



# **HIGHPOINT UNIT-2C**

## **Storm Water Pollution Prevention Plan**

**TPDES General Permit**

**No. TXR 150000**

**April 2022**



---

Transportation | Water Resources | Land Development | Surveying | Environmental

April 6, 2022

Mr. Chad Nugent  
Ladera I, LLC  
725 E. Fireweed Lane, Suite 800  
Anchorage, Alaska 99503

Re: Highpoint Unit-2C  
TPDES Storm Water Pollution Prevention Plan

Dear Mr. Nugent:

Attached please find a copy of the Texas Pollutant Discharge Elimination System (TPDES) Storm Water Pollution Prevention Plan (SWP3) for Highpoint Unit-2C prepared for Ladera I, LLC. 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.

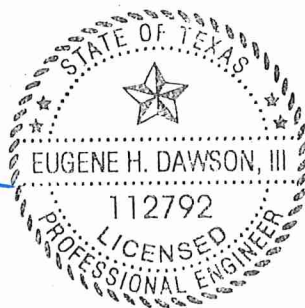
Please note, your contractor must complete a Notice of Intent (NOI) form and forward it to the Bexar County Infrastructure Services Department and submit electronically to the Texas Commission on Environmental Quality (TCEQ). If you as the owner qualify as the primary operator (see Plan Implementation Checklist) then you must also submit an NOI. If you elect not to file an NOI as the secondary operator, you will not receive notices, including contractor violations and correspondence from TCEQ. Both you and your contractor must also complete a Construction Site Notice (CSN) and submit it to Bexar County (MS4). A Storm Water Quality Site Development Permit Application is also required to be completed and submitted to Bexar County 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 Ladera I, LLC on this project.

Sincerely,  
Pape-Dawson Engineers, Inc.



Trey Dawson, P.E. 4/6/2022  
Sr. Vice President



Attachments

P:\64\45\64\Word\Reports\TPDES\220404A1.docx

# HIGHPOINT UNIT-2C

## Storm Water Pollution Prevention Plan

TPDES General Permit

No. TXR 150000

April 2022



# HIGHPOINT UNIT-2C

## Storm Water Pollution Prevention Plan

### TABLE OF CONTENTS

INTRODUCTION .....	1
I. SITE DESCRIPTION .....	2
II. CONTROLS.....	4
A. EROSION AND SEDIMENT CONTROLS.....	5
1. GOALS AND CRITERIA.....	5
2. STABILIZATION PRACTICES.....	6
3. STRUCTURAL PRACTICES.....	10
B. POST-CONSTRUCTION STORM WATER MANAGEMENT .....	11
C. OTHER CONTROLS.....	11
1. OFF-SITE VEHICLE TRACKING .....	11
2. CONSTRUCTION MATERIALS STORAGE .....	12
3. WASTE DISPOSAL .....	13
4. HAZARDOUS SUBSTANCES AND HAZARDOUS WASTE .....	14
D. STATE, TRIBAL, OR LOCAL CONTROLS.....	15
III. MAINTENANCE.....	16
IV. INSPECTIONS.....	17
V. CONSTRUCTION SUPPORT ACTIVITIES.....	19
VI. NON-STORM WATER DISCHARGES .....	20
VII. SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN .....	21
A. MATERIALS COVERED .....	21
B. MATERIAL MANAGEMENT PRACTICES .....	21
C. GOOD HOUSEKEEPING.....	22
D. HAZARDOUS PRODUCTS .....	22
E. PRODUCT SPECIFIC PRACTICES .....	23
1. PETROLEUM PRODUCTS .....	23
2. FERTILIZER.....	23
3. PAINTS, PAINT SOLVENTS, AND CLEANING SOLVENTS.....	23
4. CONCRETE TRUCKS .....	24
F. SPILL PREVENTION PRACTICES.....	25



# **HIGHPOINT UNIT-2C**

## **Storm Water Pollution Prevention Plan**

### **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**

- Notice of Intent (NOI), Construction Site Notice & NOI Tracking Form
- Stormwater Quality Site Development Permit Application (Bexar County)
- Inspection Records
- Inspection Schedule Form
- SWP3 Inspection Forms and Corrective Action Items Forms
- Letter Delegating an “Authorized Representative”
- Inspector’s Qualifications
- Plan Modifications
- Notice of Termination
- March 5, 2018 TPDES General Permit TXR150000

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### IMPORTANT DEFINITIONS TO NOTE

**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 on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; **(this may be 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 Storm Water Pollution Prevention Plan (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 **(this may be Owner/Developer)**.

