

FORTUNA

Stormwater Pollution Prevention Plan

TPDES General Permit

No. TXR 150000

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Stormwater Pollution Prevention Plan

TPDES General Permit
No. TXR 150000



Brooke Lindholm
2/20/26

February 17, 2026

Mr. Micheal Taylor
Habitat for Humanity of San Antonio, Inc.
311 Probandt Street,
San Antonio, Texas 78204

Re: Fortuna
TPDES Storm Water Pollution Prevention Plan

Dear Mr. Taylor:

Attached please find a copy of the Texas Pollutant Discharge Elimination System (TPDES) Storm Water Pollution Prevention Plan (SWP3) for Fortuna prepared for Habitat for Humanity of San Antonio, Inc. This document is a key element for construction of the referenced project and should be maintained on site at all times during construction. To best protect yourself, we suggest you familiarize yourself with the requirements in the Storm Water Pollution Prevention Plan. Please note, both you and your contractor must complete Construction Site Notice (CSN) and submit it to **SAWS** (MS4) as instructed in the Plan Implementation Checklist.

In addition, your contractor should pay particular attention to the instructions regarding maintenance and inspections of erosion control items and should maintain the forms included herein.

If you have questions regarding this TPDES Storm Water Pollution Prevention Plan, please contact our office. We appreciate the opportunity to serve Habitat for Humanity on this project.

Sincerely,
Pape-Dawson



Brooke Lindholm, P.E.
Vice President

Attachments

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EXHIBITS

Exhibit 1 – General Location Map

Exhibit 2 – Site Plan

Exhibit 3 – Best Management Practices (BMPs) Details

Exhibit 4 – Project Milestone Dates

Exhibit 5 – On-Site Materials List

Exhibit 6 – Responsible Party Form

ATTACHMENTS

2023 CGP Construction Site Notice

Inspection Records:

- Inspection Schedule Form
- SWP3 Inspection Forms and Corrective Action Items Forms
- Corrective Action Items Form

Letter Delegating an "Authorized Representative"

Inspector's Qualifications

Plan Modifications

March 5, 2023 TPDES General Permit TXR150000

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IMPORTANT DEFINITIONS

Primary Operator – the person or persons associated with a large or small construction activity that meets either of the following two criteria:

- (a.) the person or persons have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; **(Owner/Developer)**
- (b.) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions). **(General Contractor)**

Secondary Operator – The person or entity, often the property owner, whose operational control is limited to:

- (a.) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or
- (b.) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site where they have control over the plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators.

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PLAN IMPLEMENTATION CHECKLIST

- 1a. At least two (2) days prior to start of construction, the primary operator(s) must submit a Small Construction Site Notice (CSN) (TCEQ Form 20963) to the local Municipal Separate Storm Sewer System (MS4):

TPDES Coordinator
San Antonio Water System (MS4)
2800 U.S. Hwy. 281 North or Local MS4 Operator
P.O. Box 2449
San Antonio, Texas 78298
stormwaterconstruction@SAWS.org

- 1b. All secondary operators must provide a copy of the signed and certified Small Construction Site Notice (CSN) (TCEQ Form 20963) to the operator of any MS4 receiving the discharge at least two (2) days prior to commencement of construction activities.

TPDES Coordinator
San Antonio Water System (MS4)
2800 U.S. Hwy. 281 North or Local MS4 Operator
P.O. Box 2449
San Antonio, Texas 78298
stormwaterconstruction@SAWS.org

2. All Construction Site Notices, Storm Water Pollution Prevention Plans, reports, certifications, or information either submitted to the Director or to the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed by a responsible corporate officer, by a general partner or proprietor, by a principal executive public officer, or by a ranking elected public official in accordance with 30 TAC §305.44. A reference copy of this regulation is provided in the "Construction Site Notice" section of this Storm Water Pollution Prevention Plan.
3. Post signed copies of CSNs in a location where they are readily available for viewing by the general public (e.g., alongside of building permit). Copies of CSNs shall remain posted until the completion of construction activities. A copy of the Storm Water Pollution Prevention Plan is to be kept on the construction site.

NOTE: Posted site notices may have a redacted signature as long as there is an original signed and certified Secondary Operator construction site notice, with a viewable signature, located on-site and available for review by an applicable regulatory authority.

4. The primary operator(s) must complete the Responsible Party Form (Exhibit 6, Sheet 1 of 2). Additionally, primary operator(s) should use "Responsible Party Form" (Exhibit 6, Sheet 2 of 2) to designate responsibility for pollution prevention measures.
5. Primary Operator(s) shall designate qualified person(s) to conduct inspections and fill out Inspection Form (copies provided in Storm Water Pollution Prevention Plan). A copy of the

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inspector's qualifications should be included in the "Inspector's Qualification" section of this SWP3. The primary operator(s) may elect to authorize an individual or position having responsibility for the overall operation of the construction activity, or for the primary operator's environmental matters, to sign inspection reports or other information required by the permit. This authorization must be submitted in writing to the Executive Director of the Texas Commission on Environmental Quality. This authorization cannot include NOI forms, NOT forms, NOC letters, or Construction Site Notices (CSN) required by this permit.

6. A form letter for delegating an "Authorized Representative" is included in the "Inspection Record" section of this Storm Water Pollution Prevention Plan.
7. Any field changes or modifications to the Storm Water Pollution Prevention Plan should be noted on the appropriate exhibit, signed, and dated by the responsible party.
8. Maintain SWP3 by posting changes, copies of CSNs, inspection reports, etc., in the SWP3 and retain all records and documents for a minimum period of three years from the date of terminated coverage.
9. Within 30 days of final site stabilization, transfer of operational control, or obtaining alternative authorization under an individual or general permit, remove CSN and submit a copy of completed CSN by Certified Mail – Return Receipt Requested to the local MS4 at the address noted in item number 1.

STORM WATER POLLUTION PREVENTION PLAN

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INTRODUCTION

This Storm Water Pollution Prevention Plan (SWP3) is prepared for Habitat for Humanity of San Antonio, Inc., and its authorized agents per the guidelines in the TPDES General Permit TXR150000 (TXR150000), dated March 5, 2023, issued pursuant to Chapter 26 of the Texas Water Code and Section 402 of the Clean Water Act, by the Texas Commission on Environmental Quality (TCEQ). This SWP3 is arranged to address Part III, Section F "Contents of SWP3" as it pertains to the proposed construction activities.

This report is prepared for the exclusive use of Habitat for Humanity of San Antonio, Inc., and its authorized agents. The scope of services performed during the preparation of this report may not be appropriate for other users and such use or reuse of this report is unauthorized, unless the prior written approval of Pape-Dawson Consulting Engineers, LLC (Pape-Dawson) has been obtained.

In the preparation of this report, Pape-Dawson has relied upon certain information supplied by the Client, and upon commonly used sources of data. Pape-Dawson does not warrant the accuracy of the information obtained from those sources and has not independently verified such information.

All conclusions, opinions and recommendations in this report are based upon Pape-Dawson's understanding of site conditions at this time. The development plans presented in this report should not be relied upon to represent conditions at later dates or changes to the development plan.

The contractor shall ensure that the construction site complies with all notification requirements of the TPDES General Permit, which are as follows:

- *For sites which disturb one (1) or more acres but less than five (5) acres, or are part of an overall plan of development which is more than one (1) acre but less than five (5) acres of disturbance, a Construction Site Notice (CSN), which gives the name and telephone number of a representative of the Operator, a brief description of the construction project, and the location of the SWP3 must be completed by each Operator, signed by an official of the Operator, and posted near the main entrance of the construction site in a publicly accessible location for viewing by the general public, local, state, and federal authorities. A copy of each*

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CSN must also be provided to the operator of any Municipal Separate Storm Sewer System (MS4) which receives any discharge from the construction site at least two (2) days prior to commencement of construction activities.

NOTE: *The SWP3 may be prepared and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally valid with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.*

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I. SITE DESCRIPTION

Project Name: Fortuna

Project Street Address: West of the Fortuna St/NW 36th St Intersection

Latitude: 29.435343 N

Longitude: -98.572833 W

Nature of the Construction Activity: Clearing, grading, excavation, embankment, installation of utilities and drainage, street construction, and home construction

Estimated Construction Start Date: May 1, 2026

Estimated Construction End Date: November 1, 2026

Total Site Area (Acres): 4.653

Approximate Site Area to be Disturbed (Acres): 4.833

Common drainage area serving ten (10) or more acres disturbed at one time: No

Temporary Sedimentation Basin provided: No

No temporary sedimentation basin is necessary as less than ten (10) acres will be disturbed on the project site. Other TBMPs are to be utilized for sediment control, and all are adequate for the drainage areas served.

Soil Types: *According to the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app>) for **Bexar** County the soils on the site are described as follows:*

- *Branyon clay, 1 to 3 percent slopes*
- *Tinn and Frio soils, 0 to 1 percent slopes, frequently flooded*
- *Sunev clay loam, 1 to 3 percent slopes*

*The site is in **Bexar** County which receives an average of **30** inches of rainfall annually with the highest amounts of rainfall received in the month(s) of May, June, September, and October.*

Pre-construction site runoff coefficient: .53

Post-construction site runoff coefficient: .72

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Industrial Activity Discharges: *No*

Receiving Water: *The site will drain into Zarzamora creek and eventually into Apache Creek, which is in segment 1911B of the San Antonio River Basin. This segment is listed by the TCEQ on the EPA-approved CWA § 303(d) List of impaired waters or Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 2022 303(d) list as an impaired water due to bacteria. There are no Total Maximum Daily Loads (TMDLs) established at this time for this segment.*

Wetlands: *No*

Construction activities associated with the construction of a facility that is licensed for storage of high-level radioactive waste: *No*

Edwards Aquifer Recharge or Contributing Zone: *No*

Karst Zone 1 or 2: *No*

Water Pollution Abatement Plan (WPAP): *No*

Contributing Zone Plan (CZP): *No*

Endangered Species Act: Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the Endangered Species Act are satisfied. Federal requirements related to endangered species apply to all TPDES permitted discharges and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee may contact TCEQ or additional information.

EXHIBIT 1 - General Location Map

EXHIBIT 2 - Site Plan illustrating the SWP3 including the following, where appropriate:

- property boundary(ies);

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- drainage patterns and approximate slopes anticipated before and after major grading activities;
- areas where soil disturbance will occur (note any phasing), including any demolition activities;
- locations of all controls and buffers, either planned or in place;
- locations where temporary or permanent stabilization practices are expected to be used;
- locations of construction support activities, including those located off-site;
- surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicate whether those waters are impaired;

NOTE: *Surface waters adjacent to or in close proximity to the site means any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s).*

- locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
- vehicle wash areas; and
- designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads);
- Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.

EXHIBIT 3 - Typical Details for Best Management Practices (BMPs)

Potential Pollutant Sources:

- Soil erosion due to demolition, clearing, grubbing, or excavation for streets, utilities, drainage, and buildings

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- Oil, grease, fuel, and hydraulic fluid contamination from construction equipment and vehicle drippings
- Hydrocarbons from asphalt paving operations
- Miscellaneous trash and litter from construction workers and material wrappings
- Construction debris
- Concrete truck wash-out water
- Detergents, cleaning solvents
- Paints, paint solvents, other petroleum based products

Sequence of Major Activities:

- Installation of BMPs
- Demolition
- Clearing
- Grading
- Excavation
- Drainage Installation
- Installation of Utilities (water, sewer, gas, electric, telephone)
- Street construction (subgrade, base, curb, and asphalt)
- Home Construction
- Site Cleanup
- Removal of BMPs

II. CONTROLS

The sequence of major activities of work on this site will be divided into two stages: site preparation and construction. Site preparation consists of demolition, clearing, grubbing, grading, or excavation. This work, which is the initiation of all activity on the project, will disturb the largest amount of soil. Therefore, before any of this work can begin, the Site Contractor will be responsible for the installation and maintenance of control measures as located on Exhibit 2 and illustrated on Exhibit 3. These measures are designed to minimize erosion and minimize eroded soil from leaving the site.

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Construction activities include storm drains, utility installation, streets, and site cleanup. Prior to the initiation of construction, all previously installed control measures will be repaired or reestablished for their designed or intended purpose by the Construction Contractor. The Construction Contractor will also be responsible for installation of all remaining control measures located on Exhibit 2 and illustrated on Exhibit 3. These controls are intended to prevent eroded soil, trash, and construction debris from leaving the site.

TXR150000 requires the permittee to revise or update the SWP3 whenever there is a change in site conditions, new operators, new areas of responsibility, or changes in BMPs. Accordingly, the SWP3 is meant to be a dynamic working guide that is to be kept current and amended whenever the design, construction, operation, maintenance, or inspection result indicates that the SWP3 is ineffective in eliminating or significantly minimizing pollutants in storm water discharges. All changes to the plan must be shown on Exhibit 2, dated, and signed by the responsible party.

A. EROSION AND SEDIMENT CONTROLS

1. GOALS AND CRITERIA

Except as provided in 40 CFR §§ 125.30-125.32, any discharge regulated under this general permit, with the exception of sites that obtained waivers based on low rainfall erosivity, must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT). The BPT are also required by and must satisfy the Effluent Limitations Guideline (ELG) permitting requirement for application of 40 CFR § 450.24 New Source Performance Standards (NSPS), 40 CFR § 450.22 Best Available Technology Economically Achievable (BAT), and 40 CFR § 450.23 Best Conventional Pollutant Control Technology (BCT). General goals and criteria for erosion and sediment control are as follows:

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- Erosion controls are designed to minimize the amount of erosion which takes place by maximizing the amount of stabilized areas during construction. Sediment controls are designed to retain sediment on site to the maximum extent practicable with consideration for local topography, soil type, and rainfall.
- Control stormwater volume and velocity within the site to minimize soil erosion in order to minimize pollutant discharges.
- Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge point(s).
- Control measures must be properly installed and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the Operator must replace or modify the control as soon as practicable after discovery that the control has been used incorrectly, is performing inadequately, or is damaged.
- Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
- When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible. If infeasible, the permittee must provide documentation in the SWP3 to support the determination, including the specific conditions or time periods when this exception will apply.
- For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.

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- If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects, and whenever feasible, prior to the next rain event.
- Controls must be implemented to limit, to the extent practicable, off-site transport of litter, construction debris, and construction materials.
- Off-site material storage areas such as construction staging areas, soil stockpiles, and borrow areas used solely by the project are considered part of the project for SWP3 purposes. Contractors will be responsible for establishing appropriate controls for these storage areas, for revising this plan to include those off-site storage areas, and to ensure that these areas are properly covered under TXR150000.
- Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls to address sediment and prevent erosion. Operators must observe and evaluate the dewatering controls once per day while the dewatering discharge occurs as described in Part III.F.7. of this general permit.
- Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days when dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).
- Requirements for Observations and Evaluations:
 - A report summarizing the scope of any observation and evaluation must be completed within 24 hours following the

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evaluation. The report must also include, at a minimum, the following:

- date of the observations and evaluation;
 - name(s) and title(s) of personnel making the observations and evaluation;
 - approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - estimates of the rate (in gallons per day) of discharge on the day of evaluation;
 - whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
- Actions taken as a result of evaluations, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of

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non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

- The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.

2. *STABILIZATION PRACTICES*

Land clearing activities will be limited to areas where earthwork will be performed and shall progress as needed. Stabilization practices may include but are not limited to: frequent watering or use of biodegradable soil binders in excavation and fill areas as needed to minimize wind erosion during construction; establishment of temporary vegetation; establishment of permanent vegetation; utilization of mulch, geotextiles, sod stabilization, erosion control blankets, Turf Reinforcement Mats (TRM), Bonded Fiber Matrix (BFM), and vegetative buffer strips; protection of existing trees and vegetation; and other similar measures. Interim on-site stabilization measures, which are continuous (on-going), will include the following:

- Existing vegetation at the downgradient portion of the site shall be preserved. Ground cover shall not be disturbed until it is necessary to proceed with fieldwork.
- Preserve native topsoil at the site, unless the intended function of a specific area of the site dictates that the topsoil be disturbed or removed, or it is infeasible.
- Soil disturbances shall be minimized by exposing only the smallest practical area of land required for the clearing and grading activity, for the construction activity, and for the shortest practical period of time.

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- Maximum practical use will be made of natural vegetation including grass, weeds, trees, shrubs, etc. by leaving these materials in place until construction necessitates clearing the minimum practical area for continuance of construction.
- Trenching and associated backfilling for utilities and foundations shall be coordinated to minimize, to the extent practical, the time the area is disturbed.
- If temporary stabilization is not feasible, then the contractor may fulfill this requirement by retaining perimeter controls or BMPs and informing the enduser of the need for removal of temporary controls and the establishment of final stabilization.
- Stormwater perimeter control devices shall be installed at least ten (10) feet from stockpile materials. Topsoil stockpiles should be seeded or covered by erosion control blankets, if they are not to be used within fourteen (14) days (TXR150000 Part III (F)(2)(b)(iii)(A)).
- Throughout the project, as necessary, water or environmentally sustainable soil binders shall be applied for dust control.

Permanent on-site stabilization measures, which will be scheduled as detailed below, will include the following:

- First, as soon as acceptable subgrade compaction occurs, exposed native soil in road areas will be covered with flexible base material, compacted, and stabilized to the maximum practical extent during construction but prior to placement of finished pavement surface.
- Second, as soon as practical, all disturbed soil that will not be covered by construction from roads, or other impervious cover will be stabilized per applicable project specifications.
- As soon as practical, all disturbed soil that will not be covered by impervious cover shall receive seeding with native seed mix and be overlaid with erosion control blankets per TxDOT Specification Item

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169. Turf Reinforcement Mats (TRM) or Bonded Fiber Matrix (BFM) shall be used instead of blankets when slopes are equal to or greater than 1:2.

- Stabilization measures in this instance shall comply with temporary stabilization as defined in TXR150000 or as defined otherwise in landscape plans where applicable.

Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided below, will be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

- Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
- Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.
- In arid areas (areas with an average rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable.
- In arid areas, semi-arid areas, or drought-stricken areas where the immediate initiation or stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, erosion control and stabilization measures must be

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initiated as soon as practicable. Where vegetative controls are not feasible due to arid conditions, the operator shall immediately install, and within 14 calendar days of a temporary or permanent cessation of work in any portion of the site complete, non-vegetative erosion controls.

- Final stabilization must be achieved prior to termination of permit coverage.
- In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
- Final stabilization as defined in TXR150000 (a uniform perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area) must be achieved prior to termination of permit coverage.
- A final walk-through of the completed construction site shall be performed to ensure final stabilization is established.

Records of project milestone dates are required to be maintained and shall be recorded on Exhibit 4. Project milestones include the following:

- Dates when installation of BMPs begin;
- Dates when site preparation activities begin and end;
- Dates when construction activities begin and end;
- Dates when either site preparation or construction activities temporarily or permanently cease on all or a portion of the project; and
- Dates when stabilization measures are initiated and when stabilization is complete.

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3. *STRUCTURAL PRACTICES*

On-site structural practices, which are continuous (on-going) until the site is permanently stabilized, may include the following:

- Erection of silt fences and rock berms as located on Exhibit 2 and illustrated on Exhibit 3;
- Installation of stabilized construction entrances and exits as required and a construction staging area as located on Exhibit 2 and illustrated on Exhibit 3;
- Placement of gravel filter bags as located on Exhibit 2 and illustrated on Exhibit 3;
- Installation of drain inlet protection as located on Exhibit 2 and illustrated on Exhibit 3; and
- Installation of concrete truck wash-out pit as located on Exhibit 2 and illustrated on Exhibit 3.

These storm water pollution control features will slow the velocity of runoff thereby enhancing sedimentation and capture of contaminants that may accumulate in storm water runoff exiting this construction site. There are no structures to divert storm water and no structures to store storm water on this project.

It is to be understood that modifications to the SWP3 may have to be made in the field to adjust for field conditions and to provide the intended effect. All changes to the plan must be shown on Exhibit 2, dated, and signed by the responsible party or, described and included in the Plan Modifications section of this SWP3.

Best management practices may be installed in stages to coincide with the disturbance of upgradient watershed areas.

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Best management practices may be removed in stages once the watershed for that portion controlled by the BMPs has been stabilized in accordance with TPDES requirements. Upon completion of the project and before final payment is issued, Contractor shall remove all sediment and erosion control measures, paying special attention to rock berms in drainage features.

Because of the inherent difficulties in maintaining construction schedules due to weather delays, the conditions noted above and listed elsewhere in this plan are provided in lieu of a time related schedule.

B. POST-CONSTRUCTION STORM WATER MANAGEMENT

This project does not require any TPDES post-construction storm water pollution controls or velocity dissipation devices.

C. OTHER CONTROLS

Additional on-site practices, which are continuous (on-going) until the site is permanently stabilized, will include the following:

1. OFF-SITE VEHICLE TRACKING

- Vehicular traffic leaving the construction site (prior to improved streets) will exit through a stabilized construction exit as located on Exhibit 2 and illustrated on Exhibit 3. When soils have collected on the stabilized vehicular exit to an extent which reduces its intended effectiveness, the surface will be cleaned and reestablished for its designed or intended purpose.
- Mud/dirt inadvertently tracked off site and onto public streets shall be removed immediately by hand or mechanical broom sweeping.
- To the extent practicable, minimize the generation of dust during construction by means including water spray, covering open stockpiles, etc. Spraying of petroleum-based or toxic liquids for this purpose is prohibited.

