible party's instruction); or
  - b) The discharge was caused by the subsidence of soil due to drought conditions (exceptional, extreme or severe drought intensity) or other natural causes outside the control of or anticipation by the responsible party. The drought intensity determination shall be based on the U.S. Drought Monitor reading (<http://droughtmonitor.unl.edu/>)

## Sanitary Sewer Overflows (SSOs) Due to Grease Blockages

A violation may not be addressed via NOE or Order against a regulated entity for the discharge of wastewater from a collection system (SSO) that occurred as the result of a blockage due to grease, if:

1. The regulated entity had taken reasonable measures to prevent the SSO through the adoption and enforcement of a model standards for grease management;
2. The SSO was minimized; and
3. Proper and complete notice (as required by TWC §26.039, 30 TAC Ch. 319, and applicable permit reporting provisions) was provided