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.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### PLAN IMPLEMENTATION CHECKLIST

1. A Notice of Intent (NOI) must be submitted prior to construction. NOIs must be submitted electronically. Site information required to complete the online NOI is included on page 2 within this report.
  - a. Prior to start of construction, submit NOI and pay fee electronically through the State of Texas Environmental Electronic Reporting System (STEERS),
    - Receive Immediate Coverage
    - To submit the NOI go to the web site: <https://www3.tceq.texas.gov/steers/>
    - The fee is \$225.00 if submitting the NOI electronically
    - To pay online go to: <https://www3.tceq.texas.gov/epay>
    - If you file electronically you must be registered with the state
  - b. Submit NOI two (2) days prior to start of construction, using TCEQ Form 20022 (3/6/2018).

TPDES Coordinator  
Bexar County Infrastructure Services Department (MS4)  
Environmental Services Division  
Storm Water Quality  
1948 Probant Street  
San Antonio, Texas 78214
2. Secondary Operators are not required to submit an NOI. If the owner falls under the definition of Secondary Operator, they are not required to submit an NOI. Only the operator listed on the NOI will receive notifications, including any violations onsite.
3. Two (2) days prior to start of construction the primary operator(s) must submit a Construction Site Notice (CSN) to the local Municipal Separate Storm Sewer System (MS4):

TPDES Coordinator  
Bexar County Infrastructure Services Department (MS4)  
Environmental Services Division  
Storm Water Quality  
1948 Probant Street  
San Antonio, Texas 78214
4. All secondary operators must provide a copy of the signed and certified Secondary Operator construction site notice to the operator of any MS4 receiving the discharge at least two (2) days prior to commencement of construction activities.

TPDES Coordinator  
Bexar County Infrastructure Services Department (MS4)  
Environmental Services Division  
Storm Water Quality  
1948 Probant Street  
San Antonio, Texas 78214

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

5. Incorrect information, omissions of relevant facts, or changes in relevant information provided in the original NOI must be corrected within 14 days after discovery, in writing, in a Notice of Change (NOC) letter or TCEQ Form 20391 (03/05/2018) to the MS4 in the address in 1 above and filed electronically through STEERS with TCEQ. A transfer of operational control, including transfer of ownership of a company may not be included in an NOC.
6. The primary operator(s), (all parties that submit an NOI) must sign the NOI Tracking Form provided in this SWP3.
7. All Notices of Intent, Notices of Termination, Storm Water Pollution Prevention Plans, reports, certifications, or information either submitted to the Director or to the operator of a 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 "Notice of Intent" section of this SWP3.
8. Post signed copies of all CSNs in a location where they are readily available for viewing by the general public (e.g., alongside of building permit). Copies of all CSNs to remain posted until the completion of construction activities. A copy of the SWP3 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.

9. 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.
10. The primary operator(s) or general contractor shall designate qualified person(s) to conduct inspections and fill out Inspection Schedule Form and Inspection Forms (copies provided in Storm Water Pollution Prevention Plan). A copy of the inspector's qualifications should be included in this SWP3. The owner/operator may elect to authorize an individual or position having responsibility for the overall operation of the construction activity, or for the owner/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 required by this permit.

A form letter for delegating an "Authorized Representative" is included in the "Inspection Record" section of this SWP3.

11. Any field changes or modifications to the SWP3 should be noted on the appropriate exhibit, signed, and dated by the responsible party.

## **HIGHPOINT UNIT-2C**

### **Storm Water Pollution Prevention Plan**

12. Maintain the SWP3 by posting changes, if any, copies of NOIs, NOTs, etc., in plan. File Inspection Forms in SWP3 and retain all records and documents for a minimum period of three years from the date of NOT submittal or terminated coverage.
13. All responsible parties must file a Notice of Termination (NOT) – TCEQ Form 20023 (03/09/2018) (copies in SWP3) within 30 days of when their work has been completed and when the site has been stabilized, or when the operator of storm water discharges changes. Copies should be sent by "Certified Mail - Return Receipt Requested" to the parties identified in 1 above and electronically filed through STEERS with TCEQ. If a site is turned over to another operator, the existing operator shall notify the new operator in writing of the need to obtain permit coverage.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### PLAN IMPLEMENTATION CHECKLIST (BEXAR COUNTY)

The following are additional items applicable to projects within the limits of Bexar County and outside the jurisdiction of a municipality.