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2. CONSTRUCTION MATERIALS STORAGE

- Construction materials shall be stored within a designated storage area as located on Exhibit 2 and illustrated on Exhibit 3. Bulk materials such as sand, topsoil, etc. will be bordered on the downgradient sides with a stormwater perimeter control device established at a minimum distance of ten (10) feet from the toe of the stockpile as illustrated on Exhibit 3. A list of materials to be stored on site should be recorded and regularly updated on the "On-Site Materials List" provided in Exhibit 5.
- An area shall be designated as a construction equipment and vehicle storage area as located on Exhibit 2. Construction equipment (except large, slow moving equipment) not removed from the site at night shall be stored in the containment area.
- Excavation spoils temporarily stored on site, pending off-site disposal in accordance with applicable regulations, shall be bordered on the downgradient side by a stormwater perimeter control device established at a minimum distance of ten (10) feet from the toe of the stockpile as illustrated on Exhibit 3 and recorded on the "On-Site Materials List" provided in Exhibit 5.
- The designated construction equipment and vehicle storage area shall have a single entrance and will be bordered on the downgradient sides by silt fence as illustrated on Exhibit 3.
- Sediment collected behind silt fences will be periodically collected and placed as fill material within the property. Contaminated sediments will be disposed of off-site in accordance with applicable regulations.
- The use of on-site temporary construction fuel storage tanks is limited to tank sizes which can only store unregulated quantities of

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fuel and which have integral spill containment devices with a capacity of at least 110% of tank capacity.

- Intentional release of vehicle or equipment fluid onto the ground is prohibited. In project areas suspected of potential toxic or petroleum products contamination, the water shall be tested to determine the proper method of disposal.
- Scheduled construction equipment and vehicle maintenance accomplished on site shall be done within the construction equipment and vehicle storage area.

3. *WASTE DISPOSAL*

- Trash receptacles will be established near the construction area. Construction waste materials, domestic garbage, etc. shall be periodically collected and disposed of off-site in accordance with applicable regulations.
- Minimize the exposure of waste materials by closing waste container lids at the end of the workday and during storm events. For waste containers that do not have lids, where the container itself is not sufficiently secure enough to prevent the discharge of pollutants absent a cover and could leak, the permittee must provide either a cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, stormwater, and wind, or a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment). Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use);

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- Minimize exposure of waste by implementing good housekeeping measures. Waste must be cleaned up and disposed of in designated waste containers on days of operation at the site. Waste must be cleaned up immediately if containers overflow; minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release; and
- Minimize exposure of sanitary waste by positioning portable toilets so that they are secure and will not be tipped or knocked over, and so that they are located away from surface water in the state and stormwater inlets or conveyances.
- All sanitary waste will be collected from the portable toilets by a licensed portable facility provider in complete compliance with local and state regulations.
- A controlled on-site area as located on Exhibit 2 and illustrated on Exhibit 3 shall be designated as a concrete truck wash-out pit for concrete trucks. Truck wash-out pits shall be surrounded by a berm or hay bales to prevent runoff of contaminated water. The Contractor will advise concrete suppliers of the requirements to utilize the wash-out pits for the intended purpose.

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- Direct discharge of concrete truck wash-out water to surface waters of the state, including discharge to storm sewers, is prohibited by this general permit.
- Concrete truck wash-out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash-out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- Wash out of concrete trucks during rainfall events shall be minimized, and the Operator shall ensure BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain. The direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited at all times.
- The discharge of wash-out water shall not cause or contribute to groundwater contamination.
- Additional concrete truck wash-out pits may be added as construction conditions require.

4. *HAZARDOUS SUBSTANCES AND HAZARDOUS WASTE*

- High-Level Radioactive Waste – Meaning as assigned by 42 United States Code (U.S.C.) Section 10101 (12) and includes spent nuclear fuel as defined by 42 U.S.C. Section 10101 (23).
- Storage of High-Level Radioactive Waste:
 - Discharges of stormwater from construction activities associated with the construction of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 CFR Part 72

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are not authorized by this general permit. Texas Health and Safety Code (THSC) § 401.0525 prohibits TCEQ from issuing any TPDES authorizations for the construction or operation of these facilities.

- Discharges of stormwater from the construction activities associated with the construction of a facility located at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors operated by a university are not prohibited under THSC § 401.0525 and continue to be regulated under this general permit.
- Hazardous waste materials will be disposed of in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job site superintendent, who will also be responsible for seeing that these practices are followed. Each employee who must handle a substance with hazardous properties will be instructed on the use of the project he/she is using, particularly regarding spill control techniques.
- The Contractor will implement the Spill Prevention Control and Countermeasures (SPCC) Plan found within this SWP3 and will train all personnel in the proper cleanup and handling of spilled materials. No spilled hazardous materials or hazardous wastes will be allowed to come in contact with stormwater discharges. If such contact occurs, the stormwater discharge will be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated stormwater. It shall be the responsibility of the job site superintendent to properly train all personnel in the use of the SPCC plan.

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- Any spills of hazardous materials which are in quantities in excess of Reportable Quantities as defined by TCEQ regulations shall be immediately reported to the TCEQ National Response Center 1-800-832-8224.
- In order to minimize the potential for a spill of hazardous materials to come into contact with stormwater, the following steps will be implemented:
 - All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use.
 - The minimum practical quantity of all such materials will be kept on the job site.
 - A spill control and containment kit (containing, for example, absorbent material such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
 - All of the product in a container will be used before the container is disposed of. All such containers will be triple-rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with stormwater discharges.
 - All products will be stored in and used from the original container with the original product label.
 - All products will be used in strict compliance with instructions on the product label.

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Storm Water Pollution Prevention Plan

- The disposal of excess or used products will be in strict compliance with instructions on the product label.

D. STATE, TRIBAL, OR LOCAL CONTROLS

The site is not located over the Edwards Aquifer Contributing Zone or Recharge Zone.

The site is not located on Native American Tribal lands.

Historical Sites: Based on research of Texas Historical Commission (THC), no historical landmarks are located on or near the project limits

Except as noted herein, there are no other known applicable state, tribal, or local storm water pollution prevention control requirements for construction projects at this location.

All activities during construction shall comply with state and local sanitary sewer, septic system, and waste disposal regulations.

Trees, limbs, leaves, brush, and vegetation from clearing operations shall be removed from the site and disposed of off-site in accordance with applicable regulations.

Excavation spoils which will not be reused on this construction project shall be disposed of off-site at an approved location in accordance with applicable regulations.

III. MAINTENANCE

Structural controls shall be inspected as stipulated in this plan. Structural units shall be maintained to perform the function as intended until all soil disturbing activities have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial

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vegetative cover with a density of 70% of the native background vegetative cover for the area has been established in all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

When a sediment control structure deteriorates to a condition so that its performance is less than intended, the structure shall be repaired or replaced to full function as specified before the next anticipated storm event or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable.

Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery. Controls which have been used incorrectly, are performing inadequately, or are damaged must be replaced or modified as soon as possible after discovery of the deficiency.

Particular attention should be paid to the sedimentation areas behind the rock berms and silt fences. When the sediment has accumulated to six (6) inches or more behind a rock berm or silt fence, (from construction debris, tree trimming, trash, municipal-type garbage, etc.) it will be removed and the rock berms and silt fences will be restored to their original specifications. Contaminated sediment removed from containment areas (vehicle maintenance, concrete wash-out pits, etc.) shall be either used on site if suitable for fill material or disposed of off-site in accordance with appropriate regulations. If sediment escapes the site, the permittee must work with the downgradient property owner to remove the sediment as soon as possible.

Exhibit 6, Sheet 2 of 2 lists the various major components of this pollution prevention plan and identifies the party responsible for its function, maintenance, and inspections.

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Storm Water Pollution Prevention Plan

IV. INSPECTIONS

Designated and qualified person(s) shall inspect Pollution Control Measures every fourteen (14) days and within twenty-four (24) hours after a storm event greater than 0.5 inches of rainfall at the project site. As an alternative, inspections may be scheduled at least once every seven (7) calendar days. The inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the Inspection Record section of the SWP3.

- If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
- If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two (2) inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
- Adverse Conditions:
 - Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to

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personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:

- the date and time of the adverse condition,
- names of personnel that witnessed the adverse condition, and
- a narrative for the nature of the adverse condition.

In the event of flooding or other adverse conditions which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

- Inspection Reports.
 - Report summarizing the scope of any inspection must be completed within 24 hours following the inspection. The report must also include the date(s) of the inspection and major observations relating to the implementation of the SWP3. Major observations in the report must include: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
 - Actions taken as a result of inspections, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

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- The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

Where sites have been finally or temporarily stabilized, inspections must be conducted at least once every month. Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of winter or drought conditions resulting in monthly frequency of inspections.

Linear projects (e.g. utility line installation, pipeline, construction, etc.) may schedule representative inspections. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the site.

An inspection report that summarizes the scope of the inspection, names and qualifications of personnel conducting the inspection, date of the inspection, major observations, and actions taken as a result of the inspection shall be recorded and maintained as part of Storm Water TPDES data for a period of three years after the Notice of Termination (NOT) has been filed. Major observations should include:

- Locations of discharges of sediment or other pollutants from the site;
- Locations of BMPs that need to be maintained;
- Locations of BMPs that failed to operate as designed or proved inadequate; and
- Locations where additional BMPs are needed.

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A copy of the Inspection Report Form is provided in the "Inspection Record" section of this SWP3.

As a minimum, the inspector shall observe:

- significant disturbed areas for evidence of erosion;
- storage areas for evidence of leakage from the exposed stored materials;
- discharge locations for signs of erosion or sediment;
- structural controls (rock berm outlets, silt fences, drainage swales, etc.) for evidence of failure or excess siltation (50% of the above-ground height);
- vehicle exit point for evidence of off-site sediment tracking;
- vehicle storage areas for signs of leaking equipment or spills;
- concrete truck wash-out pit for signs of potential failure; and
- general site cleanliness.

Deficiencies noted during the inspection will be corrected and documented within seven (7) calendar days following the inspection or before the next anticipated storm event if practicable.

When an inspection does not identify any incident of non-compliance, the report must contain a certification signed in accordance with 30 TAC §305.128 stating the site is in compliance with the SWP3 and the TPDES general permit conditions.

Exhibit 6, sheet 2 of 2 lists the various major components of this pollution prevention plan and identifies the party responsible for its function, maintenance, and inspection.

The TCEQ or local authority will periodically inspect a site to make sure the above requirements are followed. It is responsibility of the Primary Operator(s), to inform the owner(s)/Secondary Operator(s) of any violations and inspection results must be sent to the owner or owner's agent.

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V. CONSTRUCTION SUPPORT ACTIVITIES

A construction-related activity that specifically supports construction activity, which can involve earth disturbance or pollutant-generating activities of its own, and can include, but are not limited to, activities associated with concrete or asphalt batch plants, rock crushers, equipment staging or storage areas, chemical storage areas, material storage areas, material borrow areas, and excavated material disposal areas. Construction support activity must only directly support the construction activity authorized under this general permit:

- the activities are located within one (1)-mile from the boundary of the permitted construction site and directly support the construction activity.
- a SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the construction support activities; and
- the construction support activities either do not operate beyond the completion date of the construction activity or are authorized under separate TPDES authorization.

Separate TPDES authorization may include the TPDES Multi Sector General Permit, TXR050000 (related to storm water discharges associated with industrial activity), separate authorization under this general permit if applicable, coverage under an alternative general permit if available, or authorization under an individual water quality permit.

VI. NON-STORM WATER DISCHARGES

Storm water discharges from this construction site may be intermittently mixed with the following non-storm water discharges:

- discharges from emergency firefighting activities (emergency firefighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems and similar activities);
- uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional

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pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

- water from the routine external washing of vehicles, external portion of buildings or structures, and pavement;
- discharges where detergents and soaps are not used;
- discharges where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations);
- discharges where pressure washing is not conducted, and where the purpose is to remove mud, dirt, or dust;
- uncontaminated water used to control dust;
- potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- uncontaminated air conditioning condensate;
- uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents;
- lawn watering and similar irrigation drainage; and
- any discharge authorized under a separate NPDES, TPDES, or TCEQ permit may also be combined with storm water discharges from this construction site.

The above non-storm water components would exit the site via the storm water drainage paths and would be subject to the same filtering and sedimentation control provided by the vegetated drainage channels and structural controls used for storm water runoff. Other non-storm water discharges are not anticipated from the construction of this project.

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VII. SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN

A. MATERIALS COVERED

The following materials or substances with known hazardous properties are expected to be present on site during construction:

Concrete	Cleaning solvents
Detergents	Petroleum based products
Paints	Pesticides
Paint solvents	Acids
Fertilizers	Concrete additives
Soil stabilization additives	

B. MATERIAL MANAGEMENT PRACTICES

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff:

- Personnel will be trained in the proper storage, use, and disposal of on-site materials;
- Materials will be stored in areas identified for that purpose and containment will be provided;
- Materials will be secured to prevent unauthorized use or vandalism;
- Material storage will be limited to reasonable quantities; and
- Waste materials will be collected in receptacles designed for the purpose and disposed of off-site in accordance with applicable regulations.

C. GOOD HOUSEKEEPING

The following good housekeeping practices will be followed on site during the construction project:

- An effort will be made to store only enough product required to do the job;

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- All materials stored on site will be stored in a neat, orderly manner and, if possible, under the roof or other enclosure;
- Products will be kept in their original containers with the original manufacturer's label in legible condition;
- Substances will not be mixed with one another unless recommended by the manufacturer;
- Whenever possible, all of a product will be used up before disposing of the container;
- Manufacturer's recommendations for proper use and disposal will be followed; and
- The job site superintendent will be responsible to ensure proper use and disposal of materials.

D. HAZARDOUS PRODUCTS

The following practices will be used to reduce the risk associated with hazardous materials:

- Products will be kept in their original containers with the original labels in legible condition;
- Original labels and material safety data sheets (MSDS's) will be procured and used for each material;
- If surplus product must be disposed of, manufacturers or local/state/federal recommended methods for proper disposal will be followed;
- A spill control and containment kit (containing, for example, absorbent materials such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site; and
- All of the product in a container will be used before the container is disposed of. All such containers will be triple-rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in

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compliance with state and federal regulations and will not be allowed to mix with storm water discharges.

E. PRODUCT SPECIFIC PRACTICES

The following product specific practices will be followed on the job site:

1. *PETROLEUM PRODUCTS*

All on-site vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any petroleum storage tanks used on site will have a dike or berm containment structure constructed around it to contain any spills which may occur. Any asphalt substances used on site will be applied according to the manufacturer's recommendations.

2. *FERTILIZER*

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked in the soil to limit exposure to storm water. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

3. *PAINTS, PAINT SOLVENTS, AND CLEANING SOLVENTS*

All containers will be tightly sealed and stored when not in use. Excess paint and solvent will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

4. *CONCRETE TRUCKS*

TXR150000 authorizes the land disposal of wash-out water from concrete trucks associated with off-site production facilities, as long as the discharge is in compliance with the restrictions of this SWP3. Wash-out water associated with on-site concrete production facilities is not authorized by the

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TXR150000 General Permit and must be authorized under a separate TCEQ General Permit or individual permit. Direct discharge of concrete truck wash-out water to surface waters in the state, including discharge to storm sewers is prohibited by the TXR150000 General Permit. Wash out of concrete trucks during rainfall events shall be minimized and the Operator shall ensure BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain. The direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited by the general permit at all times. The discharge of wash-out water shall not cause or contribute to groundwater contamination.

Concrete trucks will be allowed to wash out or discharge surplus concrete or drum wash water on the site, but only in either specifically designated diked areas which have been prepared to prevent contact between the concrete and wash-out water or storm water which will be discharged from the site, or in locations where waste concrete can be poured into forms to make riprap or other useful concrete products.

The hardened residue from the concrete wash-out diked areas will be disposed of in the same manner as other non-hazardous construction waste materials, or may be broken up and used on site as deemed appropriate by the Contractor. The job site superintendent will be responsible for seeing that these procedures are followed.

F. SPILL PREVENTION PRACTICES

In addition to the good housekeeping and material management practices discussed in previous sections of this plan, the following practices will be followed for spill prevention and cleanup:

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- Manufacturer's recommended methods for spill cleanup will be clearly posted, and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the on-site material storage area in a spill control and containment kit (containing for example, absorbent materials such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.).
- All spills will be cleaned up immediately after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with the hazardous substances.
- Spills of toxic or hazardous materials will be reported to the appropriate federal, state, and local government agency. Spills of amounts that exceed Reportable Quantities of certain substances specifically mentioned in federal regulations (40 CFR 302) will be immediately reported to the TCEQ National Response Center, telephone **1-800-832-8224**. Reportable Quantities of some substances which may be used at the job site are as follows:
 - Oil – appearance of a film or sheen on water
 - Pesticides – usually one (1) pound
 - Acids – 5,000 pounds
 - Solvents, flammable – 100 pounds
- The SPCC plan will be adjusted to include measures on how to prevent this type of spill from recurring. A description of the spill, what caused it, and the cleanup measures will also be included. If the spill exceeds a Reportable Quantity, reports of the incident will be in compliance with federal, state, and local regulations.

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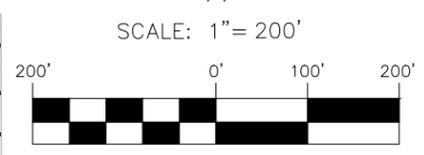
- The job site superintendent will be the spill prevention and cleanup coordinator. He will designate the individuals responsible for a particular phase of prevention and cleanup.

EXHIBITS



LOCATION MAP
NOT-TO-SCALE

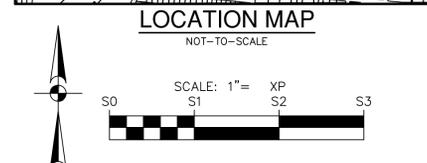
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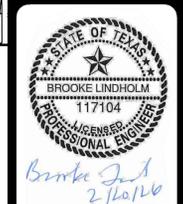
JOB NO. 13255-01
DATE SEPTEMBER 2025
DESIGNER RF
CHECKED BL DRAWN RF
SHEET 1 of 1

FORTUNA SUBDIVISION
SAN ANTONIO, TEXAS
LOCATION MAP EXHIBIT





DATE	
NO.	REVISION



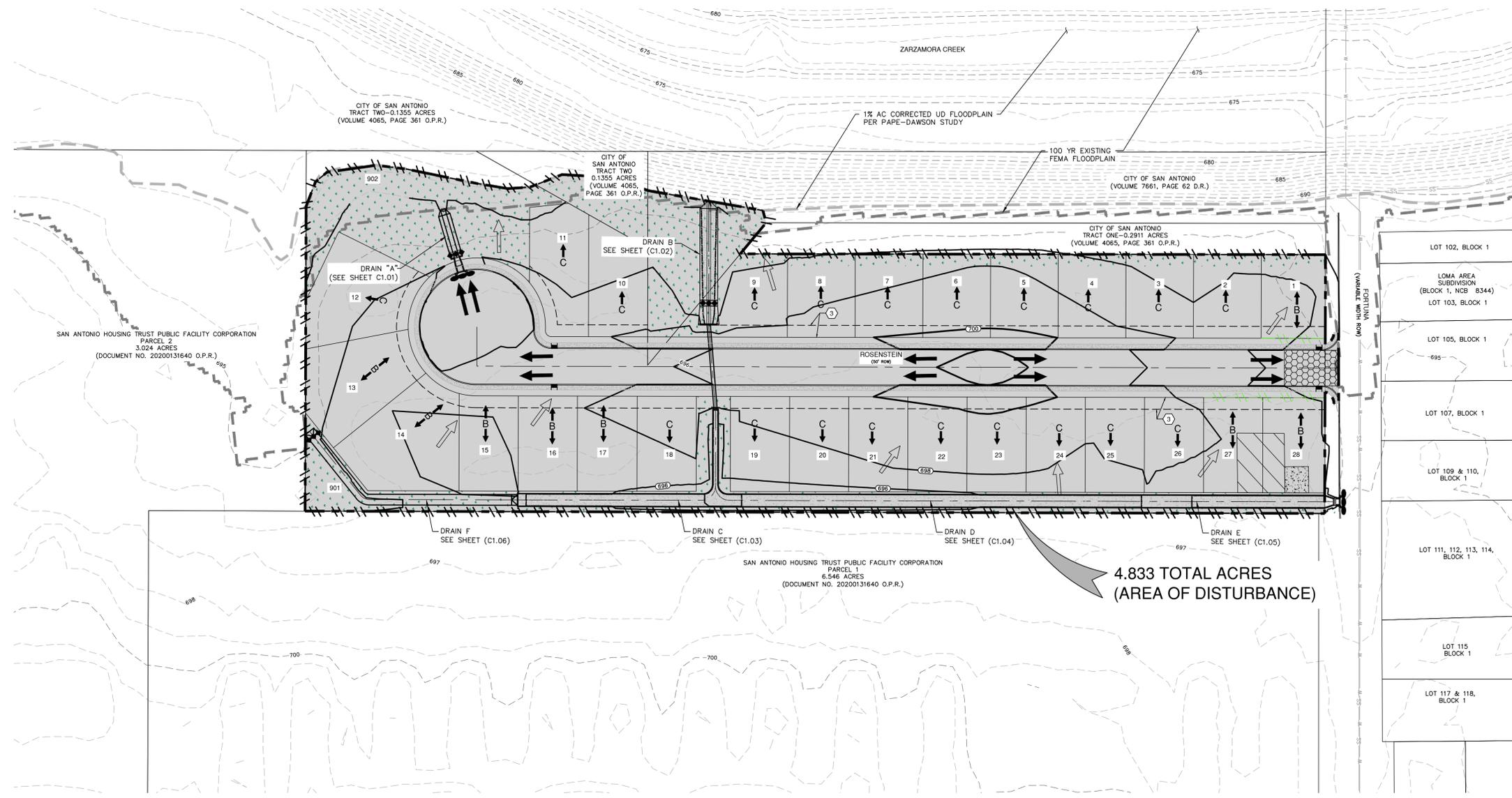
PAPE-DAWSON
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

FORTUNA
 SAN ANTONIO, TEXAS
 STORM WATER POLLUTION PREVENTION PLAN

PLAT NO. 25-11800510
 JOB NO. 13255-01
 DATE FEBRUARY 2026
 DESIGNER RG
 CHECKED BL DRAWN AG
 SHEET C8.00

KEYED NOTES:

