



SAN ANTONIO

CONSTRUCTION™

NEWS *Reprint*

The Industry's Newspaper

www.constructionnews.net

P.O. Box 791290 San Antonio TX 78279 ★ 11931 Warfield San Antonio TX 78216 ★ (210)308-5800 ★ June 2004 ★ Vol.7 No.6



In the pits

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The *Texas Commission on Environmental Quality* (TCEQ) has

just began a comprehensive inspection program designed to evaluate how sand pit operators are complying with environmental regulations. The majority of active pits in TCEQ Region 12 alone (greater Houston and outlying counties) were rumored to be scheduled by late June.

The scope of this regulatory action is consistent with the trend of vastly increased public scrutiny of large earth-disturbing activities. Sand pits are analogous to construction sites (and, in fact, are frequently operated by construction

contractors) in having the potential to garner public complaints if mismanaged, or even if managed properly.

The following sections provide a brief review of the environmental compliance issues that typically affect sand pit operations:

- Construction sand and gravel facilities in Texas must comply with Sector J of the multi-sector general storm water permit (#TXR050000). This is an *industrial* storm water permit that applies to the pits themselves, and it is not related to any *construction* storm water permit (#TXR150000) with which contractors may comply at their client sites. Creation of a storm water pollution prevention

plan (SWP3) and laboratory analysis of seepage pumped from pits are required under this permit.

- Burial of waste in sand pits, including brush and stumps, is prohibited in Texas unless a municipal solid waste disposal permit has been granted by TCEQ. Brush burial in sand pits is still practiced without permits, especially in rural areas, but it is not legal.
- Burning of brush and stumps in sand pits is prohibited in many areas of the state unless an air quality permit or permit-by-rule (PBR) has been granted. Air curtain incinerators (ACIs, also called trench burners) can be used for certain temporary on-site applications, but they require authorization via a PBR.

- If pit operations include on-site material processing such as sand pumping or screening, additional air quality and water quality provisions will apply. Most notably, TCEQ is in the process of creating a new general discharge permit for operators who dredge and/or conduct wet material segregation.
- Operators planning to begin new sand pits must verify whether permits relating to wetlands or water rights appropriations are required prior to beginning excavation.

With careful attention to compliance management, operators can minimize their chances of public complaints, and can achieve positive outcomes during TCEQ's sand pit inspections.

For more information, please call Alison Steele Mandadi, P.G., or Helen I. Hodges, CHMM at (800) 324-7724 or visit www.sscienvironmental.com. SSCI is an environmental consulting and remediation firm with offices in Houston, Austin, Dallas and San Antonio, Texas, as well as Houma, Louisiana.