1. At least fourteen (14) days prior to the start of construction, the primary operator(s) must submit a Storm Water Quality Site Development Permit Application & Fees (\$500) to the following:

Bexar County Infrastructure Services Department  
Environmental Services Division  
Storm Water Quality  
1948 Probant Street  
San Antonio, Texas 78214

Carefully review form and provide all requested information. A copy of this SWP3 must be included.

2. Notify the Bexar County Stormwater Quality Program at least three (3) working days prior to:
  - a. start of construction;
  - b. completion of site clearing;
  - c. completion of final grading;
  - d. when temporary stabilization occurs; and
  - e. completion of final landscaping
3. Send inspection reports to Bexar County Storm Water Program at least bi-monthly via e-mail ([swq@bexar.org](mailto:swq@bexar.org)) or fax (210-335-6713).
4. Terminate the Site Development Permit when the site reaches permanent stabilization. Submit a copy of the TCEQ's Notice of Termination (NOT) to the address listed in Item 1 above. The permit will not be terminated until Bexar County Inspector inspects site and approves the termination of permit.



# **STORM WATER POLLUTION PREVENTION PLAN**

# HIGHPOINT UNIT-2C

## Storm Water Pollution Prevention Plan

### INTRODUCTION

This Storm Water Pollution Prevention Plan (SWP3) is prepared for Ladera I, LLC and its authorized agents per the guidelines in the TPDES General Permit TXR150000 (TXR150000), dated March 5, 2018, 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 Ladera I, LLC 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 Engineers, Inc. (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 TXR150000, which are as follows:

- *For sites which disturb five (5) or more acres or are part of an overall plan of development which is more than five (5) acres, a copy of the NOI prepared by each Operator must be posted near the main entrance of the construction site in a publicly accessible location for viewing by the general public. A Construction Site Notice (CSN) with the name and telephone number of a representative of the Operator who has day to day control over the implementation of the SWP3, a brief description of the construction project, and the location of the SWP3 must also be posted. A signed copy of the NOI form(s) must also be provided, prior to commencement of construction activities, to the operator of*

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

*any Municipal Separate Storm Sewer System (MS4) operator which receives any discharge from the construction site.*

#### I. SITE DESCRIPTION

Project Name: *Highpoint Unit-2C*

Project Street Address: *Northwest of Rushing River and River Pointe Intersection, San Antonio, TX 78245*

Latitude: *29.406282 N*

Longitude: *-98.79227 W*

Nature of the Construction Activity: *Clearing, grubbing, grading, and excavation for installation of utilities and drainage improvements for streets and sidewalk construction. Home construction covered under separate SWPPP.*

Estimated Construction Start Date: *07/1/2022*

Estimated Construction End Date: *10/01/2022*

Total Site Area (Acres): *21.72*

Approximate Site Area to be Disturbed (Acres): *21.72*

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

Temporary Sedimentation Basin provided: *No temporary sedimentation basin is necessary. Although more than 10 acres may be disturbed on the project site, no more than 10 acres shall be disturbed within a common drainage area at one time as the site is comprised of multiple sub-drainage areas. Other TBMPs are to be utilized for site disturbance 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 Whitewright clay loam 1-5% slopes (BpC); Brackett gravelly clay loam 3-12% slopes (BrD); Eckrant cobbly clay 1-8% slopes (Tab).*

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

*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: 0.55

Post-construction site runoff coefficient: 0.72

Industrial Activity Discharges: No

Receiving Water: *The site will drain into Lucas Creek to Medina River Below Medina Diversion Lake, which is in segment 1903 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 2020 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

Edwards Aquifer Recharge or Contributing Zone: No

Karst Zone 1 or 2: No, Karst Zone 3

Water Pollution Abatement Plan (WPAP): No

Contributing Zone Plan (CZP): No

#### EXHIBIT 1 - General Location Map

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

- Drainage patterns;
- Approximate post-grading slopes;
- Areas of soil disturbance;
- Undisturbed areas;
- Locations of major structural and non-structural controls;
- Locations of temporary or permanent stabilization practices;
- Locations of construction support activities including off-site activities, material, waste, borrow, or equipment storage areas;
- Surface waters (including wetlands), Impaired waters;

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- Storm water discharges to a surface water feature or municipal separate storm sewer system (MS4);
- Vehicle wash areas; and
- Designated points on the site where vehicles will exit onto paved roads.

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

##### Potential Pollutant Sources:

- Soil erosion due to clearing, grubbing, or excavation for streets, utilities, and drainage.
- 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
- Clearing
- Grading
- Excavation
- Drainage Installation
- Installation of Utilities (water, sewer, gas, electric, telephone, etc.)
- Street construction (subgrade, base, curb, and asphalt)
- 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 clearing, grubbing, grading, or

## **HIGHPOINT UNIT-2C**

### **Storm Water Pollution Prevention Plan**

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.