- ③ 10" GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT



SWPPP LEGEND

- PROJECT LIMITS
- EXISTING CONTOUR
- PROPOSED CONTOUR
- FLOW ARROW (EXISTING)
- FLOW ARROW (PROPOSED)
- SILT FENCE
- PHASE II SILT FENCE
- ROCK BERM
- GRAVEL FILTER BAGS
- GRATE INLET PROTECTION
- SEDIMENT CONTROL ROLLS
- LIMITS OF DISTURBED AREA
- STABILIZED CONSTRUCTION ENTRANCE/EXIT (FIELD LOCATE)
- CONSTRUCTION EQUIPMENT, VEHICLE & MATERIALS STORAGE AREA (FIELD LOCATE)
- CONCRETE TRUCK WASH-OUT PIT (FIELD LOCATE)
- REVEGETATION

GENERAL NOTES

- DO NOT DISTURB VEGETATED AREAS (TREES, GRASS, WEEDS, BRUSH, ETC.) ANY MORE THAN NECESSARY FOR CONSTRUCTION.
- CONSTRUCTION ENTRANCE/EXIT LOCATION, CONCRETE WASH-OUT PIT, AND CONSTRUCTION EQUIPMENT AND MATERIAL STORAGE YARD TO BE DETERMINED IN THE FIELD.
- STORM WATER POLLUTION PREVENTION CONTROLS MAY NEED TO BE MODIFIED IN THE FIELD TO ACCOMPLISH THE DESIRED EFFECT. ALL MODIFICATIONS ARE TO BE NOTED ON THIS EXHIBIT AND SIGNED AND DATED BY THE RESPONSIBLE PARTY.
- RESTRICT ENTRY/EXIT TO THE PROJECT SITE TO DESIGNATED LOCATIONS BY USE OF ADEQUATE FENCING, IF NECESSARY.
- ALL STORM WATER POLLUTION PREVENTION CONTROLS ARE TO BE MAINTAINED AND IN WORKING CONDITIONS AT ALL TIMES.
- FOR A COMPLETE LISTING OF TEMPORARY STORM WATER POLLUTION PREVENTION CONTROLS REFER TO THE TPDES STORM WATER POLLUTION PREVENTION PLAN.
- STORM WATER POLLUTION PREVENTION STRUCTURES SHOULD BE CONSTRUCTED WITHIN THE SITE BOUNDARIES. SOME OF THESE FEATURES MAY BE SHOWN OUTSIDE THE SITE BOUNDARIES ON THIS PLAN FOR VISUAL CLARITY.
- AS SOON AS PRACTICAL, ALL DISTURBED SOIL THAT WILL NOT BE COVERED BY IMPERVIOUS COVER SUCH AS PARKWAY AREAS, EASEMENT AREAS, EMBANKMENT SLOPES, ETC. WILL BE STABILIZED PER APPLICABLE PROJECT SPECIFICATIONS.
- BEST MANAGEMENT PRACTICES MAY BE INSTALLED IN STAGES TO COINCIDE WITH THE DISTURBANCE OF UPGRADIENT AREAS.
- BEST MANAGEMENT PRACTICES MAY BE REMOVED IN STAGES ONCE THE WATERSHED FOR THAT PORTION CONTROLLED BY THE BEST MANAGEMENT PRACTICES HAS BEEN STABILIZED IN ACCORDANCE WITH TPDES REQUIREMENTS.
- UPON COMPLETION OF THE PROJECT, INCLUDING SITE STABILIZATION, AND BEFORE FINAL PAYMENT IS ISSUED, CONTRACTOR SHALL REMOVE ALL SEDIMENT AND EROSION CONTROL MEASURES, PAYING SPECIAL ATTENTION TO ROCK BERMS IN DRAINAGE FEATURES.
- WHERE VEGETATED FILTER STRIPS ARE INDICATED, CONTRACTOR SHALL VERIFY THAT SUFFICIENT VEGETATION EXISTS, OTHERWISE CONTRACTOR SHALL PLACE SILT FENCING IN LIEU OF VEGETATED FILTER STRIP.
- SHADED AREA DENOTES LIMITS OF DISTURBED AREAS. OTHER AREAS WITHIN THE PROJECT LIMITS, WITH THE EXCEPTION OF A CONSTRUCTION EQUIPMENT AND MATERIAL STORAGE YARD, ARE NOT A PART OF THIS TPDES STORM WATER POLLUTION PREVENTION PLAN (SWP3) AND WILL NOT BE DISTURBED BY CIVIL CONSTRUCTION ACTIVITIES. HOUSE CONSTRUCTION ACTIVITIES WILL REQUIRE A SEPARATE STORM WATER POLLUTION PREVENTION PLAN.
- ANY SLURRY AND CUTTINGS GENERATED FROM SAWCUTTING OPERATIONS SHALL NOT BE ALLOWED TO DRAIN TO THE STORM DRAIN SYSTEM, SWALE, STREAM OR OTHER WATER BODY AND SHALL NOT BE ALLOWED TO REMAIN ON THE PAVEMENT TO DRY OUT.
- OPS ENERGY WILL FUNCTION AS A SECONDARY OPERATOR ON THIS PROJECT AND WILL BE INSTALLING ELECTRIC UTILITIES FOR ON-SITE CONSTRUCTION AND OFF-SITE FEED TO THE PROJECT.
- A CITY OF SAN ANTONIO ROW PERMIT MUST BE OBTAINED BEFORE WORKING IN ANY CITY OF SAN ANTONIO ROW.

SWP3 MODIFICATIONS		
DATE	SIGNATURE	DESCRIPTION

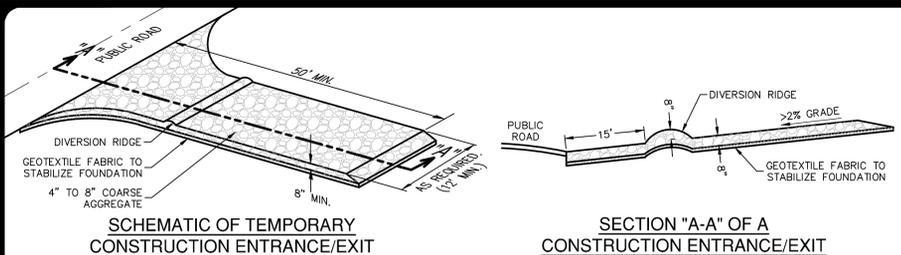
THE ENGINEERING SEAL HAS BEEN AFFIXED TO THIS SHEET ONLY FOR THE PURPOSE OF DEMONSTRATING COMPLIANCE WITH THE TPDES-STORM WATER POLLUTION PREVENTION PLAN (SWP3) REGULATIONS.

THIS SHEET HAS BEEN PREPARED FOR PURPOSES OF THE SWP3 ONLY. ALL OTHER CIVIL ENGINEERING RELATED INFORMATION SHOULD BE ACQUIRED FROM THE APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

EXHIBIT 2

Plot: P:\13255\01\Design\Civil\SWP3-C8.00.dwg
 Date: Feb 06, 2026, 8:42am User: bld
 Plot: P:\13255\01\Design\Civil\SWP3-C8.00.dwg

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL. AERIAL IMAGERY PROVIDED BY GOOGLE/UNLESS OTHERWISE NOTED. Imagery © 2016, CAPO Digital Globe, Texas Orthology Program, USDA Farm Service Agency.



SCHEMATIC OF TEMPORARY CONSTRUCTION ENTRANCE/EXIT

MATERIALS

1. THE AGGREGATE SHOULD CONSIST OF 4-INCH TO 8-INCH WASHED STONE OVER A STABLE FOUNDATION AS SPECIFIED IN THE PLAN.
2. THE AGGREGATE SHOULD BE PLACED WITH A MINIMUM THICKNESS OF 8-INCHES.
3. THE GEOTEXTILE FABRIC SHOULD BE DESIGNED SPECIFICALLY FOR USE AS A SOIL FILTRATION MEDIA WITH AN APPROXIMATE WEIGHT OF 6 OZ/YD², A MULLEN BURST RATING OF 140 LB/IN², AND AN EQUIVALENT OPENING SIZE GREATER THAN A NUMBER 50 SIEVE.
4. IF A WASHING FACILITY IS REQUIRED, A LEVEL AREA WITH A MINIMUM OF 4-INCH DIAMETER WASHED STONE OR COMMERCIAL ROCK SHOULD BE INCLUDED IN THE PLANS. DIVERT WASTEWATER TO A SEDIMENT TRAP OR BASIN.

SECTION "A-A" OF A CONSTRUCTION ENTRANCE/EXIT

COMMON TROUBLE POINTS

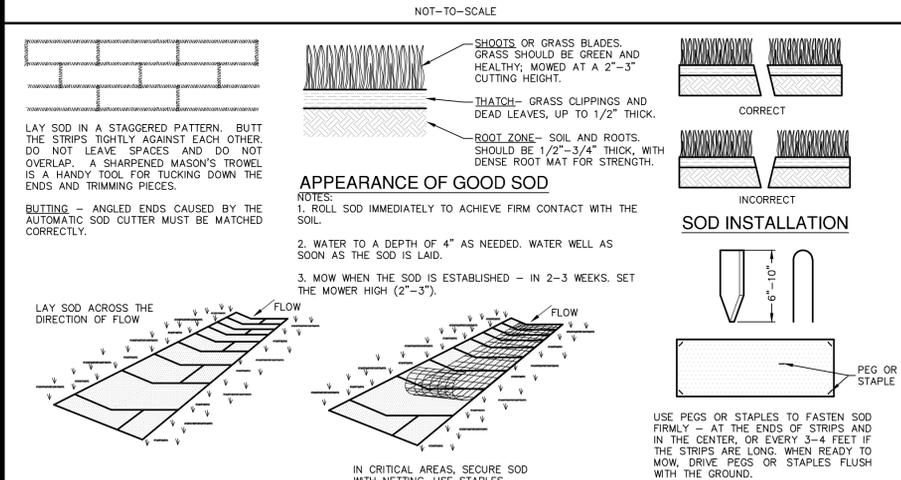
1. INADEQUATE RUNOFF CONTROL—SEDIMENT WASHES ONTO PUBLIC ROAD.
2. STONE TOO SMALL OR GEOTEXTILE FABRIC ABSENT, RESULTS IN MUDDY CONDITION AS STONE IS PRESSED INTO SOIL.
3. PAD TOO SHORT FOR HEAVY CONSTRUCTION TRAFFIC—EXTEND PAD BEYOND THE MINIMUM 50-FOOT LENGTH AS NECESSARY.
4. PAD NOT FLARED SUFFICIENTLY AT ROAD SURFACE, RESULTS IN MUD BEING TRACKED ON TO ROAD AND POSSIBLE DAMAGE TO ROAD.
5. UNSTABLE FOUNDATION — USE GEOTEXTILE FABRIC UNDER PAD AND/OR IMPROVE FOUNDATION DRAINAGE.

INSTALLATION

1. AVOID CURVES ON PUBLIC ROADS AND STEEP SLOPES. REMOVE VEGETATION AND OTHER OBJECTIONABLE MATERIAL FROM THE FOUNDATION AREA. GRADE CROWN FOUNDATION FOR POSITIVE DRAINAGE.
2. THE MINIMUM WIDTH OF THE ENTRANCE/EXIT SHOULD BE 12 FEET OR THE FULL WIDTH OF EXIT ROADWAY, WHICHEVER IS GREATER.
3. THE CONSTRUCTION ENTRANCE SHOULD BE AT LEAST 50 FEET LONG.
4. IF THE SLOPE TOWARD THE ROAD EXCEEDS 2%, CONSTRUCT A RIDGE, 6-INCHES TO 8-INCHES HIGH WITH 3:1 (H:V) SIDE SLOPES, ACROSS THE FOUNDATION APPROXIMATELY 15 FEET FROM THE ENTRANCE TO DIVERT RUNOFF AWAY FROM THE PUBLIC ROAD.
5. PLACE GEOTEXTILE FABRIC AND GRADE FOUNDATION TO IMPROVE STABILITY, ESPECIALLY WHERE WET CONDITIONS ARE ANTICIPATED.
6. PLACE STONE TO DIMENSIONS AND GRADE SHOWN ON PLANS. LEAVE SURFACE SMOOTH AND SLOPE FOR DRAINAGE.
7. DIVERT ALL SURFACE RUNOFF AND DRAINAGE FROM THE STONE PAD TO A SEDIMENT TRAP OR BASIN.
8. INSTALL PIPE UNDER PAD AS NEEDED TO MAINTAIN PROPER PUBLIC ROAD DRAINAGE.

STABILIZED CONSTRUCTION ENTRANCE/EXIT DETAIL

NOT-TO-SCALE



MATERIALS

1. SOD SHOULD BE MACHINE CUT AT A UNIFORM SOIL THICKNESS OF 3/4" INCH (± 1/4" INCH) AT THE TIME OF CUTTING. THIS THICKNESS SHOULD EXCLUDE SHOOT GROWTH AND THATCH.
2. PIECES OF SOD SHOULD BE CUT TO THE SUPPLIER'S STANDARD WIDTH AND LENGTH, WITH A MAXIMUM ALLOWABLE DEVIATION IN ANY DIMENSION OF 5% TORN OR UNEVEN PADS SHOULD NOT BE ACCEPTABLE.
3. STANDARD SIZE SECTIONS OF SOD SHOULD BE STRONG ENOUGH TO SUPPORT THEIR OWN WEIGHT AND MAINTAIN THEIR SIZE AND SHAPE WHEN SUSPENDED FROM A FIRM GRASP ON ONE END OF THE SECTION.
4. SOD SHOULD BE HARVESTED, DELIVERED, AND INSTALLED WITHIN A PERIOD OF 36 HOURS.

SITE PREPARATION

1. PRIOR TO SOD PREPARATION, AREAS TO BE SODDED SHOULD BE BROUGHT TO FINAL GRADE IN ACCORDANCE WITH THE APPROVED PLAN.
2. THE SURFACE SHOULD BE CLEARED OF ALL TRASH, DEBRIS AND OF ALL ROOTS, BRUSH, WIRE GRADE STAKES AND OTHER OBJECTS THAT WOULD INTERFERE WITH PLANTING, FERTILIZING OR MAINTENANCE OPERATIONS.
3. FERTILIZE ACCORDING TO SOIL TESTS. FERTILIZER NEEDS CAN BE DETERMINED BY A SOIL TESTING LABORATORY OR REGIONAL RECOMMENDATIONS CAN BE MADE BY COUNTY AGRICULTURAL EXTENSION AGENTS. FERTILIZER SHOULD BE WORKED INTO THE SOIL TO A DEPTH OF 3 INCHES WITH A DISC, SPRINGTOOTH HARROW OR OTHER SUITABLE EQUIPMENT ON SLOPING LAND, THE FINAL HARROWING OR DISCING OPERATION SHOULD BE ON THE CONTOUR.

INSTALLATION IN CHANNELS

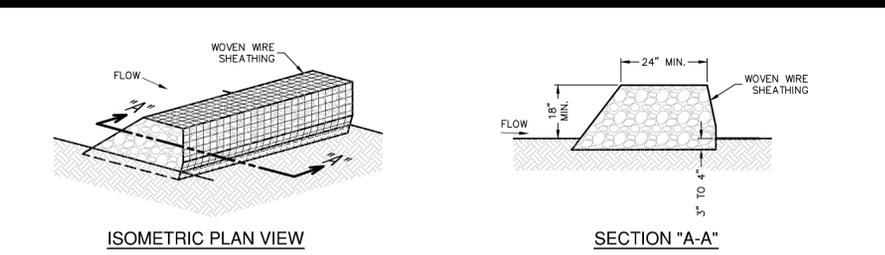
1. SOD STRIPS IN WATERWAYS SHOULD BE LAID PERPENDICULAR TO THE DIRECTION OF FLOW. CARE SHOULD BE TAKEN TO BUTT ENDS OF STRIPS TIGHTLY (SEE FIGURE ABOVE).
2. AFTER ROLLING OR TAMPING, SOD SHOULD BE PEGGED OR STAPLED TO RESIST WASHOUT DURING THE ESTABLISHMENT PERIOD. MESH OR OTHER NETTING MAY BE PEGGED OVER THE SOD FOR EXTRA PROTECTION IN CRITICAL AREAS.

INSPECTION AND MAINTENANCE GUIDELINES

1. SOD SHOULD BE INSPECTED WEEKLY AND AFTER EACH RAIN EVENT TO LOCATE AND REPAIR ANY DAMAGE.
2. DAMAGE FROM STORMS OR NORMAL CONSTRUCTION ACTIVITIES SUCH AS TIRE RUTS OR DISTURBANCE OF SWALE STABILIZATION SHOULD BE REPAIRED AS SOON AS PRACTICAL.

SOD INSTALLATION DETAIL

NOT-TO-SCALE



ROCK BERMS

THE PURPOSE OF A ROCK BERM IS TO SERVE AS A CHECK DAM IN AREAS OF CONCENTRATED FLOW, TO INTERCEPT SEDIMENT-LADEN RUNOFF, DETAIN THE SEDIMENT AND RELEASE THE WATER IN SHEET FLOW. THE ROCK BERM SHOULD BE USED WHEN THE CONTRIBUTING DRAINAGE AREA IS LESS THAN 5 ACRES. ROCK BERMS ARE USED IN AREAS WHERE THE VOLUME OF RUNOFF IS TOO GREAT FOR A SILT FENCE TO CONTAIN. THEY ARE LESS EFFECTIVE FOR SEDIMENT REMOVAL THAN SILT FENCES, PARTICULARLY FOR FINE PARTICLES, BUT ARE ABLE TO WITHSTAND HIGHER FLOWS THAN A SILT FENCE. AS SUCH, ROCK BERMS ARE OFTEN USED IN AREAS OF CHANNEL FLOWS (DITCHES, GULLIES, ETC.). ROCK BERMS ARE MOST EFFECTIVE AT REDUCING BERG LOAD IN CHANNELS AND SHOULD NOT BE SUBSTITUTED FOR OTHER EROSION AND SEDIMENT CONTROL MEASURES FURTHER UP THE WATERSHED.

MATERIALS

1. THE BERM STRUCTURE SHOULD BE SECURED WITH A WOVEN WIRE SHEATHING HAVING MAXIMUM OPENING OF 1 INCH AND A MINIMUM WIRE DIAMETER OF 20 GAUGE GALVANIZED AND SHOULD BE SECURED WITH SHOOT RINGS.
2. CLEAN, OPEN GRADED 3-INCH TO 5-INCH DIAMETER ROCK SHOULD BE USED, EXCEPT IN AREAS WHERE HIGH VELOCITIES OR LARGE VOLUMES OF FLOW ARE EXPECTED, WHERE 5-INCH TO 8-INCH DIAMETER ROCKS MAY BE USED.

INSTALLATION

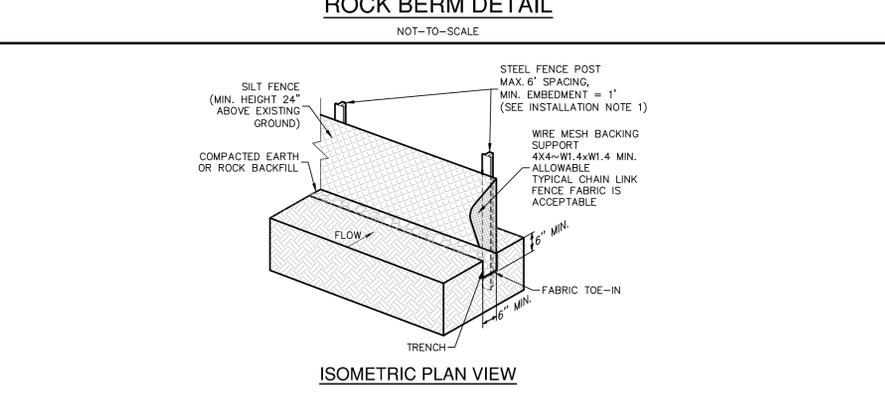
1. LAY OUT THE WOVEN WIRE SHEATHING PERPENDICULAR TO THE FLOW LINE. THE SHEATHING SHOULD BE 20 GAUGE WOVEN WIRE MESH WITH 1 INCH OPENINGS.
2. BERM SHOULD HAVE A TOP WIDTH OF 2 FEET MINIMUM WITH SIDE SLOPES BEING 2:1 (H:V) OR FLATTER.
3. PLACE THE ROCK ALONG THE SHEATHING AS SHOWN IN THE DIAGRAM TO A HEIGHT NOT LESS THAN 18".
4. WRAP THE WIRE SHEATHING AROUND THE ROCK AND SECURE WITH THE WIRE SO THAT THE ENDS OF THE SHEATHING OVERLAP AT LEAST 2 INCHES, AND THE BERM RETAINS ITS SHAPE WHEN WALKED UPON.
5. BERM SHOULD BE BUILT ALONG THE CONTOUR AT ZERO PERCENT GRADE OR AS NEAR AS POSSIBLE.
6. THE ENDS OF THE BERM SHOULD BE TIED INTO EXISTING UPSLOPE GRADE AND THE BERM SHOULD BE BURIED IN A TRENCH APPROXIMATELY 3 TO 4 INCHES DEEP TO PREVENT FAILURE OF THE CONTROL.

INSPECTION AND MAINTENANCE GUIDELINES

1. INSPECTION SHOULD BE MADE WEEKLY AND AFTER EACH RAINFALL BY THE RESPONSIBLE PARTY. FOR INSTALLATIONS IN STREAMBEDS, ADDITIONAL DAILY INSPECTIONS SHOULD BE MADE.
2. REMOVE SEDIMENT AND OTHER DEBRIS WHEN BUILDUP REACHES 6 INCHES AND DISPOSE OF THE ACCUMULATED SILT IN AN APPROVED MANNER THAT WILL NOT CAUSE ANY ADDITIONAL SILTATION.
3. REPAIR ANY LOOSE WIRE SHEATHING.
4. THE BERM SHOULD BE RESHAPED AS NEEDED DURING INSPECTION.
5. THE BERM SHOULD BE REPLACED WHEN THE STRUCTURE CEASES TO FUNCTION AS INTENDED DUE TO SILT ACCUMULATION AMONG THE ROCKS, WASHOUT, CONSTRUCTION TRAFFIC DAMAGE, ETC.
6. THE ROCK BERM SHOULD BE LEFT IN PLACE UNTIL ALL UPSTREAM AREAS ARE STABILIZED AND ACCUMULATED SILT REMOVED.

