

STW CGP NO_TXR1533JC_CP_20221128_Compliance
Texas Commission on Environmental Quality
Investigation Report

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Customer: TBC - The Boring Company
Customer Number: CN606004927

Regulated Entity Name: THE BORING
Regulated Entity Number: RN111473534

Investigation # 1861023

Incident Numbers
390083

Investigator: [REDACTED]

Site Classification CONSTRUCTION GENERAL PERMIT FOR STORMWATER

Conducted: 11/28/2022 -- 11/28/2022

SIC Code: 1622
NAIC Code: 237990

Program(s): STORMWATER

Investigation Type: Compliance Investigation

Location:

Additional ID(s): TXR1533JC

Address: 130 WALKER WATSON RD,
BASTROP, TX , 78602

Local Unit: REGION 11 - AUSTIN

Activity Type(s): SWCMPL - SW Complaint
SWCCICGP - SW CCI Construction
General Permit

Principal(s):

Role	Name
RESPONDENT	TBC-THE BORING COMPANY

Contact(s):

Role	Title	Name	Phone	
PARTICIPATED IN	SAFETY REPRESENTATIVE	MR Adam Fisher	Cell	[REDACTED]
REGULATED ENTITY MAIL CONTACT	DIRECTOR	MR Jared Birchall		
PARTICIPATED IN	PRINCIPAL GEOLOGIST	MR Michael Thompson	Cell	[REDACTED]
REGULATED ENTITY CONTACT	PRINCIPAL GEOLOGIST	MR Michael Thompson	Cell	[REDACTED]

Other Staff Member(s):

Role	Name
Supervisor QA Reviewer	[REDACTED]

Associated Check List

Checklist Name

STORMWATER CGP CCI

Unit Name

Investigation

Investigation Comments:

INTRODUCTION

On October 31, 2022, a Water Quality Program complaint (Incident No. 390083) was received by email at the Texas Commission on Environmental Quality (TCEQ) Austin Region Office. The complaint alleged that TBC - The Boring Company was allowing stormwater to discharge from The Boring site (The "Site") onto public road drainage without best management practices (BMPs). An investigation was conducted on November 28, 2022 to determine compliance with stormwater regulations. No prior notification of the investigation was given due to it being a complaint investigation. A verbal exit interview was conducted at the end of the investigation with Mr. Michael Thompson, Principal Geologist and Mr. Adam Fisher, Safety Representative to discuss the initial findings. The Exit Interview Form was emailed to Mr. Thompson and Mr. Fisher on January 19, 2023. A Notice of Violation (NOV) was issued to facilitate compliance.

GENERAL SITE AND PROCESS INFORMATION

The Site is located at 130 Walker Watson Road, Bastrop (Bastrop County), Texas. The Site operates through a Permit By Rule authorization (Registration No. 168718) for 30 TAC 106.146, issued on April 18, 2022, and a Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP), for which a Notice of Intent was approved by the Stormwater Processing Team (Permit No. TXR1533JC) on May 11, 2022. TBC - The Boring Company designs, manufactures, and tests tunnel boring machines for the purposes of constructing bored tunnels for civil works. The Site is designed for the manufacturing and testing of the tunnel boring equipment. The Site includes a grout and soil stabilization plant which produces the grout required to build research and development tunnels.

BACKGROUND

Within the past five years, the Austin Region Office has received three other complaints for the Site. Two complaints (Incident Nos. 376824 and 375797) were investigated on March 31, 2022 under Investigation No. 1813253. As a result of the investigation, an NOV was issued on May 25, 2022, for stormwater and air authorizations. The third complaint (Incident No. 378114) was investigated on May 11, 2022. As a result of the investigation, a General Compliance Letter was issued with an additional issue to review the Site's stormwater processes.

ADDITIONAL INFORMATION

On November 28, 2022, TCEQ Austin Region investigator Mr. [REDACTED] arrived at the Site to conduct the investigation. The investigator walked along the southwestern boundary adjacent to Walker Watson Road and the areas of concern located on the northwestern boundary of the Site adjacent to Farm-to-Market Road 1209. There was standing water along the fence line, in the bar ditches, and culverts along the northwestern boundary. While walking along the Site's fence line, there was no TCEQ Large Construction Site Notice posted that was readily available for viewing. This is addressed as a violation.