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**

General goals and criteria for erosion and sediment control are as follows:

- 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.



## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- 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.
- For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.
- 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.

#### 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

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

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.
- 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.
- Natural buffers are provided onsite as illustrated on Exhibit 2.
- 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 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.
- 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)).

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- 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 street 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 streets, 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 169.
- Stabilization measures in this instance shall comply with temporary stabilization as defined in TXR150000 or as defined otherwise in landscape plans where applicable.
- Where slopes are equal to or greater than 3:1, track walking or similar surface roughening techniques shall be performed.

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 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.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- 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 14<sup>th</sup> day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be 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.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### 3. STRUCTURAL PRACTICES

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

- Designation of natural vegetative filter strips as illustrated on Exhibit 2;
- 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.

## **HIGHPOINT UNIT-2C**

### **Storm Water Pollution Prevention Plan**

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.



## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### 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 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

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

products contamination, the water or soil 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.
- 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.
- 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

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

concrete truck wash-out as the result of rain. The direct discharge of concrete truck wash-out 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

- 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 product 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.
- 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:

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- a. 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.
- b. The minimum practical quantity of all such materials will be kept on the job site.
- c. 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.
- d. 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.
- e. All products will be stored in and used from the original container with the original product label.
- f. All products will be used in strict compliance with instructions on the product label.
- g. 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.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

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 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.

## **HIGHPOINT UNIT-2C**

### **Storm Water Pollution Prevention Plan**

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 50% of the above-ground height 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.

#### **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 inspection frequency may be changed a maximum of one (1) 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. In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be



## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

conducted as soon as access is practicable. 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.

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.

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;

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- 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 the responsibility of the Primary Operator(s)/NOI submitter(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.

## V. CONSTRUCTION SUPPORT ACTIVITIES

Examples of construction support activities include, but are not limited to, concrete batch plants, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas. Discharges of storm water runoff from construction support activities may be authorized under this general permit, provided that the following conditions are met:

- 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

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- 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 firefighting activities (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 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);

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

- 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.

## 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

## **HIGHPOINT UNIT-2C**

### **Storm Water Pollution Prevention Plan**

- 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;
- 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,

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

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 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.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### 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 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 pits 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.

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

#### 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:

- 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.