COMMON TROUBLE POINTS

1. INSUFFICIENT BERM HEIGHT OR LENGTH (RUNOFF QUICKLY ESCAPES OVER THE TOP OR AROUND THE SIDES OF BERM).
2. BERM NOT INSTALLED PERPENDICULAR TO FLOW LINE (RUNOFF ESCAPING AROUND ONE SIDE).



SILT FENCE

A SILT FENCE IS A BARRIER CONSISTING OF GEOTEXTILE FABRIC SUPPORTED BY METAL POSTS TO PREVENT SOIL AND SEDIMENT LOSS FROM A SITE. WHEN PROPERLY USED, SILT FENCES CAN BE HIGHLY EFFECTIVE AT CONTROLLING SEDIMENT FROM DISTURBED AREAS. THEY CAUSE RUNOFF TO POND, ALLOWING HEAVIER SOLIDS TO SETTLE OUT. IF NOT PROPERLY INSTALLED, SILT FENCES ARE NOT LIKELY TO BE EFFECTIVE.

THE PURPOSE OF A SILT FENCE IS TO INTERCEPT AND DETAIN WATER-BORN SEDIMENT FROM UNPROTECTED AREAS OF A LIMITED EXTENT. SILT FENCE IS USED DURING THE PERIOD OF CONSTRUCTION NEAR THE PERIMETER OF A DISTURBED AREA TO INTERCEPT SEDIMENT WHILE ALLOWING WATER TO PERCOLATE THROUGH. THIS FENCE SHOULD REMAIN IN PLACE UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED. SILT FENCE SHOULD NOT BE USED WHERE THERE IS A CONCENTRATION OF WATER IN A CHANNEL OR DRAINAGE WAY. IF CONCENTRATED FLOW OCCURS AFTER INSTALLATION, CORRECTIVE ACTION MUST BE TAKEN SUCH AS PLACING A ROCK BERM IN THE AREAS OF CONCENTRATED FLOW.

SILT FENCING WITHIN THE SITE MAY BE TEMPORARILY MOVED DURING THE DAY TO ALLOW CONSTRUCTION ACTIVITY PROVIDED IT IS REPLACED AND PROPERLY ANCHORED TO THE GROUND AT THE END OF THE DAY. SILT FENCES ON THE PERIMETER OF THE SITE OR AROUND DRAINAGE WAYS SHOULD NOT BE MOVED AT ANY TIME.

MATERIALS

1. SILT FENCE MATERIAL SHOULD BE POLYPROPYLENE, POLYETHYLENE, OR POLYAMIDE WOVEN OR NONWOVEN FABRIC. THE FABRIC SHOULD BE 36 INCHES, WITH A MINIMUM UNIT WEIGHT OF 4.5 OZ/YD, MULLEN BURST STRENGTH EXCEEDING 190 LB/IN², ULTRAVIOLET STABILITY EXCEEDING 70%, AND MINIMUM APPARENT OPENING SIZE OF U.S. SIEVE NUMBER 30.
2. FENCE POSTS SHOULD BE MADE OF HOT ROLLED STEEL, AT LEAST 4 FEET LONG WITH TEE OR Y-BAR CROSS SECTION, SURFACE PAINTED OR GALVANIZED, MINIMUM WEIGHT 1.25 LB/FT, AND BRINDELL HARDNESS EXCEEDING 140.
3. WOVEN WIRE BACKING TO SUPPORT THE FABRIC SHOULD BE GALVANIZED 2" X 4" WELDED WIRE, 12 GAUGE MINIMUM.

INSTALLATION

1. STEEL POSTS, WHICH SUPPORT THE SILT FENCE, SHOULD BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POSTS MUST BE EMBEDDED A MINIMUM OF 1-FOOT DEEP AND SPACED NOT MORE THAN 8 FEET ON CENTER. WHERE WATER CONCENTRATES, THE MAXIMUM SPACING SHOULD BE 6 FEET.
2. LAY OUT FENCING DOWN-SLOPE OF DISTURBED AREA, FOLLOWING THE CONTOUR AS CLOSELY AS POSSIBLE. THE FENCE SHOULD BE SITED SO THAT THE MAXIMUM DRAINAGE AREA IS 1/4 ACRE/100 FEET OF FENCE.

COMMON TROUBLE POINTS

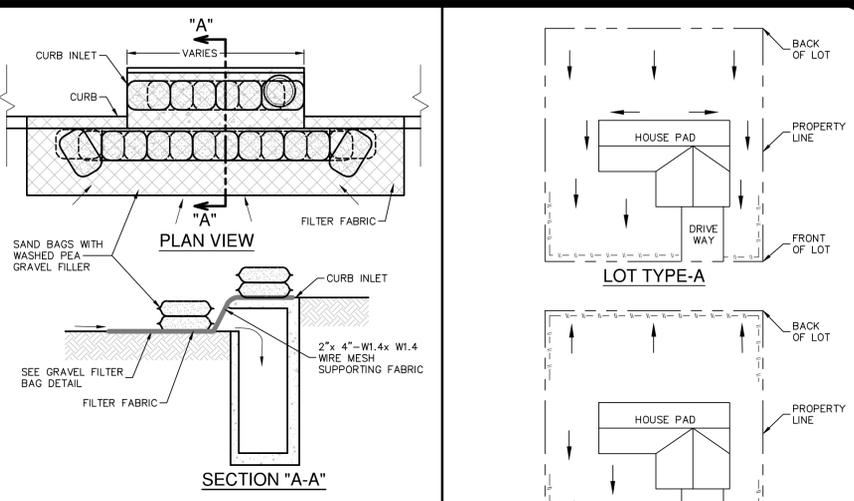
1. FENCE NOT INSTALLED ALONG THE CONTOUR CAUSING WATER TO CONCENTRATE AND FLOW OVER THE FENCE.
2. FABRIC NOT SEALED SECURELY TO GROUND (RUNOFF PASSING UNDER FENCE).
3. FENCE NOT INSTALLED PERPENDICULAR TO FLOW LINE (RUNOFF ESCAPING AROUND SIDES).
4. FENCE TREATING TOO LARGE AN AREA, OR EXCESSIVE CHANNEL FLOW (RUNOFF OVERTOPS OR COLLAPSES FENCE).

INSPECTION AND MAINTENANCE GUIDELINES

1. INSPECT ALL FENCING WEEKLY, AND AFTER RAINFALL.
2. REMOVE SEDIMENT WHEN BUILDUP REACHES 6 INCHES.
3. REPLACE TORN FABRIC OR INSTALL A SECOND LINE OF FENCING PARALLEL TO THE TORN SECTION.
4. REPLACE OR REPAIR SECTIONS CRUSHED OR COLLAPSED IN THE COURSE OF CONSTRUCTION ACTIVITY. IF A SECTION OF FENCE IS OBSTRUCTING VEHICULAR ACCESS, CONSIDER RELOCATING IT TO A SPOT WHERE IT WILL PROVIDE EQUAL PROTECTION, BUT WILL NOT OBSTRUCT VEHICLES. A TRIANGULAR FENCE DIKE MAY BE PREFERABLE TO A SILT FENCE AT COMMON VEHICLE ACCESS POINTS.
5. WHEN CONSTRUCTION IS COMPLETE, THE SEDIMENT SHOULD BE DISPOSED OF IN A MANNER THAT WILL NOT CAUSE ADDITIONAL SILTATION AND THE PRIOR LOCATION OF THE SILT FENCE SHOULD BE REVEGETATED. THE FENCE ITSELF SHOULD BE DISPOSED OF IN AN APPROVED LANDFILL.

SILT FENCE DETAIL

NOT-TO-SCALE

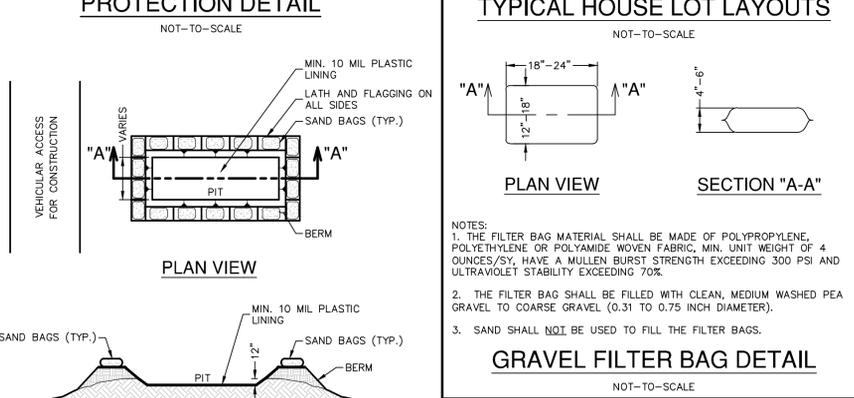


GENERAL NOTES

1. CONTRACTOR TO INSTALL 2"x4"-W1.4xW1.4 WIRE MESH SUPPORTING FILTER FABRIC OVER THE INLET OPENING. FABRIC MUST BE SECURED TO WIRE BACKING WITH CLIPS OR WIRE TIES AT THIS LOCATION. SAND BAGS FILLED WITH WASHED PEA GRAVEL SHOULD BE PLACED ON TOP OF WIRE MESH ON TOP OF THE INLET AS SHOWN ON THIS DETAIL TO HOLD WIRE MESH IN PLACE. SANDBAGS FILLED WITH WASHED PEA GRAVEL SHOULD ALSO BE PLACED ALONG THE CUTTER AS SHOWN ON THIS DETAIL TO HOLD WIRE MESH IN PLACE. SAND BAGS TO BE STACKED TO FORM A CONTINUOUS BARRIER AROUND INLETS.
2. THE BAGS SHOULD BE TIGHTLY ABUTTED AGAINST EACH OTHER TO PREVENT RUNOFF FROM FLOWING BETWEEN THE BAGS.

INSPECTION AND MAINTENANCE GUIDELINES

1. INSPECTION SHOULD BE MADE WEEKLY AND AFTER EACH RAINFALL. REPAIR OR REPLACEMENT SHOULD BE MADE PROMPTLY AS NEEDED BY THE CONTRACTOR.
2. REMOVE SEDIMENT WHEN BUILDUP REACHES A DEPTH OF 3 INCHES. REMOVED SEDIMENT SHOULD BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
3. CHECK PLACEMENT OF DEVICE TO PREVENT GAPS BETWEEN DEVICE AND CURB.
4. INSPECT FILTER FABRIC AND PATCH OR REPLACE IF TORN OR MISSING.
5. STRUCTURES SHOULD BE REMOVED AND THE AREA STABILIZED ONLY AFTER THE REMAINING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.



GENERAL NOTES

1. DETAIL ABOVE ILLUSTRATES MINIMUM DIMENSIONS. PIT CAN BE INCREASED IN SIZE DEPENDING ON EXPECTED FREQUENCY OF USE.
2. WASHOUT PIT SHALL BE LOCATED IN AN AREA EASILY ACCESSIBLE TO CONSTRUCTION TRAFFIC.
3. WASHOUT PIT SHALL NOT BE LOCATED IN AREAS SUBJECT TO INUNDATION FROM STORM WATER RUNOFF.
4. LOCATE WASHOUT AREA AT LEAST 50 FEET FROM SENSITIVE FEATURES, STORM DRAINS, OPEN DITCHES OR WATER BODIES.
5. TEMPORARY CONCRETE WASHOUT FACILITY SHOULD BE CONSTRUCTED WITH SUFFICIENT QUANTITY AND VOLUME TO CONTAIN ALL LIQUID AND CONCRETE WASTE GENERATED BY WASHOUT OPERATIONS.

MATERIALS

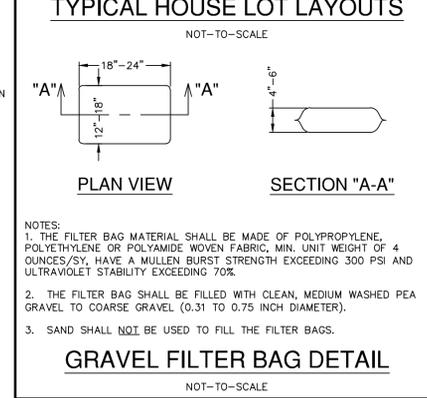
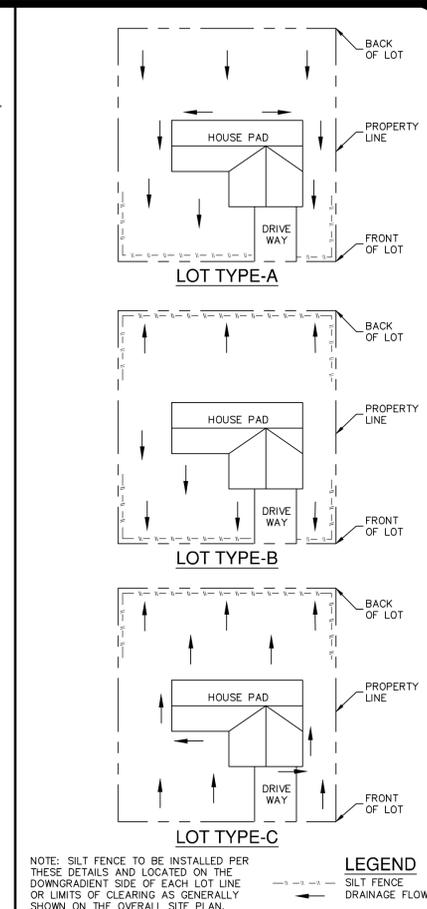
PLASTIC LINING MATERIAL SHOULD BE A MINIMUM OF 10 MIL IN POLYETHYLENE SHEETING AND SHOULD BE FREE OF HOLES, TEARS, OR OTHER DEFECTS THAT COMPROMISE THE IMPERMEABILITY OF THE MATERIAL.

MAINTENANCE

1. WHEN TEMPORARY CONCRETE WASHOUT FACILITIES ARE NO LONGER REQUIRED FOR THE WORK, THE HARDENED CONCRETE SHOULD BE REMOVED AND DISPOSED OF.
2. MATERIALS USED TO CONSTRUCT TEMPORARY CONCRETE WASHOUT FACILITIES SHOULD BE REMOVED FROM THE SITE OF THE WORK AND DISPOSED OF.
3. HOLES, DEPRESSIONS OR OTHER GROUND DISTURBANCES CAUSED BY THE REMOVAL OF THE TEMPORARY CONCRETE WASHOUT FACILITIES SHOULD BE BACKFILLED AND REPAIRED.

CONCRETE TRUCK WASHOUT PIT DETAIL

NOT-TO-SCALE



CONSTRUCTION STAGING AREA

NOT-TO-SCALE

THIS SHEET HAS BEEN PREPARED FOR PURPOSES OF THE SWP3 ONLY. ALL OTHER CIVIL ENGINEERING RELATED INFORMATION SHOULD BE ACQUIRED FROM THE APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

DATE: _____

NO. REVISION: _____

STATE OF TEXAS
BROCKE LINDELM
117104
LICENSED PROFESSIONAL ENGINEER
Brocke J. Lindel
2/10/16

PAPE-DAWSON
2000 NW LOOP #10 | SAN ANTONIO, TX 78213 | 210.375.9000
TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #1028880

FORTUNA
SAN ANTONIO, TEXAS

STORM WATER POLLUTION PREVENTION PLAN DETAILS

PLAT NO. 25-11800510
JOB NO. 13255-01
DATE FEBRUARY 2026
DESIGNER RG
CHECKED BL DRAWN AG
SHEET C8.10

FORTUNA

Storm Water Pollution Prevention Plan

PROJECT MILESTONE DATES

Date when major site grading activities begin:

<u>Construction Activity</u>	<u>Date</u>
Installation of BMPs	

Dates when construction activities temporarily or permanently cease on all or a portion of the project:

<u>Construction Activity</u>	<u>Date</u>

Dates when stabilization measures are initiated:

<u>Stabilization Activity</u>	<u>Date</u>
Removal of BMPs	

FORTUNA
Storm Water Pollution Prevention Plan

TPDES GENERAL PERMIT TXR150000

RESPONSIBLE PARTY FORM

SHARED STORM WATER POLLUTION PREVENTION PLAN

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Primary Operator having operational control over construction plans and specifications, including the ability to make modifications to these plans and specifications.

Entity Name: _____

Authorized Signature/Date: _____

Name and Position: _____

Permit No.: _____

Secondary Operator whose operational control is limited to the employment of other operators or to the ability to approve or disapprove changes to plans and specifications.

Entity Name: _____

Authorized Signature/Date: _____

Name and Position: _____

Permit No.: _____

Owner Information

Owner Name: _____

Authorized Signature/Date: _____

Name and Position: _____

Permit No.: _____

Primary Operator having day-to-day operational control of those construction site activities necessary to ensure compliance with the Storm Water Pollution Prevention Plan or other permit conditions.

Company Name: _____

Authorized Signature/Date: _____

Name and Position: _____

Permit No.: _____

FORTUNA
Storm Water Pollution Prevention Plan

TPDES GENERAL PERMIT TXR150000
RESPONSIBLE PARTY FORM

Prevention Measure Pollution	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.
	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.
Best Management Practices															
SWP3 Modification & Records															
Natural vegetation buffer strip															
Temporary vegetation															
Permanent vegetation															
Sediment control basin															
Silt fences															
Rock berms															
Gravel filter bags															
Drain inlet protection															
Other structural controls															
Vehicle exits (off-site tracking)															
Material storage areas (leakage)															
Equipment areas (leaks, spills)															
Concrete washout pit (leaks, failure)															
Construction debris															
General site cleanliness															
Trash receptacles															
Inspections															
Potential Erosion Sources															
Clearing															
Grading															
Excavation															
Drainage construction															
Utility construction															
Roadway or parking lot construction															
Foundation construction															
Building construction															
Landscaping activities															

Identify responsible parties and indicate responsible party for each pollution prevention item listed above by marking an X under the Responsible Party Name.

**CONSTRUCTION SITE
NOTICE (CSN)**



TCEQ Small Construction Site Notice

Small construction sites disturb at least one but less than five acres or are part of a larger common plan of development or sale that disturbs between one and five acres. Operators of small construction sites will fill out this notice. Operators will then post this notice at the construction site in a location where it is safely and readily available for viewing by the general public and local, state, and federal authorities. Additional information about the TCEQ Construction Stormwater General Permit may be found on TCEQ’s webpage on [Assistance Tools for Construction Stormwater General Permits](#).

Note: You must also develop a Stormwater Pollution Prevention Plan prior to the commencement of construction.

Operator Name: _____

Contact Name and Phone Number: _____

Project Description:

Physical Location/Description _____ West of the Fortuna St/NW 36th St intersection

Estimated Start Date _____ May 1, 2026

Projected End Date or Date Disturbed Soils Will Be Stabilized _____ November 1, 2026

Location of Stormwater Pollution Prevention Plan (SWP3): _____

For Small Construction Activities Authorized Under Part II.E.2. (Obtaining Authorization to Discharge) the following certification must be completed:

I _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A stormwater pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the Municipal Separate Storm Sewer Systems (MS4) if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title _____ Date _____

Name of MS4 Operator notified: _____ and Date notified (per Part II.F.3.): _____

Date Site Noticed Removed _____

INSPECTION RECORD

FORTUNA

Storm Water Pollution Prevention Plan

SWP3 INSPECTION FORM

Project Name: _____ Permit No.: _____

Address/Location: _____

Operator: _____ Inspector: _____

Date: _____

Administrative/Reporting				
	Compliant			Corrective Action No.
	Yes	No	N/A	
Is the SWP3 available on site?				
Has a copy of the NOI/NOC/CSN been submitted?				
Does the SWP3 reference other site operators?				
Does the SWP3 clearly identify each plan-sharer's responsibilities including common areas?				
Is the permit number listed for large construction sites in a shared SWP3?				
Does the SWP3 contain a copy of the Permit language?				
Are inspections being conducted?				
Do the inspection reports meet signatory requirements?				
Is the SWP3 modified based on project changes or inspection reports?				
Has the site map been updated to indicate the current location of all BMPs?				
Does the plan include a record of dates when major grading activities occur?				
Does the plan include a record of dates when construction is temporarily halted?				
Does the plan include a record of dates when stabilization measures are initiated?				
Does the plan include construction materials stored on site?				
Does the plan include waste materials stored on site?				

FORTUNA

Storm Water Pollution Prevention Plan

Site Evaluation				
	Compliant			Corrective Action No.
	Yes	No	N/A	
Are the required TPDES notifications properly posted (NOI/CSN)?				
Are the areas outside the construction limits free of sediment?				
Are the areas outside of the construction limits free of waste materials / debris / litter?				
Are the adjacent streets free of off-site sediment?				
Are interior streets free of sediment?				
Are the storm drains free of sediment?				
Are outfalls or discharge points properly controlled with BMPs?				
Are the construction entrance/exit BMPs installed and functioning properly?				
Are equipment storage areas in use with appropriate BMPs?				
Is there evidence of stained soil from vehicular equipment?				
Are material storage areas in use with appropriate BMPs?				
Are fuels, lubricants, chemicals, etc. properly stored?				
Is waste collected and properly contained?				
Are disturbed soils areas properly controlled with appropriate BMPs?				
Is dust being controlled?				
Are disturbed areas appropriately stabilized?				
Are concrete truck washout pits constructed and utilized properly?				
Are portable toilets maintained properly?				
Are BMPs in use?				
Are BMPs being maintained?				
Are BMPs adequate?				
Are vegetated buffer strips functioning properly?				
Are temporary sediment control ponds in place?				
Is sediment level in ponds in compliance?				
Are drainage channels functioning property?				
Are rock berms installed and functioning properly?				
Are silt fences installed and functioning properly?				