The investigator proceeded to enter the Site and met with Mr. Thompson and Mr. Fisher to review the Stormwater Pollution Prevention Plan (SWP3). The SWP3 listed erosion logs and silt fences as BMPs in use at the Site. The investigator walked along the Site's fence line where soil was disturbed and noted missing and improperly maintained BMPs. There were erosion logs along the left side of the northwestern entrance that were not properly maintained as several feet were partially or completely buried in sediment. Additionally, the SWP3 stated there were silt fences along the right side of the northwestern entrance, but there were no installed BMPs at the time of the investigation. Neither Mr. Thompson nor Mr. Fisher knew if the silt fences were removed or if they had ever been installed. These deficiencies are addressed as a violation.

At the end of the investigation, the violations were discussed with Mr. Thompson and Mr. Fisher. The investigator mentioned the different duties involved in implementing the SWP3 as well as the rules in the TPDES CGP TXR150000. The investigator recommended that an employee overseeing the day-to-day inspections of the Site fully understand TPDES CGP TXR150000 and the SWP3. Failure to provide knowledgeable personnel to conduct site inspections is addressed as a violation.

NOV Date 03/20/2023 **Method** WRITTEN

**ALLEGED VIOLATION(S) NOTED AND RESOLVED
ASSOCIATED TO A NOTICE OF VIOLATION**

Track Number: 837399

Resolution Status Date: 3/13/2023

Violation Start Date: 11/28/2022

Violation End Date: 12/2/2022

30 TAC Chapter 281.25(a)(4)

Alleged Violation:

Investigation: 1861023

Comment Date: 03/07/2023

Failure to post a TCEQ Large Construction Site Notice in a location where it is readily available for viewing by the general public, local, state, and federal authorities, in violation of 30 Texas Administrative Code (TAC) 281.25(a)(4), TXR150000, Part II, Section E(3)(c).

Resolution: On December 2, 2022 a TCEQ Large Construction Site Notice was posted on the fence outside the main entrance on the southwestern boundary of the Site adjacent to 130 Walker Watson Road.

Track Number: 837404

Resolution Status Date: 3/13/2023

Violation Start Date: 11/28/2022

Violation End Date: 1/20/2023

30 TAC Chapter 281.25(a)(4)

Alleged Violation:

Investigation: 1861023

Comment Date: 03/08/2023

Failure to design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants (sediment). Specifically, erosion logs were not properly maintained. Additionally, erosion and sediment controls listed in the SWP3 were not implemented, in violation of 30 TAC 281.25(a)(4), TXR150000, Part III, Section G(1).

Resolution: On January 20, 2023 silt fencing was installed along the entire northwestern boundary of the Site adjacent to Farm-to-Market Road 1209.

Track Number: 837408

Resolution Status Date: 3/8/2023

Violation Start Date: 11/28/2022

Violation End Date: 1/23/2023

30 TAC Chapter 281.25(a)(4)

Alleged Violation:

Investigation: 1861023

Comment Date: 03/08/2023

Failure to provide knowledgeable personnel to conduct site inspections, in violation of 30 TAC 281.25(a)(4), TXR150000, Part III, Section F(7)(a)(i).

Resolution: On January 23, 2023 documentation was received by TCEQ demonstrating knowledgeable personnel are available to conduct site inspections.

Signed 
Environmental Investigator

Date 3/17/23

Signed 
Supervisor

Date 3/17/2023

Attachments: (in order of final report submittal)

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

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) : _____
- _____
- _____

List of Attached files

- Attachment III - SWP3.pdf
- Attachment II - Aerial View.pdf
- Attachment I - Investigation Photos.pdf
- Attachment VI - Compliance Documentation.pdf
- Attachment IV - Inspection Checklists.pdf
- Attachment V - EIF.pdf