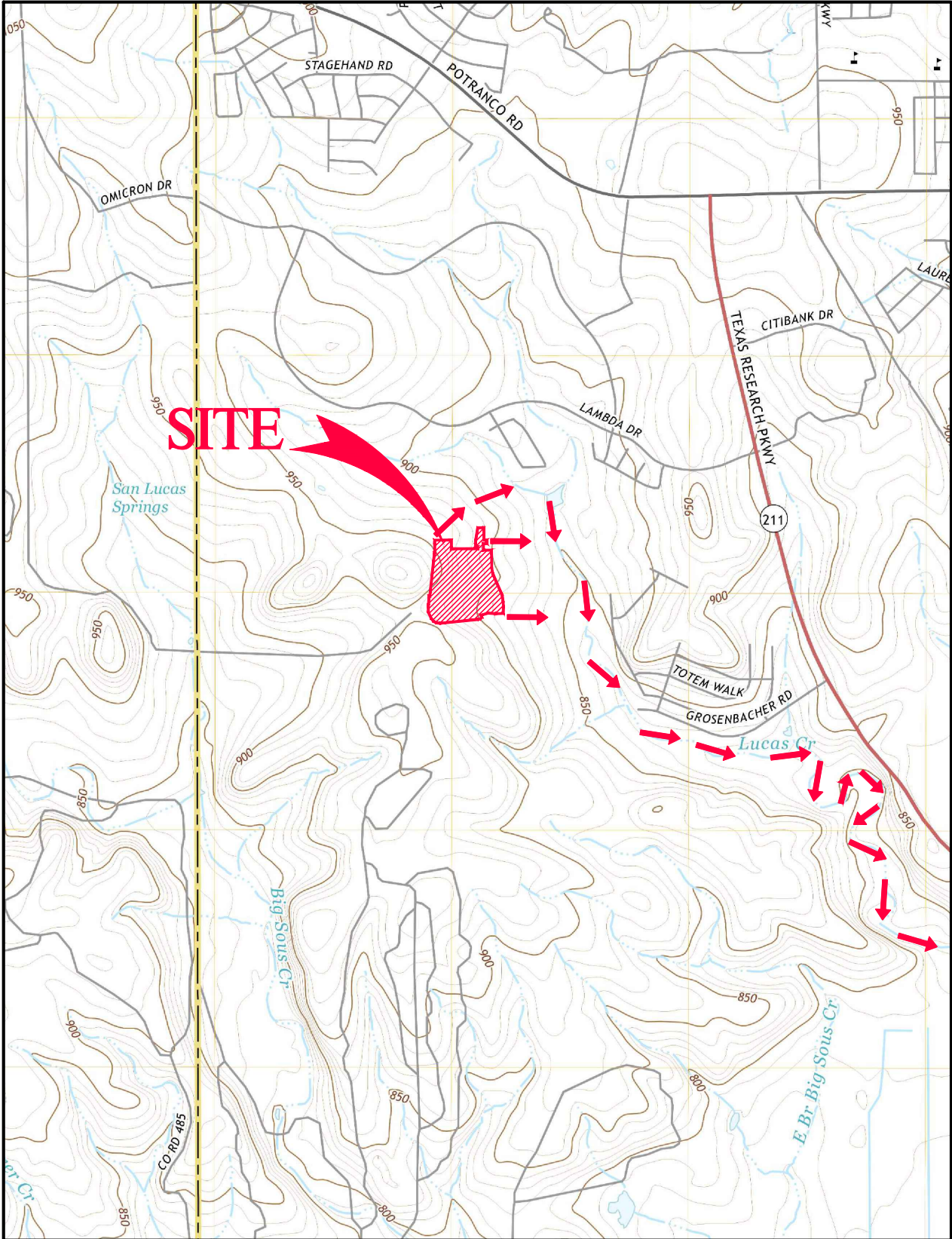
## **HIGHPOINT UNIT-2C**

### **Storm Water Pollution Prevention Plan**

- 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**

HIGHPOINT UNIT 2C  
Storm Water Pollution Prevention Plan



Date: Apr 05, 2022, 8:55am User ID: ROLIVAREZ  
File: P:\64\45\64\Design\Environmental\TPDES\TP644564\_A1.dwg