FORTUNA

Storm Water Pollution Prevention Plan

Site Evaluation - continued				
	Compliant			Corrective Action No.
	Yes	No	N/A	
Is inlet protection installed and functioning properly?				
Are erosion blankets installed and functioning properly?				
Are straw wattles installed and functioning properly?				
Is mulch installed and functioning properly?				
Are cutback curbs being utilized and functioning properly?				
Are other BMPs installed and functioning properly?				
Has sod or hydroseeding been installed properly?				
Is permanent or temporary vegetation established?				

_____ **A brief statement describing the qualifications of the inspector is included in this SWP3.**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

"I further certify I am an authorized signatory in accordance with the provisions of 30 TAC §305.128."

Inspector's Name

Inspector's Signature

Date

The TCEQ or local authority will periodically inspect a site to make sure the above requirements are followed. It is responsibility of the Primary Operator(s), to inform the owner(s)/Secondary Operator(s) of any violations and inspection results must be sent to the owner or owner's agent.

Date

Executive Director
Texas Commission on Environmental Quality
Stormwater Team (MC-148)
PO Box 13087
Austin, Texas 78711-3087

Project Name: Fortuna
TPDES Storm Water General Permit _____
Delegating an "Authorized Representative"

Dear Executive Director:

This letter serves to designate either a person(s) or specifically described position(s) as an authorized person(s) for signing reports, storm water pollution prevention plans, certifications or other information requested by the Executive Director or required by the permit. This authorization cannot be used for signing a TPDES permit application (e.g. Notice of Intent (NOI)) in accordance with 30 TAC §305.44. The following person(s) or position(s) is hereby authorized to sign reports, plans or certifications other than NOI forms, NOT forms, NOC letters, and Construction Site Notices.

(Name or Position)

(Name or Position)

(Name or Position)

(Name or Position)

By signing this authorization, I confirm that I meet the following requirements to make such a designation as set forth in 30 TAC §305.44 as follows:

- For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures

exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

- For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Name

Title

Date

INSPECTOR'S QUALIFICATIONS

PLAN MODIFICATIONS

MARCH 5, 2023
TPDES GENERAL PERMIT
TXR150000

Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces
TPDES General Permit No. TXR150000,
effective March 5, 2018, and amended January 28, 2022

Construction sites that discharge stormwater associated with construction activity located in the state of Texas may discharge to surface water in the state only according to monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the Commission of the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, on March 5, 2028.

EFFECTIVE DATE: March 5, 2023

ISSUED DATE: February 27, 2023

For the Commission

TPDES GENERAL PERMIT NUMBER TXR150000
RELATING TO STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITIES

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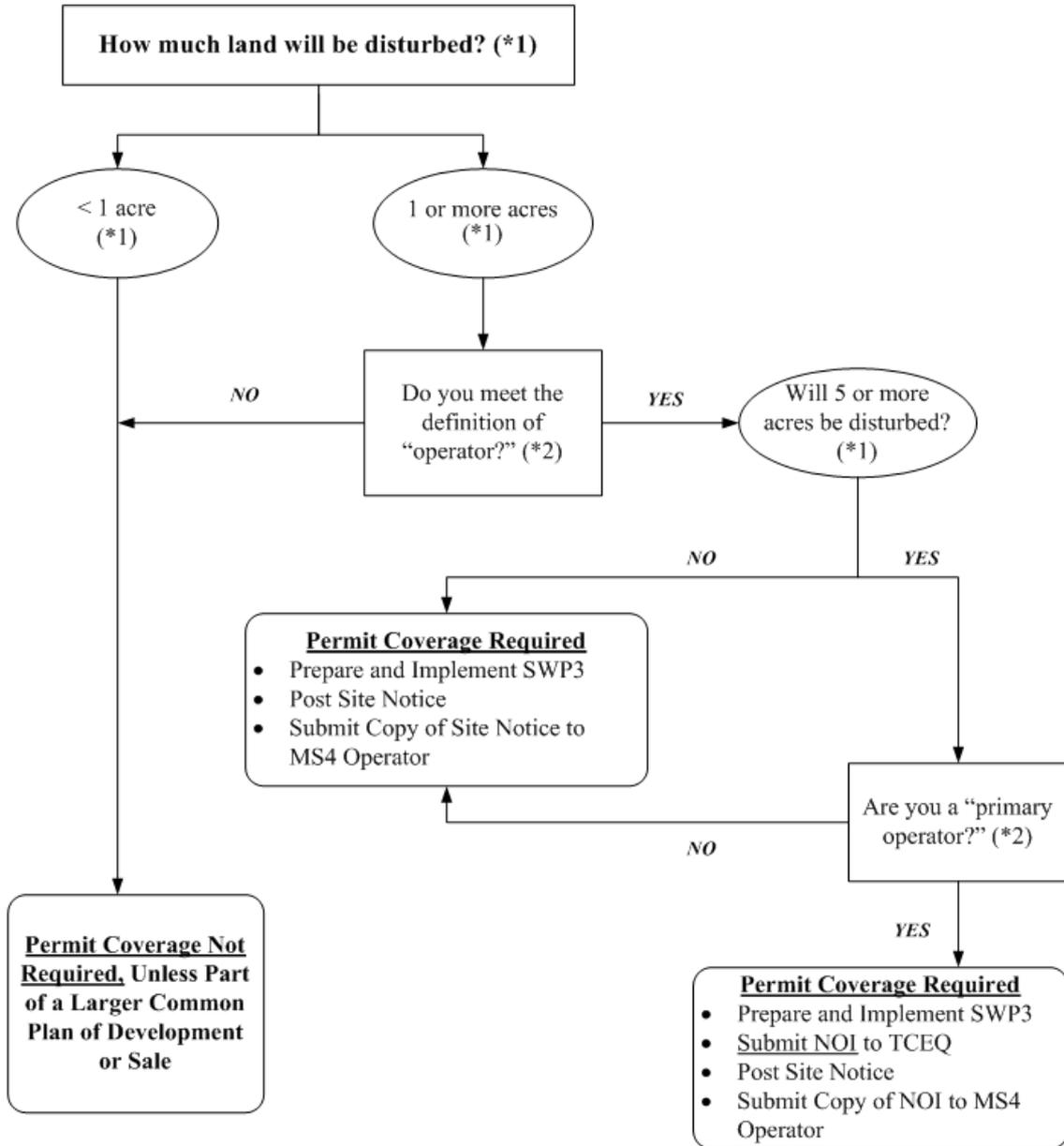
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Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required

When calculating the acreage of land area disturbed, include the disturbed land-area of all construction and construction support activities.



(*1) To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., "Definitions," for an explanation of "common plan of development or sale").

(*2) Refer to the definitions for "operator," "primary operator," and "secondary operator" in Part I., Section B. of this permit.

Section B. Definitions

Arid Areas – Areas with an average annual rainfall of zero (0) to ten (10) inches.

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Commencement of Construction – The initial disturbance of soils associated with clearing, grading, or excavation activities, as well as other construction-related activities (e.g., demolition; grubbing; stockpiling of fill material; placement of raw materials at the site).

Common Plan of Development – A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a “common plan of development or sale”) is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate “common plans,” with only the interconnected parts of a project being considered part of a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located one quarter (1/4) mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same “common plan” is not included in the area to be disturbed.

Construction Activity – Includes soil disturbance activities, including clearing, grading, excavating, construction-related activity (e.g., stockpiling of fill material, demolition), and construction support activity. This does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Construction Support Activity – A construction-related activity that specifically supports construction activity, which can involve earth disturbance or pollutant-generating activities of its own, and can include, but are not limited to, activities associated with concrete or asphalt batch plants, rock crushers, equipment staging or storage areas, chemical storage areas, material storage areas, material borrow areas, and excavated material disposal areas. Construction support activity must only directly support the construction activity authorized under this general permit.

Dewatering – The act of draining accumulated stormwater or groundwater from building foundations, vaults, trenches, and other similar points of accumulation.

Discharge – For the purposes of this permit, the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where soil disturbing activities (e.g., clearing, grading, excavation, stockpiling of fill material, and demolition), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck wash out, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

Drought-Stricken Area – For the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) “Drought to persist or intensify”, (2) “Drought ongoing, some improvement”, (3) “Drought likely to improve, impacts ease”, or (4) “Drought development likely”. See http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html.

Edwards Aquifer – As defined under Texas Administrative Code (TAC) § 213.3 of this title (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil’s River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone – Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the Texas Commission on Environmental Quality (TCEQ) and the appropriate regional office. The Edwards Aquifer Map Viewer, located at <https://www.tceq.texas.gov/gis/edwards-viewer.html>

Edwards Aquifer Contributing Zone – The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer. The contributing zone is located upstream (upgradient) and generally north and northwest of the recharge zone for the following counties: all areas within Kinney County, except the area within the watershed draining to Segment No. 2304 of the Rio Grande Basin; all areas within Uvalde, Medina, Bexar, and Comal Counties; all areas within Hays and Travis Counties, except the area within the watersheds draining to the Colorado River above a point 1.3 miles upstream from Tom Miller Dam, Lake Austin at the confluence of Barrow Brook Cove, Segment No. 1403 of the Colorado River Basin; and all areas within Williamson County, except the area within the watersheds draining to the Lampasas River above the dam at Stillhouse Hollow reservoir, Segment No. 1216 of the Brazos River Basin. The contributing zone is illustrated on the Edwards Aquifer map viewer at <https://www.tceq.texas.gov/gis/edwards-viewer.html>

Effluent Limitations Guideline (ELG) – Defined in 40 Code of Federal Regulations (CFR) § 122.2 as a regulation published by the Administrator under § 304(b) of the Clean Water Act (CWA) to adopt or revise effluent limitations.

Facility or Activity – For the purpose of this permit, referring to a construction site, the location of construction activity, or a construction support activity that is regulated under this general permit, including all contiguous land and fixtures (for example, ponds and materials stockpiles), structures, or appurtenances used at a construction site or industrial site.

Final Stabilization – A construction site status where any of the following conditions are met:

- (a) All soil disturbing activities at the site have been completed and a uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, or gabions) have been employed.
- (b) For individual lots in a residential construction site by either:
 - (1) the homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization. Fulfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3).
- (c) For construction activities on land used for agricultural purposes (such as pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.
- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - (1) temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) the temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years.

High-Level Radioactive Waste – Meaning as assigned by 42 United States Code (U.S.C.) Section 10101 (12) and includes spent nuclear fuel as defined by 42 U.S.C. Section 10101 (23).

Hyperchlorination of Waterlines – Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

Impaired Water – A surface water body that is identified as impaired on the latest approved CWA § 303(d) List or waters with an EPA-approved or established total maximum daily load (TMDL) that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies.

Indian Country Land – (1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (2) all dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. (40 CFR § 122.2)

Indian Tribe – Any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation (40 CFR § 122.2).

Infeasible – Not technologically possible, or not economically practicable and achievable in light of best industry practices. (40 CFR § 450.11(b)).

Large Construction Activity – Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

Linear Project – Includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

Low Rainfall Erosivity Waiver (LREW) – A written submission to the executive director from an operator of a construction site that is considered as small construction activity under the permit, which qualifies for a waiver from the requirements for small construction activities, only during the period of time when the calculated rainfall erosivity factor is less than five (5).

Minimize – To reduce or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer System (MS4) – A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

Notice of Change (NOC) – Written notification to the executive director from a discharger authorized under this permit, providing changes to information that was previously provided to the agency in a notice of intent form.

Notice of Intent (NOI) – A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) – A written submission to the executive director from a discharger authorized under this general permit requesting termination of coverage.

Operator – The person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:

Primary Operator – The person or persons associated with construction activity that meets either of the following two criteria:

- (a) the person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

- (b) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Secondary Operator – The person or entity, often the property owner, whose operational control is limited to:

- (a) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or
- (b) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site, where they have control over the construction plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators.

Outfall – For the purpose of this permit, a point source at the point where stormwater runoff associated with construction activity discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other water of the U.S. and are used to convey waters of the U.S.

Permittee – An operator authorized under this general permit. The authorization may be gained through submission of a notice of intent, by waiver, or by meeting the requirements for automatic coverage to discharge stormwater runoff and certain non-stormwater discharges from construction activity.

Point Source – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff (40 CFR § 122.2).

Pollutant – Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland. For the purpose of this permit, the term "pollutant" includes sediment.

Pollution – The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose (Texas Water Code (TWC) § 26.001(14)).

Rainfall Erosivity Factor (R factor) – The total annual erosive potential that is due to climatic effects, and is part of the Revised Universal Soil Loss Equation (RUSLE).

Receiving Water – A “Water of the United States” as defined in 40 CFR § 122.2 or a surface water in the state into which the regulated stormwater discharges.

Semi-arid Areas – Areas with an average annual rainfall of 10 to 20 inches.

Separate Storm Sewer System – A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying stormwater; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

Small Construction Activity – Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

Steep Slopes – Where a state, Tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a “steep slope”, this permit’s definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

Stormwater (or Stormwater Runoff) – Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity – Stormwater runoff, as defined above, from a construction activity.

Structural Control (or Practice) – A pollution prevention practice that requires the construction of a device, or the use of a device, to reduce or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Temporary Stabilization – A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either permanent stabilization can be achieved or until further construction activities take place.

Thawing Conditions – For the purposes of this permit, thawing conditions are expected based on the historical likelihood of two (2) or more days with daytime temperatures greater than 32 degrees Fahrenheit (°F). This date can be determined by looking at historical weather data.

NOTE: The estimation of thawing conditions is for planning purposes only. During construction, the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

Total Maximum Daily Load (TMDL) – The total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Turbidity – A condition of water quality characterized by the presence of suspended solids and/or organic material.

Waters of the United States – Waters of the United States or waters of the U.S. means the term as defined in 40 CFR § 122.2.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff and certain non-stormwater discharges from small and large construction activities may be authorized under this general permit, except as described in Part II.C. of this permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Discharges of stormwater runoff and certain non-stormwater discharges from construction support activities as defined in Part I.B. of this general permit may be authorized, provided that the following conditions are met:

- (a) the construction support activities are located within one (1) mile from the boundary of the construction site where the construction activity authorized under the permit is being conducted that requires the support of these activities;
- (b) an SWP₃ is developed and implemented for the permitted construction site according to the provisions in Part III.F. of this general permit, including appropriate controls and measures to reduce erosion and the discharge of pollutants in stormwater runoff according to the provisions in Part IV. of this general permit;
- (c) the activities are directly related to the construction site;
- (d) the activities are not a commercial operation, nor serve other unrelated construction projects; and
- (e) the activities do not continue to operate beyond the completion of the construction activity at the project it supports.

Construction support activities that operate outside the terms provided in (a) through (e) above must obtain authorization under a separate Texas Pollutant Discharge Elimination System (TPDES) permit, which may include the TPDES Multi-Sector General Permit (MSGP), TXR050000 (related to stormwater discharges associated with industrial activity), an alternative general permit (if available), or an individual water quality permit.

3. Non-Stormwater Discharges

The following non-stormwater discharges from sites authorized under this general permit are also eligible for authorization under this general permit:

- (a) discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);
 - (b) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
 - (c) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where solvents, detergents, and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
 - (d) uncontaminated water used to control dust;
 - (e) potable water sources, including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;
 - (f) uncontaminated air conditioning condensate;
 - (g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and
 - (h) lawn watering and similar irrigation drainage.
4. Other Permitted Discharges

Any discharge authorized under a separate National Pollutant Discharge Elimination System (NPDES), TPDES, or TCEQ permit may be combined with discharges authorized by this general permit, provided those discharges comply with the associated permit.

Section B. Concrete Truck Wash Out

The wash out of concrete trucks at regulated construction sites must be performed in accordance with the requirements of Part VI of this general permit.

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under this general permit. Discharges originating from the sites are not authorized under this general permit following the submission of the Notice of Termination (NOT) or removal of the appropriate TCEQ site notice, as applicable, for the regulated construction activity.

2. Prohibition of Non-Stormwater Discharges

Except as otherwise provided in Part II.A. of this general permit, only discharges that are composed entirely of stormwater associated with construction activity may be authorized under this general permit.

3. Compliance with Water Quality Standards

Discharges to surface water in the state that would cause, have the reasonable potential to cause, or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses of surface water in the state are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative general permit (see Parts II.H.2. and 3.) to authorize discharges to surface water in the state if the executive director determines that any activity will cause, has the reasonable potential to cause, or contribute to a violation of water quality standards or is found to cause, has the reasonable potential to cause, or contribute to, the impairment of a designated use. The executive director may also require an application for an individual permit considering factors described in Part II.H.3. of this general permit.

4. Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements

The permittee shall determine whether the authorized discharge is to an impaired water body on the latest EPA-approved CWA § 303(d) List or waters with an EPA-approved or established TMDL that are found on the latest EPA-approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies.

New sources or new discharges of the pollutants of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed as category 4 or 5 in the current version of the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*, and waterbodies listed on the CWA § 303(d) List. Pollutants of concern are those for which the water body is listed as impaired.

Discharges of the pollutants of concern to impaired water bodies for which there is a TMDL are not eligible for coverage under this general permit unless they are consistent with the approved TMDL. Permittees must incorporate the conditions and requirements applicable to their discharges into their SWP3, in order to be eligible for coverage under this general permit. For consistency with the construction stormwater-related items in an approved TMDL, the SWP3 must be consistent with any applicable condition, goal, or requirement in the TMDL, TMDL Implementation Plan (I-Plan), or as otherwise directed by the executive director.

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

Discharges cannot be authorized by this general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer). In addition, commencement of construction (see definition for commencement of construction in Part I.B. above) at a site regulated under 30 TAC Chapter 213, may not begin until the appropriate Edwards Aquifer Protection Plan (EAPP) has been approved by the TCEQ's Edwards Aquifer Protection Program.

- (a) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone (CZ), operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

- (b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.
- (c) For discharges located within ten (10) stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact: TCEQ Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact: TCEQ Water Program Manager
Austin Regional Office
12100 Park 35 Circle
Room 179, Building A
Austin, Texas 78753
(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges otherwise eligible for coverage cannot be authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

7. Protection of Streams and Watersheds by Other Governmental Entities

This general permit does not limit the authority or ability of federal, other state, or local governmental entities from placing additional or more stringent requirements on construction activities or discharges from construction activities.

8. Indian Country Lands

Stormwater runoff from construction activities occurring on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Exempt Oil and Gas Activities

The CWA § 402(l)(2) provides that stormwater discharges from construction activities related to oil and gas exploration, production, processing, or treatment, or transmission facilities are exempt from regulation under this permit. The term “oil and gas exploration, production, processing, or treatment operations, or transmission facilities” is defined in 33 U.S.C. Annotated § 1362 (24).

The exemption in CWA § 402(l)(2) *includes* stormwater discharges from construction activities regardless of the amount of disturbed acreage, which are necessary to prepare a site for drilling and the movement and placement of drilling equipment, drilling waste management pits, in field treatment plants, and in field transportation infrastructure (e.g., crude oil pipelines, natural gas treatment plants, and both natural gas transmission pipeline compressor and crude oil pumping stations) necessary for the operation of most producing oil and gas fields. Construction activities are defined in 33 U.S. Code § 1362(24) and interpreted by EPA in the final rule. *See* June 12, 2006 Amendments to the NPDES Regulations for Storm Water Discharges Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (71 FR 33628, Part V. Terminology).

The exemption *does not include* stormwater discharges from the construction of administrative buildings, parking lots, and roads servicing an administrative building at an oil and gas site, as these are considered traditional construction activities.

As described in 40 CFR § 122.26(c)(1)(iii) [*regulations prior to 2006*], discharges from oil and gas construction activities are waived from CWA § 402(l)(2) permit coverage *unless* the construction activity (or construction support activity) has had a discharge of stormwater resulting in the discharge of a reportable quantity of oil or hazardous substances or the discharge contributes to a violation of water quality standards.

Exempt oil and gas activities which have lost their exemption as a result of one of the above discharges, must obtain permit coverage under this general permit, an alternative general permit, or a TPDES individual permit prior to the next discharge.

10. Stormwater Discharges from Agricultural Activities

Stormwater discharges from agricultural activities that are not point source discharges of stormwater are not subject to TPDES permit requirements. These activities may include clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities. Discharges of stormwater runoff associated with the construction of facilities that are subject to TPDES regulations, such as the construction of concentrated animal feeding operations, would be point sources regulated under this general permit.

11. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the Endangered Species Act are satisfied. Federal requirements related to endangered species apply to all TPDES permitted discharges and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee may contact TCEQ for additional information.

12. Storage of High-Level Radioactive Waste

Discharges of stormwater from construction activities associated with the construction of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 CFR Part 72 are not authorized by this general permit. Texas Health and Safety Code (THSC) § 401.0525 prohibits TCEQ from issuing any TPDES authorizations for the construction or operation of these facilities.

Discharges of stormwater from the construction activities associated with the construction of a facility located at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors operated by a university are not prohibited under THSC § 401.0525 and continue to be regulated under this general permit.

13. Other

Nothing in Part II. of the general permit is intended to negate any person's ability to assert *force majeure* (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7

Section D. Deadlines for Obtaining Authorization to Discharge

1. Large Construction Activities

- (a) New Construction – Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
- (b) Ongoing Construction – Operators of large construction activities continuing to operate after the effective date of this permit, and authorized under the TPDES Construction General Permit (CGP) TXR150000 (effective on March 5, 2018, and amended on January 28, 2022), must submit an NOI to renew authorization or an NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim or grace period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the issued and amended 2018 TPDES CGP.

2. Small Construction Activities

- (a) New Construction – Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
- (b) Ongoing Construction – Discharges from ongoing small construction activities that commenced prior to the effective date of this general permit, and that do not meet the conditions to qualify for termination of this permit as described in Part II.F. of this general permit, must meet the requirements to be authorized, either under this general permit or a separate TPDES permit, within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the issued and amended 2018 TPDES CGP.

Section E. Obtaining Authorization to Discharge

1. Automatic Authorization for Small Construction Activities with Low Potential for Erosion

Operators of small construction activity, as defined in Part I.B. of this general permit, shall not submit an NOI for coverage, unless otherwise required by the executive director.