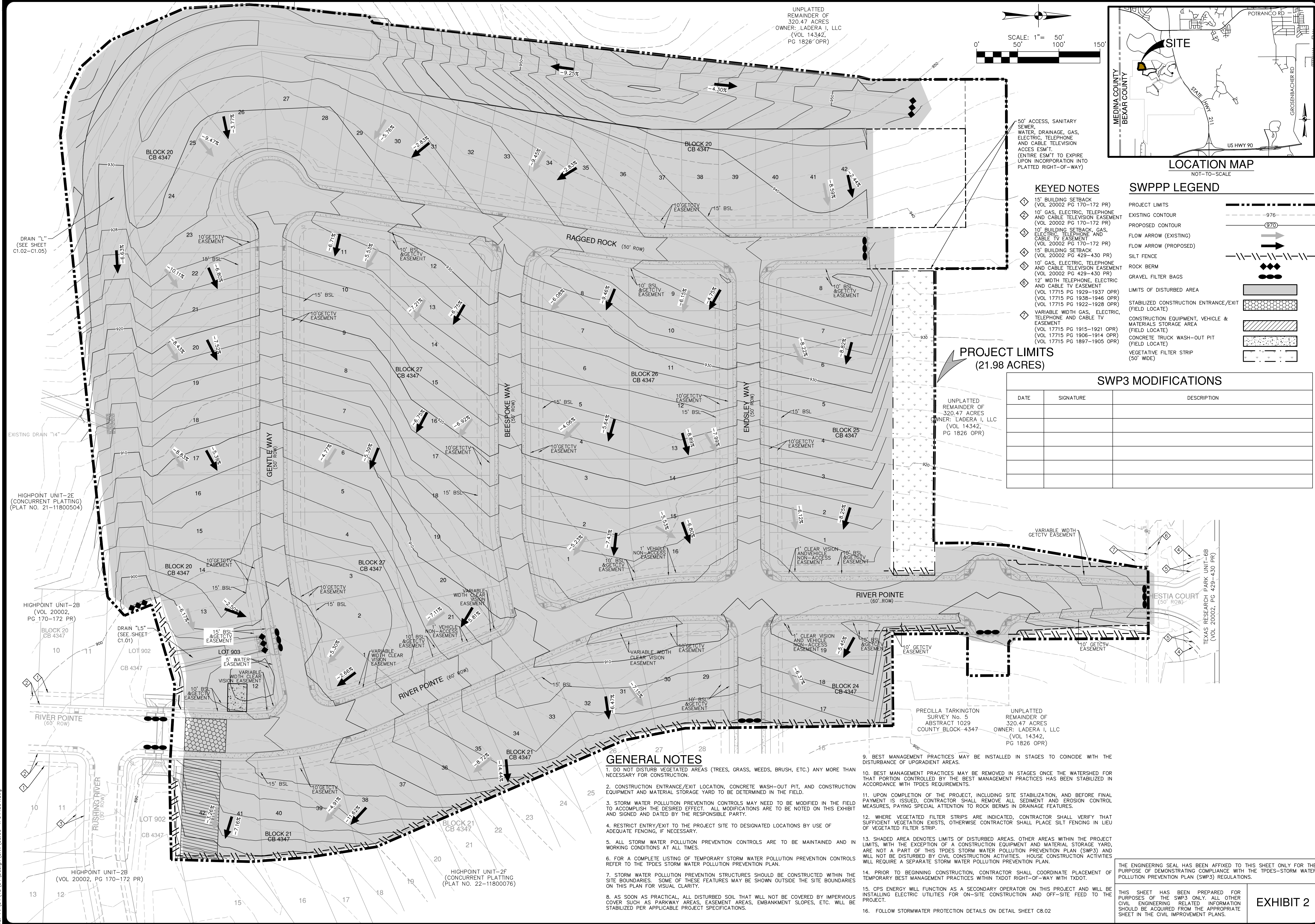
→ → DRAINAGE FLOW

EXHIBIT 1

GENERAL LOCATION MAP - LACOSTE NE, TX QUAD  
SCALE: 1" = 2000'







NO.	REVISION	DATE

STATE OF TEXAS  
EUGENE H. DAWSON III  
112792  
LICENSED PROFESSIONAL ENGINEER  
5/24/22

**PAPE-DAWSON ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 HW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TYPE FIRM REGISTRATION #0088800

**HIGHPOINT UNIT-2C**  
SAN ANTONIO, TEXAS

**STORMWATER POLLUTION PREVENTION PLAN**

PLAT NO. 22-11800157  
JOB NO. 6445-64  
DATE MAY 2022  
DESIGNER AS  
CHECKED SSC DRAWN MJU  
SHEET **C8.00**







Date: May 31, 2023, 9:27am User: ID: mrfidles  
File: P:\G\45164\Drawings\CB\CB 02-TP444564-PLS 2.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, CAROL Digital Data, Texas Orthometry Program, USDA Farm Service Agency.



KEYED NOTES

- 15' BUILDING SETBACK (VOL 20002 PG 170-172 PR)
- 10' GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION EASEMENT (VOL 20002 PG 170-172 PR)
- 10' BUILDING SETBACK, GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOL 20002 PG 170-172 PR)
- 15' BUILDING SETBACK (VOL 20002 PG 429-430 PR)
- 10' GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION EASEMENT (VOL 17715 PG 1929-1937 OPR)
- 12' WIDTH TELEPHONE, ELECTRIC AND CABLE TV EASEMENT (VOL 17715 PG 1938-1946 OPR)
- 15' BUILDING SETBACK (VOL 17715 PG 1922-1928 OPR)
- VARIABLE WIDTH GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOL 17715 PG 1915-1921 OPR)
- 15' BUILDING SETBACK (VOL 17715 PG 1906-1914 OPR)
- 15' BUILDING SETBACK (VOL 17715 PG 1897-1905 OPR)

SWPPP LEGEND

- PROJECT LIMITS
- EXISTING CONTOUR
- PROPOSED CONTOUR
- FLOW ARROW (EXISTING)
- FLOW ARROW (PROPOSED)
- SILT FENCE
- ROCK BERM
- GRAVEL FILTER BAGS
- 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)
- VEGETATIVE FILTER STRIP (50' WIDE)
- EROSION CONTROL MATTING (INSTALL PER MANUFACTURER)
- SILT FENCE AND MULCH

SWP3 MODIFICATIONS

DATE	SIGNATURE	DESCRIPTION

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.

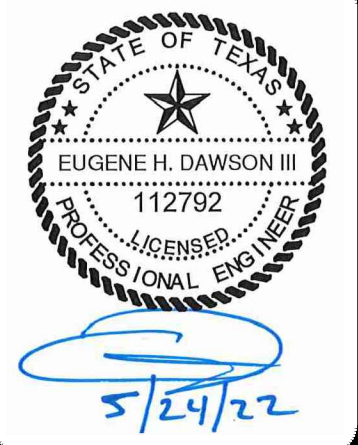
- BEST MANAGEMENT PRACTICES MAY BE INSTALLED IN STAGES TO COINCIDE WITH THE DISTURBANCE OF UPGRADE AREAS.
- BEST MANAGEMENT PRACTICES MAY BE REMOVED IN STAGES ONCE THE WATERSHED FOR THAT PORTION CONTROLLED BY THE BEST MANAGEMENT PRACTICES HAS BEEN STABILIZED IN ACCORDANCE WITH TPDES REQUIREMENTS.
- UPON 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.
- PRIOR TO BEGINNING CONSTRUCTION, CONTRACTOR SHALL COORDINATE PLACEMENT OF TEMPORARY BEST MANAGEMENT PRACTICES WITHIN TYPED RIGHT-OF-WAY WITH TxDOT.
- CPS 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.
- FOLLOW STORMWATER PROTECTION DETAILS ON DETAIL SHEET C8.02

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

DATE	
NO.	
REVISION	



**PAPE-DAWSON ENGINEERS**  
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TYPE FIRM REGISTRATION #270 | TBPUS FIRM REGISTRATION #1008880

HIGHPOINT UNIT-2C  
SAN ANTONIO, TEXAS  
STORMWATER POLLUTION PREVENTION PLAN PHASE 2

PLAT NO.	22-11800157
JOB NO.	6445-64
DATE	MAY 2022
DESIGNER	AS
CHECKED	SSC
DRAWN	MU
SHEET	C8.02



**HIGHPOINT UNIT-2C**  
**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	

# Storm Water Pollution Prevention Plan

List of construction and waste materials to be stored on-site. This list is to be kept current and updated. (Examples: topsoil, gravel, sand, base, excess material to be hauled off, demolition or construction waste, bulk chemicals, fuel, lubricants, etc.)

[illegible]



# HIGHPOINT UNIT-2C

## 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.: \_\_\_\_\_

# HIGHPOINT UNIT-2C

## 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.
<b>Best Management Practices</b>															
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															
<b>Potential Erosion Sources</b>															
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.

**ATTACHMENTS**

**NOTICE OF INTENT,  
CONSTRUCTION SITE NOTICE &  
NOI TRACKING FORM**



# Notice of Intent (NOI) for an Authorization for Stormwater Discharges Associated with Construction Activity under TPDES General Permit TXR150000

## IMPORTANT INFORMATION

Please read and use the General Information and Instructions prior to filling out each question in the NOI form.

Use the NOI Checklist to ensure all required information is completed correctly.

**Incomplete applications delay approval or result in automatic denial.**

Once processed your permit authorization can be viewed by entering the following link into your internet browser: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm) or you can contact TCEQ Stormwater Processing Center at 512-239-3700.

## ePERMITS

**Effective September 1, 2018, this paper form must be submitted to TCEQ with a completed electronic reporting waiver form (TCEQ-20754).**

To submit an NOI electronically, enter the following web address into your internet browser and follow the instructions: <https://www3.tceq.texas.gov/steers/index.cfm>

## APPLICATION FEE AND PAYMENT

The application fee for submitting a paper NOI is \$325. The application fee for electronic submittal of a NOI through the TCEQ ePermits system (STEERS) is \$225.

Payment of the application fee can be submitted by mail or through the TCEQ ePay system. The payment and the NOI must be mailed to separate addresses. To access the TCEQ ePay system enter the following web address into your internet browser: <http://www.tceq.texas.gov/epay>.

Provide your payment information for verification of payment:

- If payment was mailed to TCEQ, provide the following:
  - Check/Money Order Number:
  - Name printed on Check:
- If payment was made via ePay, provide the following:
  - Voucher Number:
  - A copy of the payment voucher is attached to this paper NOI form.

**RENEWAL** (This portion of the NOI is not applicable after June 3, 2018)

Is this NOI for a renewal of an existing authorization? ☐ Yes ☐ No

If Yes, provide the authorization number here: TXR15

NOTE: If an authorization number is not provided, a new number will be assigned.

**SECTION 1. OPERATOR (APPLICANT)**

a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN

(Refer to Section 1.a) of the Instructions)

b) What is the Legal Name of the entity (applicant) applying for this permit? (The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)

c) What is the contact information for the Operator (Responsible Authority)?

Prefix (Mr. Ms. Miss):

First and Last Name:

Suffix:

Title:

Credentials:

Phone Number:

Fax Number:

E-mail:

Mailing Address:

City, State, and Zip Code:

Mailing Information if outside USA:

Territory:

Country Code:

Postal Code:

d) Indicate the type of customer:

☐ Individual

☐ Limited Partnership

☐ General Partnership

☐ Trust

☐ Sole Proprietorship (D.B.A.)