Operators of small construction activities, which occur in certain counties and during periods of low potential for erosion that do not meet the conditions of the waiver described in Part II.G. of this general permit, may be automatically authorized under this general permit if all the following conditions are met prior to the commencement of construction.

- (a) The construction activity occurs in a county and during the corresponding date range(s) listed in Appendix A;

- (b) The construction activity is initiated and completed, including either final or temporary stabilization of all disturbed areas, within the time frame identified in Appendix A for the location of the construction site;
- (c) All temporary stabilization is adequately maintained to effectively reduce or prohibit erosion, permanent stabilization activities have been initiated, and a condition of final stabilization is completed no later than 30 days following the end date of the time frame identified in Appendix A for the location of the construction site; the permittee signs a completed TCEQ Small Construction Site Notice for low potential for erosion (Form TCEQ-20964), including the certification statement;
- (d) A signed and certified copy of the TCEQ Small Construction Site Notice for low potential for erosion is posted at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and maintained in that location until final stabilization has been achieved;

NOTE: Posted TCEQ site notices may have a redacted signature as long as there is an original signed and certified TCEQ site notice, with a viewable signature, located on-site and available for review by any applicable regulatory authority.

- (e) A copy of the signed and certified TCEQ Small Construction Site Notice for low potential for erosion is provided to the operator of any MS4 receiving the discharge at least two (2) days prior to commencement of construction activities;
- (f) Discharges of stormwater runoff or other non-stormwater discharges from any supporting concrete batch plant or asphalt batch plant is separately authorized under an individual TPDES permit, another TPDES general permit, or under an individual TCEQ permit where stormwater and non-stormwater is disposed of by evaporation or irrigation (discharges are adjacent to water in the state); and
- (g) Any non-stormwater discharges are either authorized under a separate permit or authorization, are not considered by TCEQ to be a wastewater, or are captured and routed for disposal at a publicly operated treatment works or licensed waste disposal facility.

If all of the conditions in (a) – (h) above are met, then the operator(s) of small construction activities with low potential for erosion are not required to develop a SWP3.

If an operator is conducting small construction activities and any of the above conditions (a) – (h) are not met, the operator cannot declare coverage under the automatic authorization for small construction activities with low potential for erosion and must meet the requirements for automatic authorization (all other) small construction activities, described below in Part II.E.2.

For small construction activities that occur during a period with a low potential for erosion, where automatic authorization under this section is not available, an operator may apply for and obtain a waiver from permitting (Low Rainfall Erosivity Waiver – LREW), as described in Part II.G. of this general permit. Waivers from coverage under the LREW do not allow for any discharges of non-stormwater and the operator must ensure that discharges on non-stormwater are either authorized under a separate permit or authorization.

2. Automatic Authorization for Small Construction Activities

Operators of small construction activities as defined in Part I.B. of this general permit shall not submit an NOI for coverage, unless otherwise required by the executive director.

Operators of small construction activities, as defined in Part I.B. of this general permit or as defined but who do not meet in the conditions and requirements located in Part II.E.1 above, may be automatically authorized for small construction activities, provided that they meet all of the following conditions:

- (a) develop a SWP3 according to the provisions of this general permit, that covers either the entire site or all portions of the site for which the applicant is the operator, and implement the SWP3 prior to commencing construction activities;
- (b) all operators of regulated small construction activities must post a copy of a signed and certified TCEQ Small Construction Site Notice (Form TCEQ-20963), the notice must be posted at the construction site in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities, at least two (2) days prior to commencing construction activity, and maintain the notice in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the TCEQ site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities);
- (c) operators must maintain a posted TCEQ Small Construction Site Notice on the approved TCEQ form at the construction site until final stabilization has been achieved; and

NOTE: Posted TCEQ site notices may have a redacted signature as long as there is an original signed and certified TCEQ Small Construction Site Notice, with a viewable signature, located on-site and available for review by an applicable regulatory authority.

- (d) provide a copy of the signed and certified TCEQ Small Construction Site Notice to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least two (2) days prior to commencement of construction activities.
- (e) if signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports). Operators for small construction activities must submit this form via mail following the instructions on the approved TCEQ paper form. A new Delegation of Signatory form must be submitted if the delegation changes to another individual or position.

As described in Part I.B of this general permit, large construction activities include those that will disturb less than five (5) acres of land, but that are part of a larger common plan of development or sale that will ultimately disturb five (5) or more acres of land and must meet the requirements of Part II.E.3. below.

3. Authorization for Large Construction Activities

Operators of large construction activities that qualify for coverage under this general permit must meet all of the following conditions:

- (a) develop a SWP3 according to the provisions of this general permit that covers either the entire site or all portions of the site where the applicant is the operator. The SWP3 must be developed and implemented prior to obtaining coverage and prior to commencing construction activities;
- (b) primary operators of large construction activities must submit an NOI prior to commencing construction activity at a construction site. A completed NOI must be submitted to TCEQ electronically using the online ePermits system on TCEQ's website.

Operators with an electronic reporting waiver must submit a completed paper NOI to TCEQ at least seven (7) days prior to commencing construction activity to obtain provisional coverage 48-hours from the postmark date for delivery to the TCEQ. An authorization is no longer provisional when the executive director finds the NOI is administratively complete, and an authorization number is issued to the permittee for the construction site indicated on the NOI.

If an additional primary operator is added after the initial NOI is submitted, the additional primary operator must meet the same requirements for existing primary operator(s), as indicated above.

If the primary operator changes due to responsibility at the site being transferred from one primary operator to another after the initial NOI is submitted, the new primary operator must submit an electronic NOI, unless they request and obtain a waiver from electronic reporting, at least ten (10) days prior to assuming operational control of a construction site and commencing construction activity.

- (c) all operators of large construction activities must post a TCEQ Large Construction Site Notice on the approved TCEQ form (Form TCEQ-20961) in accordance with Part III.D.2. of this permit. The TCEQ site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and must be maintained in that location until final stabilization has been achieved. For linear construction activities, e.g., pipeline or highway, the TCEQ site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public, local, state, and federal authorities;
- (d) two days prior to commencing construction activities, all primary operators must:
 - i. provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and
 - ii. list in the SWP3 the names and addresses of all MS4 operators receiving a copy;
- (e) if signatory authority is delegated by an authorized representative, then a Delegation of Signatories form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports). Primary operators must submit this form electronically using the State of Texas Environmental Electronic Reporting System (STEERS), TCEQ's online permitting system, or by paper if the permittee requested and obtained an electronic reporting waiver. A new Delegation of Signatories form must be submitted, if the delegation changes to another individual or position;
- (f) all persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI, or prior to commencement of construction activities, a primary operator is required to submit an NOI and the secondary operator has provided notification to the operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this general permit, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available; and

- (g) all secondary operators of large construction activities must post a copy of the signed and certified TCEQ Large Construction Site Notice for Secondary Operators on the approved TCEQ form (Form TCEQ-20962) and provide a copy of the signed and certified TCEQ site notice to the operator of any MS4 receiving the discharge at least two (2) days prior to the commencement construction activities.

NOTE: Posted TCEQ site notices may have a redacted signature as long as there is an original signed and certified TCEQ Large Construction Site Notice for Secondary Operators, with a viewable signature, located on-site and available for review by an applicable regulatory authority.

Applicants must submit an NOI using the online ePermits system (accessed using STEERS) available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

4. Waivers for Small Construction Activities:

Operators of certain small construction activities may obtain a waiver from coverage under this general permit, if applicable. The requirements are outlined in Part II.G. below.

5. Effective Date of Coverage

- (a) Operators of small construction activities as described in either Part II.E.1. or II.E.2. above are authorized immediately following compliance with the applicable conditions of Part II.E.1. or II.E.2. Secondary operators of large construction activities as described in Part II.E.3. above are authorized immediately following compliance with the applicable conditions in Part II.E.3. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the operator's responsibilities under that rule. Construction may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.
- (b) Primary operators of large construction activities as described in Part II.E.3. above that electronically submit an NOI are authorized immediately following confirmation of receipt of the electronic form by the TCEQ, unless otherwise notified by the executive director.

Operators with an electronic reporting waiver are provisionally authorized 48-hours from the date that a completed paper NOI is postmarked for delivery to the TCEQ, unless otherwise notified by the executive director. An authorization is no longer provisional when the executive director finds the NOI is administratively complete and an authorization number is issued to the permittee for the construction site indicated on the NOI.

For construction activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the operator's responsibilities under that rule. Construction activities may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.

- (c) Operators are not prohibited from submitting late NOIs or posting late site notices to obtain authorization under this general permit. The TCEQ reserves the right to take appropriate enforcement action for any unpermitted activities that may have occurred between the time construction commenced and authorization under this general permit was obtained.

- (d) If operators that submitted NOIs have active authorizations for construction activities that are ongoing when this general permit expires on March 5, 2028, and a new general permit is issued, a 90-day interim (grace) period is granted to provide coverage that is administratively continued until operators with active authorizations can obtain coverage under the newly issued CGP. The 90-day grace period starts on the effective date of the newly issued CGP.

6. Contents of the NOI

The NOI form shall require, at a minimum, the following information:

- (a) the TPDES CGP authorization number for existing authorizations under this general permit, where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;
- (b) the name, address, and telephone number of the operator filing the NOI for permit coverage;
- (c) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;
- (d) the number of acres that will be disturbed by the applicant;
- (e) the estimated construction project start date and end date;
- (f) confirmation that the project or site will not be located on Indian Country lands;
- (g) confirmation if the construction activity is associated with an oil and gas exploration, production, processing, or treatment, or transmission facility (see Part II.C.9.)
- (h) confirmation that the construction activities are not associated with the construction of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 CFR Part 72 (see Part II.C.12.);
- (i) confirmation that a SWP3 has been developed in accordance with all conditions of this general permit, that it will be implemented prior to commencement of construction activities, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;
- (j) name of the receiving water(s);
- (k) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and
- (l) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters or *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* as not meeting applicable state water quality standards.

7. Notice of Change (NOC)

- (a) If relevant information provided in the NOI changes, the operator that has submitted the NOI must submit an NOC to TCEQ at least fourteen (14) days before the change occurs. Where a 14-day advance notice is not possible, the operator must submit an NOC to TCEQ within fourteen (14) days of discovery of the change. If the operator becomes aware that it failed to submit any relevant facts or submitted

incorrect information in an NOI, the correct information must be submitted to TCEQ in an NOC within fourteen (14) days after discovery.

- (b) Information on an NOC may include, but is not limited to, the following:
- i. a change in the description of the construction project;
 - ii. an increase in the number of acres disturbed (for increases of one (1) or more acres);
 - iii. or the name of the operator (where the name of the operator has changed).
- (c) Electronic NOC.

Applicants must submit an NOC using the online ePermits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. All waivers from electronic reporting are not transferrable. Electronic reporting waivers expire on the same date as the authorization to discharge, except for temporary waivers that expire one (1) year from issuance. A copy of the NOC form or letter must also be placed in the SWP3 and provided to the operator of any MS4 receiving the discharge. Operators are authorized immediately following confirmation of receipt of the electronic form by the TCEQ, unless otherwise notified by the executive director.

- (d) Paper NOC.

Applicants who request and obtain an electronic reporting waiver shall submit the NOC on a paper form provided by the executive director, or by letter if an NOC form is not available.

- (e) A copy of the NOC form or letter must also be placed in the SWP3 and provided to the operator of any MS4 receiving the discharge. A list that includes the names and addresses of all MS4 operators receiving a copy of the NOC (or NOC letter) must be included in the SWP3. Information that may not be included on an NOC includes but is not limited to the following:
- i. transfer of operational control from one operator to another, including a transfer of the ownership of a company. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing or charter number that is on record with the Texas Secretary of State (SOS) must be changed.
 - ii. coverage under this general permit is not transferable from one operator to another. Instead, the new operator will need to submit an NOI or LREW, as applicable, and the previous operator will need to submit an NOT.
 - iii. a decrease in the number of acres disturbed. This information must be included in the SWP3 and retained on site.

8. Signatory Requirement for NOI Forms, NOT Forms, NOC Forms, and Construction Site Notices

NOI forms, NOT forms, NOC forms, and Construction Site Notices that require a signature must be signed according to 30 TAC § 305.44 (relating to Signatories for Applications).

Section F. Terminating Coverage**1. Notice of Termination (NOT) Required**

Each operator that has submitted an NOI for authorization of large construction activities under this general permit must apply to terminate that authorization following the conditions described in this section of the general permit.

Authorization of large construction must be terminated by submitting an NOT electronically via the online ePermits system available through the TCEQ website, or on a paper NOT form to TCEQ supplied by the executive director with an approved waiver from electronic reporting. Authorization to discharge under this general permit terminates at midnight on the day a paper NOT is postmarked for delivery to the TCEQ or immediately following confirmation of the receipt of the NOT submitted electronically by the TCEQ.

Applicants must submit an NOT using the online ePermits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge, except for temporary waivers that expire one (1) year from issuance.

The NOT must be submitted to TCEQ, and a copy of the NOT provided to the operator of any MS4 receiving the discharge (with a list in the SWP3 of the names and addresses of all MS4 operators receiving a copy), within 30 days after any of the following conditions are met:

- (a) final stabilization has been achieved on all portions of the site that are the responsibility of the operator;
- (b) a transfer of operational control has occurred (See Section II.F.4. below); or
- (c) the operator has obtained alternative authorization under an individual TPDES permit or alternative TPDES general permit.

Compliance with the conditions and requirements of this permit is required until the NOT is submitted and approved by TCEQ.

2. Minimum Contents of the NOT

The NOT form shall require, at a minimum, the following information:

- (a) if authorization for construction activity was granted following submission of an NOI, the permittee's site-specific TPDES authorization number for a specific construction site;
- (b) an indication of whether final stabilization has been achieved at the site and a NOT has been submitted or if the permittee is simply no longer an operator at the site;
- (c) the name, address, and telephone number of the permittee submitting the NOT;
- (d) the name (or other identifier), address, county, and location (latitude/longitude) of the construction project or site; and
- (e) a signed certification that either all stormwater discharges requiring authorization under this general permit will no longer occur, or that the applicant is no longer the operator of the facility or construction site, and that all temporary structural erosion controls have either been removed, will be removed on a schedule defined in the SWP3, or have been transferred to a new operator if the new operator has applied for permit coverage. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal.

3. Termination of Coverage for Small Construction Sites and for Secondary Operators at Large Construction Sites
- (a) Each operator that has obtained automatic authorization for small construction or is a secondary operator for large construction must perform the following when terminating coverage under the permit:
- i. remove the TCEQ site notice;
 - ii. complete the applicable portion of the TCEQ site notice related to removal of the TCEQ site notice; and
 - iii. submit a copy of the completed TCEQ site notice to the operator of any MS4 receiving the discharge (or provide alternative notification as allowed by the MS4 operator, with documentation of such notification included in the SWP3).
- (b) The activities described in Part II.F.3.(a) above must be completed by the operator within 30 days of meeting any of the following conditions:
- i. final stabilization has been achieved on all portions of the site that are the responsibility of the operator;
 - ii. a transfer of day-to-day operational control over activities necessary to ensure compliance with the SWP3 and other permit conditions has occurred (See Section II.F.4. below); or
 - iii. the operator has obtained alternative authorization under an individual or general TPDES permit.

For Small Construction Sites and Secondary Operators at Large Construction Sites, authorization to discharge under this general permit terminates immediately upon removal of the applicable TCEQ construction site notice. Compliance with the conditions and requirements of this permit is required until the TCEQ construction site notice is removed. The construction site notice cannot be removed until final stabilization has been achieved.

4. Transfer of Day-to-Day Operational Control
- (a) When the primary operator of a large construction activity changes or operational control over activities necessary to ensure compliance with the SWP3 and other permit conditions is transferred to another primary operator, the original operator must do the following:
- i. submit an NOT within ten (10) days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least ten (10) days prior to the transfer of operational control, in accordance with condition (c) below; and
 - ii. submit a copy of the NOT from the primary operator terminating its coverage under the permit and its operational control of the construction site and submit a copy of the NOI from the new primary operator to the operator of any MS4 receiving the discharge in accordance with Part II.F.1. above.
- (b) For transfer of operational control, operators of small construction activities and secondary operators of large construction activities who are not required to submit an NOI must do the following:
- i. the existing operator must remove the original TCEQ construction site notice, and the new operator must post the required TCEQ construction site notice prior to the transfer of operational control, in accordance with the conditions in Part II.F.4.(c) i or ii below; and

- ii. a copy of the TCEQ construction site notice, which must be completed and provided to the operator of any MS4 receiving the discharge, in accordance with Part II.F.3. above.
- (c) Each operator is responsible for determining its role as an operator as defined in Part I.B. and obtaining authorization under the permit, as described above in Part II.E. 1. - 3. Where authorization has been obtained by submitting an NOI for coverage under this general permit, permit coverage is not transferable from one operator to another. A transfer of operational control can include changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State (SOS). A transfer of operational control can also occur when one of the following criteria is met, as applicable:
- i. another operator has assumed control over all areas of the site that do not meet the definition for final stabilization;
 - ii. all silt fences and other temporary erosion controls have either been removed, scheduled for removal as defined in the SWP3, or transferred to a new operator, provided that the original permitted operator has attempted to notify the new operator in writing of the requirement to obtain permit coverage. Records of this notification (or attempt at notification) shall be retained by the operator transferring operational control to another operator in accordance with Part VI of this permit. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal; or
 - iii. a homebuilder has purchased one (1) or more lots from an operator who obtained coverage under this general permit for a common plan of development or sale. The homebuilder is considered a new operator and shall comply with the requirements of this permit. Under these circumstances, the homebuilder is only responsible for compliance with the general permit requirements as they apply to the lot(s) it has operational control over in a larger common plan of development, and the original operator remains responsible for common controls or discharges, and must amend its SWP3 to remove the lot(s) transferred to the homebuilder.

Section G. Waivers from Coverage

The executive director may waive the otherwise applicable requirements of this general permit for stormwater discharges from small construction activities under the terms and conditions described in this section.

1. Waiver Applicability and Coverage

Operators of small construction activities may apply for and receive a waiver from the requirements to obtain authorization under this general permit, when the calculated rainfall erosivity (R) factor for the entire period of the construction project is less than five (5).

The operator must submit a Low Rainfall Erosivity Waiver (LREW) certification form to the TCEQ electronically via the online ePermits system available through the TCEQ website. The LREW form is a certification by the operator that the small construction activity will commence and be completed within a period when the value of the calculated R factor is less than five (5).

Applicants who request and obtain an electronic reporting waiver shall submit the LREW on a paper form provided by the executive director at least seven (7) days prior to commencing construction activity to obtain provisional coverage 48-hours from the postmark date for delivery to the TCEQ. An authorization is no longer provisional when the executive director finds the LREW is administratively complete, and an authorization number is issued to the permittee for the construction site indicated on the LREW. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge, except for temporary waivers that expire one (1) year from issuance.

This LREW from coverage does not apply to any non-stormwater discharges, including what is allowed under this permit. The operator must ensure that all non-stormwater discharges are either authorized under a separate permit or authorization or are captured and routed to an authorized treatment facility for disposal.

2. Steps to Obtaining a Waiver

The construction site operator may calculate the R factor to request a waiver using the following steps:

- (a) estimate the construction start date and the construction end date. The construction end date is the date that final stabilization will be achieved.
- (b) find the appropriate Erosivity Index (EI) zone in Appendix B of this permit.
- (c) find the EI percentage for the project period by adding the results for each period of the project using the table provided in Appendix D of this permit, in EPA Fact Sheet 2.1, or in USDA Handbook 703, by subtracting the start value from the end value to find the percent EI for the site.
- (d) refer to the Isoerodent Map (Appendix C of this permit) and interpolate the annual isoerodent value for the proposed construction location.
- (e) multiply the percent value obtained in Step (c) above by the annual isoerodent value obtained in Step (d). This is the R factor for the proposed project. If the value is less than five (5), then a waiver may be obtained. If the value is five (5) or more, then a waiver may not be obtained, and the operator must obtain coverage under Part II.E.2. of this permit.

Alternatively, the operator may calculate a site-specific R factor utilizing the following online calculator: <https://lew.epa.gov/>, or using another available resource.

A copy of the LREW certification form is not required to be posted at the small construction site.

3. Effective Date of an LREW

Unless otherwise notified by the executive director, operators of small construction activities seeking coverage under an LREW are provisionally waived from the otherwise applicable requirements of this general permit 48-hours from the date that a completed paper LREW certification form is postmarked for delivery to TCEQ, or immediately upon receiving confirmation of approval of an electronic submittal, made via the online ePermits system available through the TCEQ website.

Applicants seeking coverage under an LREW must submit an application for an LREW using the online ePermits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

4. Activities Extending Beyond the LREW Period

If a construction activity extends beyond the approved waiver period due to circumstances beyond the control of the operator, the operator must either:

- (a) recalculate the R factor using the original start date and a new projected ending date, and if the R factor is still under five (5), submit a new LREW form at least two (2) days before the end of the original waiver period; or
- (b) obtain authorization under this general permit according to the requirements for automatic authorization for small construction activities in Part II.E.2. of this permit, prior to the end of the approved LREW period.

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). Applications for individual permit coverage must be submitted at least 330 days prior to commencement of construction activities to ensure timely authorization. Existing coverage under this general permit should not be terminated until an individual permit is issued and in effect.

2. General Permit Alternative

Any discharges eligible for authorization under this general permit may alternatively be authorized under a separate general permit according to 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), as applicable.

3. Individual Permit Required

The executive director may require an operator of a construction site, otherwise eligible for authorization under this general permit, to apply for an individual TPDES permit in the following circumstances:

- (a) the conditions of an approved TMDL or TMDL I-Plan on the receiving water;
- (b) the activity being determined to cause, has a reasonable potential to cause, or contribute to a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state; and
- (c) any other consideration defined in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges) including 30 TAC § 205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director.

A discharger with a TCEQ compliance history rating of “unsatisfactory” is ineligible for coverage under this general permit. In that case, 30 TAC § 60.3 requires the executive director to deny or suspend an authorization to discharge under a general permit. However, per TWC § 26.040(h), a discharger is entitled to a hearing before the commission prior to having an authorization denied or suspended for having an “unsatisfactory” compliance history.

Denial of authorization to discharge under this general permit or suspension of a permittee’s authorization under this general permit for reasons other than compliance history shall be done according to commission rules in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

Section I. Permit Expiration

1. This general permit is effective for a term not to exceed five (5) years. All active discharge authorizations expire on the date provided on page one (1) of this permit. Following public notice and comment, as provided by 30 TAC § 205.3 (relating to Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit. All authorizations that are active at the time the permit term expires will be administratively continued as indicated in Part II.I.2. below and in Part II.D.1.(b) and D.2.(b) of this permit.
2. If the executive director publishes a notice of the intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.
3. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit. No new NOIs will be accepted nor new authorizations honored under the general permit after the expiration date.

Part III. Stormwater Pollution Prevention Plans (SWP3)

All regulated construction site operators shall prepare an SWP3, prior to submittal of an NOI, to address discharges authorized under Parts II.E.2. and II.E.3. of this general permit that will reach waters of the U.S. This includes discharges to MS4s and privately owned separate storm sewer systems that drain into surface water in the state or waters of the U.S.

Individual operators at a site may develop separate SWP3s that cover only their portion of the project, provided reference is made to the other operators at the site. Where there is more than one (1) SWP3 for a site, operators must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of each other. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this general permit in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

An SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in stormwater associated with construction activity and non-stormwater discharges described in Part II.A.3., in compliance with the terms and conditions of this permit.

An SWP3 must also identify any potential sources of pollution that have been determined to cause, have a reasonable potential to cause, or contribute to a violation of water quality standards or have been found to cause or contribute to the loss of a designated use of surface water in the state from discharges of stormwater from construction activities and construction support activities. Where potential sources of these pollutants are present at a construction site, the SWP3 must also contain a description of the management practices that will be used to prevent these pollutants from being discharged into surface water in the state or waters of the U.S.

NOTE: Construction support activities can also include vehicle repair areas, fueling areas, etc. that are present at a construction site solely for the support construction activities and are only used by operators at the construction site.

The SWP3 is intended to serve as a road map for how the construction operator will comply with the effluent limits and other conditions of this permit. Additional portions of the effluent limits are established in Part IV. of the permit.

Section A. Shared SWP3 Development

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site is encouraged. Operators of small and large construction activities must independently obtain authorization under this permit but may work together with other regulated operators at the construction site to prepare and implement a single, comprehensive SWP3, which can be shared by some or all operators, for the construction activities that each of the operators are performing at the entire construction site.

1. The SWP3 must include the following:
 - (a) for small construction activities – the name of each operator that participates in the shared SWP3;
 - (b) for large construction activities – the name of each operator that participates in the shared SWP3, the general permit authorization numbers of each operator (or the date that the NOI was submitted to TCEQ by each operator that has not received an authorization number for coverage under this permit); and
 - (c) for large and small construction activities – the signature of each operator participating in the shared SWP3.
2. The SWP3 must clearly indicate which operator is responsible for satisfying each shared requirement of the SWP3. If the responsibility for satisfying a requirement is not described in the plan, then each permittee is entirely responsible for meeting the requirement within the boundaries of the construction site where they perform construction activities. The SWP3 must clearly describe responsibilities for meeting each requirement in shared or common areas.
3. The SWP3 may provide that one operator is responsible for preparation of a SWP3 in compliance with the CGP, and another operator is responsible for implementation of the SWP3 at the project site.

Section B. Responsibilities of Operators

1. Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications

All secondary operators and primary operators with control over construction plans and specifications shall:

- (a) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;
- (b) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;
- (c) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMP s as necessary to remain compliant with the conditions of this general permit; and

- (d) ensure that the SWP3 for portions of the project where each operator has control indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If a primary operator has not been authorized or has abandoned the site, the secondary operator is considered to be the responsible party and must obtain authorization as a primary operator under the permit, until the authority for day-to-day operational control is transferred to another primary operator. The new primary operator must update or develop a new SWP3 that will reflect the transfer of operational control and include any additional updates to the SWP3 to meet requirements of the permit.

2. Primary Operators with Day-to-Day Operational Control

Primary operators with day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWP3 and other permit conditions must ensure that the SWP3 accomplishes the following requirements:

- (a) meets the requirements of this general permit for those portions of the project where they are operators;
- (b) identifies the parties responsible for implementation of BMPs described in the SWP3;
- (c) indicates areas of the project where they have operational control over day-to-day activities; and
- (d) the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications for areas where they have operational control over day-to-day activities.

Section C. Deadlines for SWP3 Preparation, Implementation, and Compliance

The SWP3 must be prepared prior to obtaining authorization under this general permit, and implemented prior to commencing construction activities that result in soil disturbance. The SWP3 must be prepared so that it provides for compliance with the terms and conditions of this general permit.

Section D. Plan Review and Making Plans Available

1. The SWP3 must be retained on-site at the construction site or, if the site is inactive or does not have an on-site location to store the plan, a notice must be posted describing the location of the SWP3. The SWP3 must be made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site. If the SWP3 is retained off-site, then it shall be made available as soon as reasonably possible. In most instances, it is reasonable that the SWP3 shall be made available within 24 hours of the request.

NOTE: The SWP3 may be prepared and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally valid with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

2. Operators with authorization for construction activity under this general permit must post a TCEQ site notice at the construction site at a place readily available for viewing by the general public, and local, state, and federal authorities.

- (a) Primary and secondary operators of large construction activities must each post a TCEQ construction site notice, respective to their role as an operator at the construction site, as required above and according to requirements in Part II.E.3. of this general permit.
 - (b) Primary and secondary operators of small construction activities must post the TCEQ site notice as required in Part III.D.2.(a) above and for the specific type of small construction described in Part II.E.1. and 2. of the permit.
 - (c) If the construction project is a linear construction project, such as a pipeline or highway, the notices must be placed in a publicly accessible location near where construction is actively underway. TCEQ construction site notices for small and large construction activities at these linear construction sites may be relocated, as necessary, along the length of the project, but must still be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:
 - i. the site-specific TPDES authorization number for the project if assigned;
 - ii. the operator name, contact name, and contact phone number;
 - iii. a brief description of the project; and
 - iv. the location of the SWP3.
3. This permit does not provide the general public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the general public access to a construction site.

Section E. Revisions and Updates to SWP3s

The permittee must revise or update the SWP3, including the site map, within seven (7) days of when any of the following occurs:

1. a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3;
2. changing site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs; or
3. results of inspections or investigations by construction site personnel authorized by the permittee, operators of a municipal separate storm sewer system receiving the discharge, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section F. Contents of SWP3

The SWP3 must be developed and implemented by primary operators of small and large construction activities and include, at a minimum, the information described in this section and must comply with the construction and development effluent guidelines in Part IV. of the general permit.

1. A site or project description, which includes the following information:
 - (a) a description of the nature of the construction activity;
 - (b) a list of potential pollutants and their sources;
 - (c) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities;

- (d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including areas where construction support activities (defined in Part I.B. of this general permit) occur;
- (e) data describing the soil or the quality of any discharge from the site;
- (f) a map showing the general location of the site (e.g., a portion of a city or county map);
- (g) a detailed site map (or maps) indicating the following:
 - i. property boundary(ies);
 - ii. drainage patterns and approximate slopes anticipated before and after major grading activities;
 - iii. areas where soil disturbance will occur (note any phasing), including any demolition activities;
 - iv. locations of all controls and buffers, either planned or in place;
 - v. locations where temporary or permanent stabilization practices are expected to be used;
 - vi. locations of construction support activities, including those located off-site;
 - vii. surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicate whether those waters are impaired;

NOTE: Surface waters adjacent to or in close proximity to the site means any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s).

- viii. locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
 - ix. vehicle wash areas; and
 - x. designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).
- Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.
- (h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;
 - (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;
 - (j) a copy of this TPDES general permit (an electronic copy of this TPDES general permit or a current link to this TPDES general permit on the TCEQ webpage is acceptable);
 - (k) the NOI and the acknowledgement of provisional and non-provisional authorization for primary operators of large construction sites, and the TCEQ site notice for small construction sites and for secondary operators of large construction sites;
 - (l) if signatory authority is delegated by an authorized representative, then a copy of the formal notification to TCEQ, as required by 30 TAC 305.128 relating to Signatories to Reports must be filed in the SWP3 and made available for review upon request by TCEQ or local MS4 Operator. For primary operators of large construction activities, the formal notification to TCEQ must be submitted either electronically through

STEERS, TCEQ's electronic reporting system, or, if qualifying for an electronic reporting waiver, by paper on a Delegation of Signatories form. For operators or small construction activities, the formal notification to TCEQ must be submitted by paper on a Delegation of Signatories form.

- (m) stormwater and allowable non-stormwater discharge locations, including storm drain inlets on site and in the immediate vicinity of the construction site where construction support activities will occur; and
 - (n) locations of all pollutant-generating activities at the construction site and where construction support activities will occur, such as the following: Paving operations; concrete, paint and stucco washout and water disposal; solid waste storage and disposal; and dewatering operations.
2. A description of the BMPs that will be used to minimize pollution in runoff.

The description must identify the general timing or sequence for installation and implementation. At a minimum, the description must include the following components:

(a) General Requirements

- i. Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.
- ii. Control measures must be properly selected, installed, and maintained according to good engineering practices, and the manufacturer's or designer's specifications.
- iii. Controls must be developed to minimize the offsite transport of litter, construction debris, construction materials, and other pollutants required of Part IV.D.

(b) Erosion Control and Stabilization Practices

The SWP3 must include a description of temporary and permanent erosion control and stabilization practices for the construction site, where small or large construction activity will occur. The erosion control and stabilization practices selected by the permittee must be compliant with the requirements for sediment and erosion control, located in Part IV. of this permit. The description of the SWP3 must also include a schedule of when the practices will be implemented. Site plans must ensure that existing vegetation at the construction site is preserved where it is possible.

- i. Erosion control and stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.
- ii. The following records must be maintained and either attached to or referenced in the SWP3, and made readily available upon request to the parties listed in Part III.D.1 of this general permit:
 - (A) the dates when major grading activities occur;
 - (B) the dates when construction activities temporarily or permanently cease on a portion of the site; and
 - (C) the dates when stabilization measures are initiated.
- iii. Erosion control and stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days. Stabilization

measures that provide a protective cover must be initiated immediately in portions of the site where construction activities have permanently ceased. The term “immediately” is used to define the deadline for initiating stabilization measures. In the context of this requirement, “immediately” means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Except as provided in (A) through (D) below, these measures must be completed as soon as practicable, but no more than fourteen (14) calendar days after the initiation of soil stabilization measures:

- (A) where the immediate initiation of vegetative stabilization measures after construction activity has temporarily or permanently ceased due to frozen conditions, non-vegetative controls must be implemented until thawing conditions (as defined in Part I.B. of this general permit) are present, and vegetative stabilization measures can be initiated as soon as practicable.
 - (B) in arid areas, semi-arid areas, or drought-stricken areas, as they are defined in Part I.B. of this general permit, where the immediate initiation of vegetative stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, other types of erosion control and stabilization measures must be initiated at the site as soon as practicable. Where vegetative controls are infeasible due to arid conditions, and within fourteen (14) calendar days of a temporary or permanent cessation of construction activity in any portion of the site, the operator shall immediately install non-vegetative erosion controls in areas of the construction site where construction activity is complete or has ceased. If non-vegetative controls are infeasible, the operator shall install temporary sediment controls as required in Part III.F.2.(b)iii.(C) below.
 - (C) in areas where non-vegetative controls are infeasible, the operator may alternatively utilize temporary perimeter controls. The operator must document in the SWP3 the reason why stabilization measures are not feasible, and must demonstrate that the perimeter controls will retain sediment on site to the extent practicable. The operator must continue to inspect the BMPs at the frequencies established in Part III.F.8.(c) for unstabilized sites.
 - (D) the requirement for permittees to initiate stabilization is triggered as soon as it is known with reasonable certainty that construction activity at the site or in certain areas of the site will be stopped for 14 or more additional calendar days. If the initiation or completion of vegetative stabilization is prevented by circumstances beyond the control of the permittee, the permittee must employ and implement alternative stabilization measures immediately. When conditions at the site changes that would allow for vegetative stabilization, then the permittee must initiate or complete vegetative stabilization as soon as practicable.
- iv. Final stabilization must be achieved prior to termination of permit coverage.
 - v. TCEQ does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left un-vegetated or un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

The SWP₃ must include a description of any sediment control practices used to remove eroded soils from stormwater runoff, including the general timing or sequence for implementation of controls. Controls selected by the permittee must be compliant with the requirements in Part IV. of this permit.

i. Sites With Drainage Areas of Ten (10) or More Acres

(A) Sedimentation Basin(s) or Impoundments

- (1) A sedimentation basin or similar impoundment is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin or impoundment may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone permanent stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin or similar impoundment. Capacity calculations shall be included in the SWP₃. Sedimentation basins must be designed for and appropriate for controlling runoff at the site and existing detention or retention ponds at the site may not be appropriate.
- (2) Where rainfall data is not available, or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.
- (3) If a sedimentation basin or impoundment is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin or impoundment is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins or impoundments are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins or impoundments.
- (4) Unless infeasible, when discharging from sedimentation basins and impoundments, the permittee shall utilize outlet structures that withdraw water from the surface.

(B) Perimeter Controls: At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

ii. Controls for Sites with Drainage Areas Less than Ten (10) Acres:

(A) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

- (B) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP₃.
- (C) If sedimentation basins or impoundments are used, the permittee shall comply with the requirements in Part IV.F. of this general permit.

3. Description of Permanent Stormwater Controls

A description of any stormwater control measures that will be installed during the construction process to control pollutants in stormwater discharges that may occur after construction operations have been completed must be included in the SWP₃. Permittees are responsible for the installation and maintenance of stormwater management measures, as follows:

- (a) permittees authorized under the permit for small construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site; or
- (b) permittees authorized under the permit for large construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site and prior to submission of an NOT.

4. Other Required Controls and BMPs

- (a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and dust. The SWP₃ shall include a description of controls utilized to control the generation of pollutants that could be discharged in stormwater from the site.
- (b) The SWP₃ must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.
- (c) The SWP₃ must include a description of potential pollutant sources in discharges of stormwater from all areas of the construction site where construction activity, including construction support activities, will be located, and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
- (d) Permittees shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.
- (e) Permittees shall design and utilize appropriate controls in accordance with Part IV. of this permit to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.
- (f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part IV. of this general permit.
- (g) For demolition of any structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980, and the receiving waterbody is impaired for polychlorinated biphenyls (PCBs):
 - i. implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures to precipitation and to stormwater; and

- ii. ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.
5. Documentation of Compliance with Approved State and Local Plans
 - (a) Permittees must ensure that the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
 - (b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for which the permittee receives written notice.
 - (c) If the permittee is required to prepare a separate management plan, including but not limited to a WPAP or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.
6. Maintenance Requirements
 - (a) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, as soon as the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.
 - (b) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator shall replace or modify the control as soon as practicable after making the discovery.
 - (c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.
 - (d) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee shall work with the owner or operator of the property to remove the sediment.
7. Observation and Evaluation of Dewatering Controls Pursuant to Part IV.C. of this General Permit
 - (a) Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days where dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Observations and Evaluations

- i. A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:
 - (A) date of the observations and evaluation;
 - (B) name(s) and title(s) of personnel making the observations and evaluation;
 - (C) approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - (D) estimates of the rate (in gallons per day) of discharge on the day of evaluation;
 - (E) whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - (F) major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
- ii. Actions taken as a result of evaluations, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- iii. The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.

8. Inspections of All Controls

- (a) Personnel provided by the permittee must inspect disturbed areas (cleared, graded, or excavated) of the construction site that do not meet the requirements of final stabilization in this general permit, all locations where stabilization measures have been implemented, areas of construction support activity covered under this permit, stormwater controls (including pollution prevention controls) for evidence of, or the potential for, the discharge of pollutants, areas where stormwater typically flows within the construction site, and points of discharge from the construction site.
 - i. Personnel conducting these inspections must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site.
 - ii. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Inspections

- i. Inspect all stormwater controls (including sediment and erosion control measures identified in the SWP₃) to ensure that they are installed properly, appear to be operational, and minimizing pollutants in discharges, as intended.
- ii. Identify locations on the construction site where new or modified stormwater controls are necessary.
- iii. Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.
- iv. Identify any incidents of noncompliance observed during the inspection.
- v. Inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
- vi. If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, and observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).
- vii. Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in Part III.F.6. above.

(c) Inspection frequencies:

- i. Inspections of construction sites must be conducted at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, unless as otherwise provided below in Part III.F.8.(c)ii. – v. below.
 - (A) If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
 - (B) If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two (2) inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
- ii. Inspection frequencies must be conducted at least once every month in areas of the construction site that meet final stabilization or have been temporarily stabilized.
- iii. Inspection frequencies for construction sites, where runoff is unlikely due to the occurrence of frozen conditions at the site, must be conducted at least once every month until thawing conditions begin to occur (see definitions for thawing conditions in Part I.B.). The SWP₃ must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those

conditions persisted, instead of at the interval of once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

- iv. In arid, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of when drought conditions occurred at the site, which resulted in inspections being conducted monthly, while those conditions persisted, instead of at the interval of once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
 - v. As an alternative to the inspection schedule in Part III.F.8.(c)i. above, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection.
 - vi. The inspection procedures described in Part III.F.8.(c)i. – v above can be performed at the frequencies and under the applicable conditions indicated for each schedule option, provided that the SWP3 reflects the current schedule and that any changes to the schedule are made in accordance with the following provisions: the inspection frequency schedule can only be changed a maximum of once per calendar month and implemented within the first five (5) business days of a calendar month; and the reason for the schedule change documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).
- (d) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.8.(a) above.
- i. Inspection of linear construction sites could require the use of vehicles that could compromise areas of temporary or permanent stabilization, cause additional disturbance of soils, and result in the increase the potential for erosion. In these circumstances, controls must be inspected at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, but representative inspections may be performed.
 - ii. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.8.(a) above. The conditions of the controls along each inspected 0.25-mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25-mile portion to either the end of the next 0.25-mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the inspection schedule described in Part III.F.8.(c)i. above, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection.

- iii. the SWP3 for a linear construction site must reflect the current inspection schedule. Any changes to the inspection schedule must be made in accordance with the following provisions:
 - (A) the schedule may be changed a maximum of one time each month;

- (B) the schedule change must be implemented at the beginning of a calendar month, and
 - (C) the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).
- (e) Adverse Conditions.
- Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:
- i. the date and time of the adverse condition,
 - ii. names of personnel that witnessed the adverse condition, and
 - iii. a narrative for the nature of the adverse condition.
- (f) In the event of flooding or other adverse conditions which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable. Inspection Reports.
- i. A report summarizing the scope of any inspection must be completed within 24-hours following the inspection. The report must also include the date(s) of the inspection and major observations relating to the implementation of the SWP3. Major observations in the report must include: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
 - ii. Actions taken as a result of inspections, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
 - iii. The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.
- (g) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable. If necessary, modify your site map to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.
9. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge, as listed in Part II.A.3. of this permit.
10. The SWP3 must include the information required in Part III.B. of this general permit.

11. The SWP3 must include pollution prevention procedures that comply with Part IV.D. of this general permit.

Part IV. Erosion and Sediment Control Requirements Applicable to All Sites

Except as provided in 40 CFR §§ 125.30-125.32, any discharge regulated under this general permit, with the exception of sites that obtained waivers based on low rainfall erosivity, must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT). The BPT are also required by and must satisfy the Effluent Limitations Guideline (ELG) permitting requirement for application of 40 CFR § 450.24 New Source Performance Standards (NSPS), 40 CFR § 450.22 Best Available Technology Economically Achievable (BAT), and 40 CFR § 450.23 Best Conventional Pollutant Control Technology (BCT).

Section A. Erosion and Sediment Controls

Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:

1. control stormwater volume and velocity within the site to minimize soil erosion in order to minimize pollutant discharges;
2. control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge point(s);
3. minimize the amount of soil exposed during construction activity;
4. minimize the disturbance of steep slopes;
5. minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
6. provide and maintain appropriate natural buffers around surface water in the state. Direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible. If providing buffers is infeasible, the permittee shall document the reason that natural buffers are infeasible and shall implement additional erosion and sediment controls to reduce sediment load;
7. preserve native topsoil at the site, unless the intended function of a specific area of the site dictates that the topsoil be disturbed or removed, or it is infeasible; and
8. minimize soil compaction. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, either:
 - (a) restrict vehicle and equipment use to avoid soil compaction; or
 - (b) prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible.

Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

9. TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute "surface water" for the purposes of triggering the buffer requirement in Part IV.A.(6) above.

Section B. Soil Stabilization

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. In the context of this requirement, “immediately” means as soon as practicable, but no later than the end of the next workday, following the day when the earth-disturbing activities have temporarily or permanently ceased. Temporary stabilization must be completed no more than fourteen (14) calendar days after initiation of soil stabilization measures, and final stabilization must be achieved prior to termination of permit coverage. In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative non-vegetative stabilization measures must be employed as soon as practicable. Refer to Part III.F.2.(b) for complete erosion control and stabilization practice requirements. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

Section C. Dewatering

Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls to address sediment and prevent erosion. Operators must observe and evaluate the dewatering controls once per day while the dewatering discharge occurs as described in Part III.F.7. of this general permit.

Section D. Pollution Prevention Measures

Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

1. minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
2. minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater;
3. minimize the exposure of waste materials by closing waste container lids at the end of the workday and during storm events. For waste containers that do not have lids, where the container itself is not sufficiently secure enough to prevent the discharge of pollutants absent a cover and could leak, the permittee must provide either a cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, stormwater, and wind, or a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment). Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use);
4. minimize exposure of wastes by implementing good housekeeping measures. Wastes must be cleaned up and disposed of in designated waste containers on days of operation at the site. Wastes must be cleaned up immediately if containers overflow;

5. minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release; and
6. minimize exposure of sanitary waste by positioning portable toilets so that they are secure and will not be tipped or knocked over, and so that they are located away from surface water in the state and stormwater inlets or conveyances.

Section E. Prohibited Discharges

The following discharges are prohibited:

1. wastewater from wash out of concrete, unless managed by an appropriate control;
2. wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. soaps or solvents used in vehicle and equipment washing; and
5. toxic or hazardous substances from a spill or other release.

Section F. Surface Outlets

When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible. If infeasible, the permittee must provide documentation in the SWP3 to support the determination, including the specific conditions or time periods when this exception will apply.

Part V. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants present at regulated construction sites and operated as a construction support activity may be authorized under the provisions of this general permit, provided that the following requirements are met for concrete batch plant(s) authorized under this permit. Only the discharges of stormwater runoff and non-stormwater from concrete batch plants that meet the requirements of a construction support activity can be authorized under this permit (see the requirements for “Non-Stormwater Discharges” in Part II.A.3. and “Discharges of Stormwater Associated with Construction Support Activity” in Part II.A.2.).

If discharges of stormwater runoff or non-stormwater from concrete batch plants are not authorized under this general permit, then discharges must be authorized under an alternative general permit or individual permit [see the requirement in Part II.A.2.(c)].

This permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at regulated construction sites. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

Section A. Benchmark Sampling Requirements

1. Operators of concrete batch plants authorized under this general permit shall sample the stormwater runoff from the concrete batch plants according to the requirements of this section of this general permit, and must conduct evaluations on the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Parameters

Benchmark Parameter	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease (*1)	15 mg/L	1/quarter (*2) (*3)	Grab (*4)
Total Suspended Solids (*1)	50 mg/L	1/quarter (*2) (*3)	Grab (*4)
pH	6.0 – 9.0 Standard Units	1/quarter (*2) (*3)	Grab (*4)
Total Iron (*1)	1.3 mg/L	1/quarter (*2) (*3)	Grab (*4)

(*1) All analytical results for these parameters must be obtained from a laboratory that is accredited based on rules located in 30 TAC § 25.4 (a) or through the National Environmental Laboratory Accreditation Program (NELAP). Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

(*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

- January through March
- April through June
- July through September
- October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI or following the date that automatic authorization was obtained under Part II.E.2., and prior to terminating coverage.

(*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

2. The permittee must compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

- (a) any additional potential sources of pollution, such as spills that might have occurred;
- (b) necessary revisions to good housekeeping measures that are part of the SWP3;
- (c) additional BMPs, including a schedule to install or implement the BMPs; and
- (d) other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater run-on to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

Section B. Best Management Practices (BMPs) and SWP3 Requirements

Minimum SWP3 Requirements – The following are required in addition to other SWP3 requirements listed in this general permit, which include, but are not limited to the applicable requirements located in Part III.F.8. of this general permit, as follows:

1. Description of Potential Pollutant Sources – The SWP3 must provide a description of potential sources (activities and materials) that can cause, have a reasonable potential to cause or contribute to a violation of water quality standards or have been found to cause, or contribute to, the loss of a designated use of surface water in the state in stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in stormwater discharges associated with industrial activity and non-stormwater discharges (described in Part II.A.3. of this general permit), in compliance with the terms and conditions of this general permit, including the protection of water quality, and must ensure the implementation of these practices.

The following must be developed, at a minimum, in support of developing this description:

- (a) Drainage – The site map must include the following information:
 - i. the location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
 - ii. a depiction of the drainage area and the direction of flow to the outfall(s);
 - iii. structural controls used within the drainage area(s);

- iv. the locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
 - v. the locations of the following: any bag house or other dust control device(s); recycle/sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
- (b) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and precipitation and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
- (c) Spills and Leaks – A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and precipitation and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated as needed.
- (d) Sampling Data – A summary of existing stormwater discharge sampling data must be maintained, if available.
2. Measures and Controls – The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3’s “Description of Potential Pollutant Sources” from Part V.B.1. of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:
- (a) Good Housekeeping – Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.
 - i. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.
 - ii. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
 - (b) Spill Prevention and Response Procedures – Areas where potential spills that can contribute pollutants to stormwater runoff and precipitation, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
 - (c) Inspections – Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC § 305.128. Inspections of facilities in operation must be performed

once every seven (7) days. Inspections of facilities that are not in operation must be performed at a minimum of once per month. The current inspection frequency being implemented at the facility must be recorded in the SWP3. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

- (d) Employee Training – An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one (1) training prior to the initiation of operation of the concrete batch plant.
 - (e) Record Keeping and Internal Reporting Procedures – A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.
 - (f) Management of Runoff – The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.
3. Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:
- (a) visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include, but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
 - (b) based on the results of the evaluation, the following must be revised as appropriate within two (2) weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part V.B.1., "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part V.B.2., "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.
 - (c) the permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any

incidence(s), and the report must be signed according to 30 TAC § 305.128 (relating to Signatories to Reports).

- (d) the Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part V.B.2.(c) of this general permit.

Section C. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck wash out at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

Part VI. Concrete Truck Wash Out Requirements

This general permit authorizes the land disposal of wash out from concrete trucks at construction sites regulated under this general permit, provided the following requirements are met. Any discharge of concrete production wastewater to surface water in the state must be authorized under a separate TCEQ general permit or individual permit.

- A.** Discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
- B.** Concrete truck wash out water shall be disposed in areas at the construction site where structural controls have been established to prevent discharge to surface water in the state, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent discharge to surface water in the state. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- C.** Wash out of concrete trucks during rainfall events shall be minimized. The discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck wash out as the result of rainfall or stormwater runoff.
- D.** The disposal of wash out water from concrete trucks, made under authorization of this general permit must not cause or contribute to groundwater contamination.
- E.** If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated site map.

Part VII. Retention of Records

The permittee must retain the following records for a minimum period of three (3) years from the date that a NOT is submitted as required in Part II.F.1. and 2. of this permit. For activities in which an NOT is not required, records shall be retained for a minimum period of three (3) years from the date that the operator terminates coverage under Section II.F.3. of this permit. Records include:

- A.** a copy of the SWP3;
- B.** all reports and actions required by this permit, including a copy of the TCEQ construction site notice;
- C.** all data used to complete the NOI, if an NOI is required for coverage under this general permit; and
- D.** all records of submittal of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

Part VIII. Standard Permit Conditions

- A.** The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued (CWA and TWC), and is grounds for enforcement action, for terminating, revoking and reissuance, or modification, or denying coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41 (a).
- B.** Authorization under this general permit may be modified, suspended, revoked and reissued, terminated or otherwise suspended for cause, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41(f). Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for modifying, revoking and reissuing, terminating or, otherwise suspending authorization under this permit, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41 (h). Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.
- C.** It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
- D.** Inspection and entry shall be allowed under TWC Chapters 26-28, Texas Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR § 122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- E.** The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:
1. negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8);
 2. knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
 3. knowingly violating CWA §303 and placing another person in imminent danger of death or serious bodily injury.
- F.** All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- G.** Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- H.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

- I.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- J.** The permittee shall comply with the monitoring and reporting requirements in 40 CFR § 122.41(j) and (l), as applicable.
- K.** Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

Part IX. Fees

- A.** A fee of must be submitted along with the NOI:
 - 1. \$225 if submitting an NOI electronically, or
 - 2. \$325 if submitting a paper NOI.
- B.** Fees are due upon submission of the NOI. An NOI will not be declared administratively complete unless the associated fee has been paid in full.
- C.** No separate annual fees will be assessed for this general permit. The Water Quality Annual Fee has been incorporated into the NOI fees as described above.

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30	Foard: Dec. 15 - Feb. 14
Archer: Dec. 15 - Feb. 14	Gaines: Nov. 15 - Apr. 30
Armstrong: Nov. 15 - Apr. 30	Garza: Nov. 15 - Apr. 30
Bailey: Nov. 1 - Apr. 30, or Nov. 15 - May 14	Glasscock: Nov. 15 - Apr. 30
Baylor: Dec. 15 - Feb. 14	Hale: Nov. 15 - Apr. 30
Borden: Nov. 15 - Apr. 30	Hall: Feb. 1 - Mar. 30
Brewster: Nov. 15 - Apr. 30	Hansford: Nov. 15 - Apr. 30
Briscoe: Nov. 15 - Apr. 30	Hardeman: Dec. 15 - Feb. 14
Brown: Dec. 15 - Feb. 14	Hartley: Nov. 15 - Apr. 30
Callahan: Dec. 15 - Feb. 14	Haskell: Dec. 15 - Feb. 14
Carson: Nov. 15 - Apr. 30	Hockley: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Castro: Nov. 15 - Apr. 30	Howard: Nov. 15 - Apr. 30
Childress: Dec. 15 - Feb. 14	Hudspeth: Nov. 1 - May 14
Cochran: Nov. 1 - Apr. 30, or Nov. 15 - May 14	Hutchinson: Nov. 15 - Apr. 30
Coke: Dec. 15 - Feb. 14	Irion: Dec. 15 - Feb. 14
Coleman: Dec. 15 - Feb. 14	Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14
Collingsworth: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28	Jones: Dec. 15 - Feb. 14
Concho: Dec. 15 - Feb. 14	Kent: Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30
Cottle: Dec. 15 - Feb. 14	Kerr: Dec. 15 - Feb. 14
Crane: Nov. 15 - Apr. 30	Kimble: Dec. 15 - Feb. 14
Crockett: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30	King: Dec. 15 - Feb. 14
Crosby: Nov. 15 - Apr. 30	Kinney: Dec. 15 - Feb. 14
Culberson: Nov. 1 - May 14	Knox: Dec. 15 - Feb. 14
Dallam: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30	Lamb: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Dawson: Nov. 15 - Apr. 30	Loving: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Deaf Smith: Nov. 15 - Apr. 30	Lubbock: Nov. 15 - Apr. 30
Dickens: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30	Lynn: Nov. 15 - Apr. 30
Dimmit: Dec. 15 - Feb. 14	Martin: Nov. 15 - Apr. 30
Donley: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28	Mason: Dec. 15 - Feb. 14
Eastland: Dec. 15 - Feb. 14	Maverick: Dec. 15 - Feb. 14
Ector: Nov. 15 - Apr. 30	McCulloch: Dec. 15 - Feb. 14
Edwards: Dec. 15 - Feb. 14	Menard: Dec. 15 - Feb. 14
El Paso: Jan. 1 - Jul. 14, or May 15 - Jul. 31, or Jun. 1 - Aug. 14, or Jun. 15 - Sept. 14, or Jul. 1 - Oct. 14, or Jul. 15 - Oct. 31, or Aug. 1 - Apr. 30, or Aug. 15 - May 14, or Sept. 1 - May 30, or Oct. 1 - Jun. 14, or Nov. 1 - Jun. 30, or Nov. 15 - Jul. 14	Midland: Nov. 15 - Apr. 30
Fisher: Dec. 15 - Feb. 14	Mitchell: Nov. 15 - Apr. 30
Floyd: Nov. 15 - Apr. 30	Moore: Nov. 15 - Apr. 30
	Motley: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30
	Nolan: Dec. 15 - Feb. 14
	Oldham: Nov. 15 - Apr. 30

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Appendix A

Parmer: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Pecos: Nov. 15 - Apr. 30
Potter: Nov. 15 - Apr. 30
Presidio: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Randall: Nov. 15 - Apr. 30
Reagan: Nov. 15 - Apr. 30
Real: Dec. 15 - Feb. 14
Reeves: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Runnels: Dec. 15 - Feb. 14
Schleicher: Dec. 15 - Feb. 14
Scurry: Nov. 15 - Apr. 30
Shackelford: Dec. 15 - Feb. 14
Sherman: Nov. 15 - Apr. 30
Stephens: Dec. 15 - Feb. 14
Sterling: Nov. 15 - Apr. 30
Stonewall: Dec. 15 - Feb. 14
Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30
Taylor: Dec. 15 - Feb. 14
Terrell: Nov. 15 - Apr. 30
Terry: Nov. 15 - Apr. 30
Throckmorton: Dec. 15 - Feb. 14
Tom Green: Dec. 15 - Feb. 14
Upton: Nov. 15 - Apr. 30
Uvalde: Dec. 15 - Feb. 14
Val Verde: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30
Ward: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Wichita: Dec. 15 - Feb. 14
Wilbarger: Dec. 15 - Feb. 14
Winkler: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Young: Dec. 15 - Feb. 14
Wheeler: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28
Zavala: Dec. 15 - Feb. 14

Appendix B: Storm Erosivity (EI) Zones in Texas

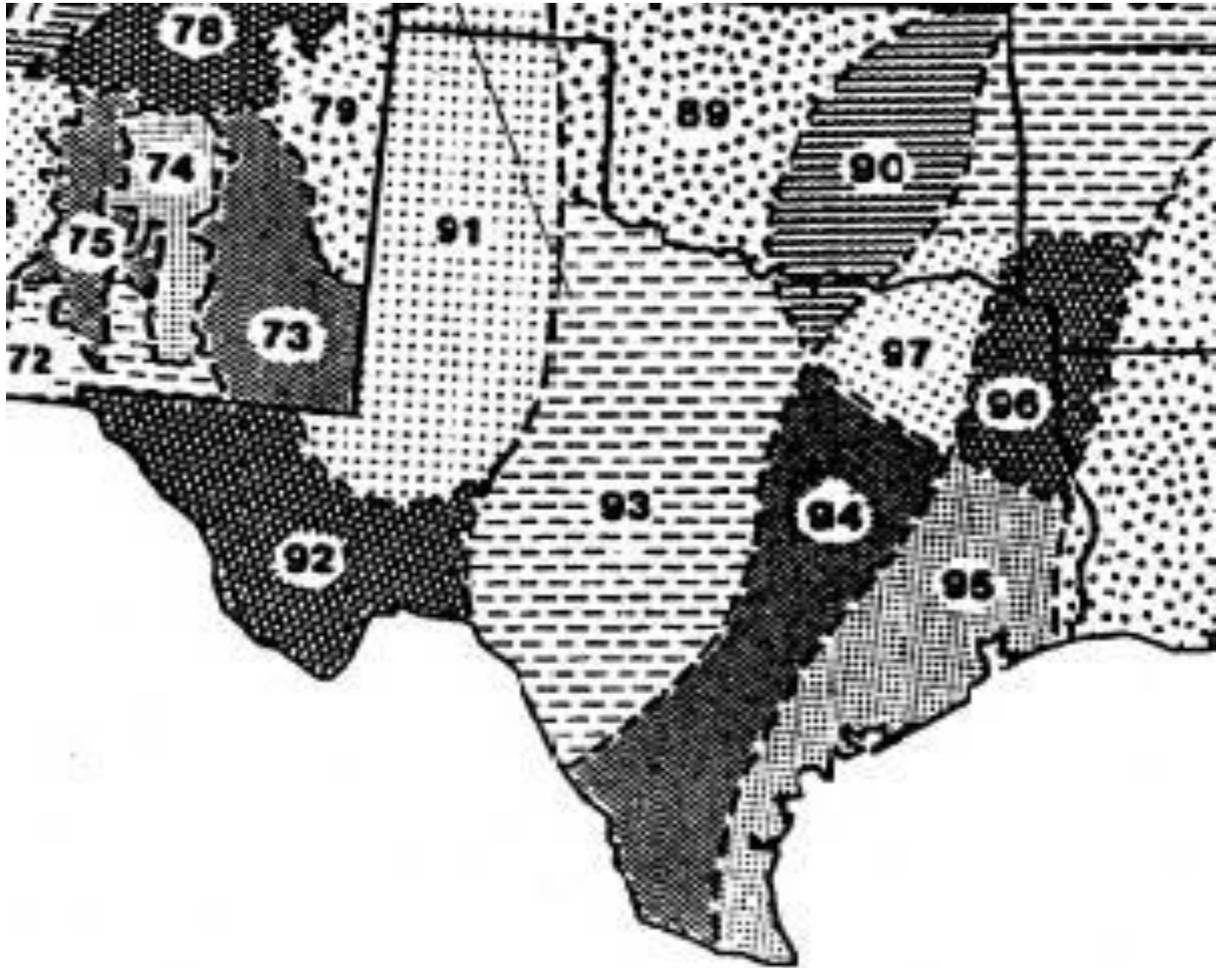


Figure B. EI Distribution Zones

Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix C: Isoerodent Map

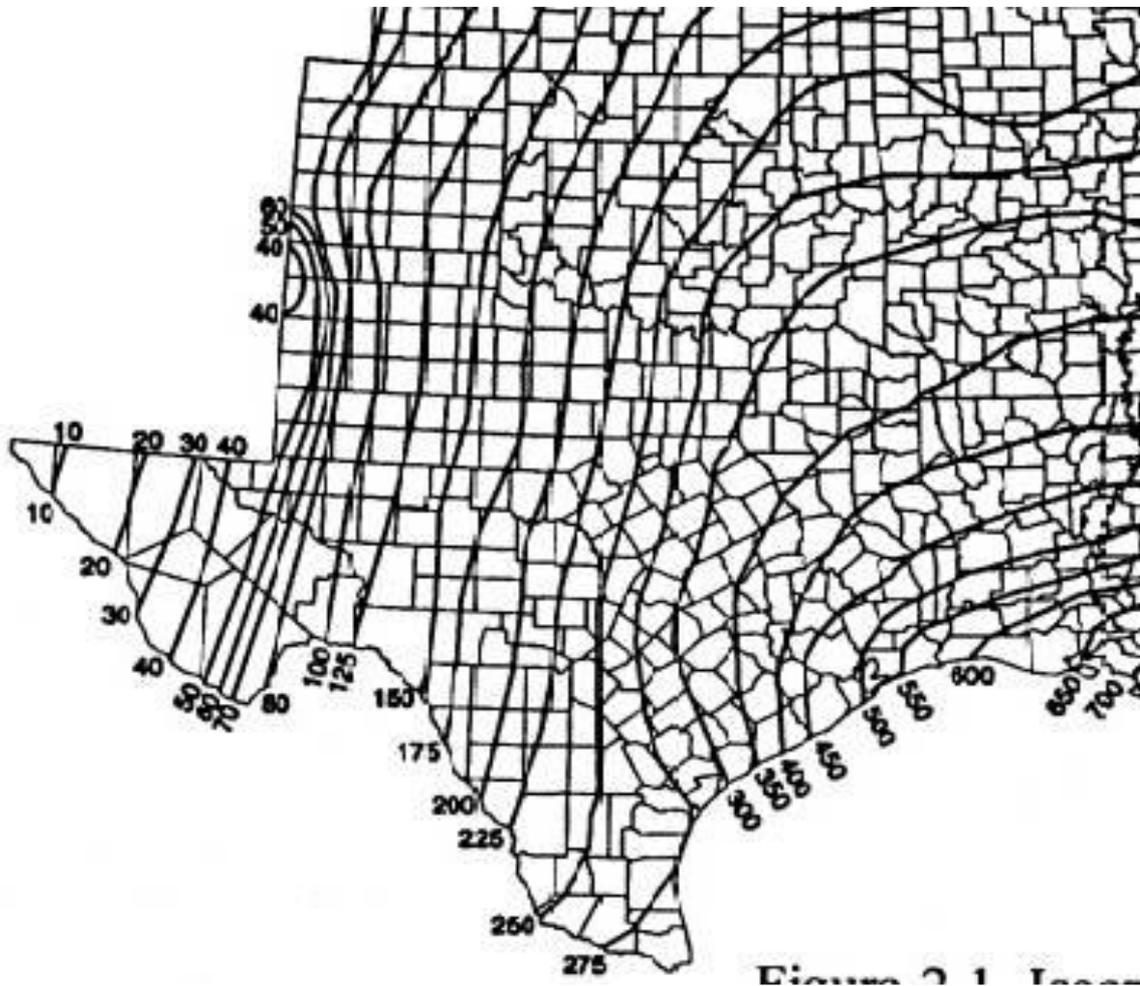


Figure C. Isoerodent Map of Texas. Units are hundreds $\text{ft} \cdot \text{tonf} \cdot \text{in} \cdot (\text{ac} \cdot \text{h} \cdot \text{yr})^{-1}$

Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix D: Erosivity Indices for EI Zones in Texas

Table D. EI as percentage of average annual computed selected geographic areas (EI number) by date period (month/day).

Date Periods* (Month/Day)

EI #	1/1	1/16	1/31	2/15	3/1	3/16	3/31	4/15	4/30	5/15	5/30	6/14	6/29	7/14	7/29	8/13	8/28	9/12	9/27	10/12	10/27	11/11	11/26	12/11	12/31
89	0	1	1	2	3	4	7	2	8	27	38	48	55	62	69	76	83	90	94	97	98	99	100	100	100
90	0	1	2	3	4	6	8	13	21	29	37	46	54	60	65	69	74	81	87	92	95	97	98	99	100
91	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100	100
92	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100	100
93	0	1	1	2	3	4	6	8	13	25	40	49	56	62	67	72	76	80	85	91	97	98	99	99	100
94	0	1	2	4	6	8	10	15	21	29	38	47	53	57	61	65	70	76	83	88	91	94	96	98	100
95	0	1	3	5	7	9	11	14	18	27	35	41	46	51	57	62	68	73	79	84	89	93	96	98	100
96	0	2	4	6	9	12	17	23	30	37	43	49	54	58	62	66	70	74	78	82	86	90	94	97	100
97	0	1	3	5	7	10	14	20	28	37	48	56	61	64	68	72	77	81	86	89	92	95	98	99	100
106	0	3	6	9	13	17	21	27	33	38	44	49	55	61	67	71	75	78	81	84	86	90	94	97	100

*Each period begins on the date listed in the table above and lasts until the day before the following period. The final period begins on December 11 and ends on December 31.

Table adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service.