☐ Corporation

☐ Estate

☐ Federal Government

☐ County Government

☐ State Government

☐ City Government

☐ Other Government

☐ Other:

e) Is the applicant an independent operator? ☐ Yes

☐ No

(If a governmental entity, a subsidiary, or part of a larger corporation, check No.)

f) Number of Employees. Select the range applicable to your company.

☐ 0-20

☐ 251-500

☐ 21-100

☐ 501 or higher

☐ 101-250

g) Customer Business Tax and Filing Numbers: (**Required** for Corporations and Limited Partnerships. **Not Required** for Individuals, Government, or Sole Proprietors.)

State Franchise Tax ID Number:

Federal Tax ID:

Texas Secretary of State Charter (filing) Number:

DUNS Number (if known):

## SECTION 2. APPLICATION CONTACT

Is the application contact the same as the applicant identified above?

☐ Yes, go to Section 3

☐ No, complete this section

Prefix (Mr. Ms. Miss):

First and Last Name:  Suffix:

Title:  Credential:

Organization Name:

Phone Number:  Fax Number:

E-mail:

Mailing Address:

Internal Routing (Mail Code, Etc.):

City, State, and Zip Code:

Mailing information if outside USA:

Territory:

Country Code:  Postal Code:

## SECTION 3. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN

(Refer to Section 3.a) of the Instructions)

- b) Name of project or site (the name known by the community where it's located): Highpoint Unit 2C
- c) In your own words, briefly describe the type of construction occurring at the regulated site (residential, industrial, commercial, or other): single-family residential
- d) County or Counties (if located in more than one): Bexar
- e) Latitude: 29.406282 N Longitude: -98.792227 W
- f) Site Address/Location

If the site has a physical address such as 12100 Park 35 Circle, Austin, TX 78753, complete *Section A*.

If the site does not have a physical address, provide a location description in *Section B*. Example: located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1.

*Section A:*

Street Number and Name:

City, State, and Zip Code:

*Section B:*

Location Description: Northwest of Rushing River and River Pointe Intersection

City (or city nearest to) where the site is located: San Antonio

Zip Code where the site is located: 78245

#### SECTION 4. GENERAL CHARACTERISTICS

- a) Is the project or site located on Indian Country Lands?
- ☐ Yes, do not submit this form. You must obtain authorization through EPA Region 6.
- ☒ No
- b) Is your construction activity associated with a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources?
- ☐ Yes. Note: The construction stormwater runoff may be under jurisdiction of the Railroad Commission of Texas and may need to obtain authorization through EPA Region 6.
- ☒ No
- c) What is the Primary Standard Industrial Classification (SIC) Code that best describes the construction activity being conducted at the site? 1611
- d) What is the Secondary SIC Code(s), if applicable? 1623
- e) What is the total number of acres to be disturbed? 21.72
- f) Is the project part of a larger common plan of development or sale?



☒ Yes

☐ No. The total number of acres disturbed, provided in e) above, must be 5 or more. If the total number of acres disturbed is less than 5, do not submit this form. See the requirements in the general permit for small construction sites.

g) What is the estimated start date of the project? 07/10/2022

h) What is the estimated end date of the project? 10/01/2022

i) Will concrete truck washout be performed at the site? ☒ Yes ☐ No

j) What is the name of the first water body(ies) to receive the stormwater runoff or potential runoff from the site? Lucas Creek

k) What is the segment number(s) of the classified water body(ies) that the discharge will eventually reach? 1903

l) Is the discharge into a Municipal Separate Storm Sewer System (MS4)?

☒ Yes ☐ No

If Yes, provide the name of the MS4 operator: Bexar

Note: The general permit requires you to send a copy of this NOI form to the MS4 operator.

m) Is the discharge or potential discharge from the site within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, as defined in 30 TAC Chapter 213?

☐ Yes, complete the certification below.

☒ No, go to Section 5

I certify that the copy of the TCEQ-approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) that is included or referenced in the Stormwater Pollution Prevention Plan will be implemented. ☐ Yes

## SECTION 5. NOI CERTIFICATION

a) I certify that I have obtained a copy and understand the terms and conditions of the Construction General Permit (TXR150000). ☐ Yes

b) I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas. ☐ Yes

c) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☐ Yes

d) I certify that a Stormwater Pollution Prevention Plan has been developed, will be implemented prior to construction and to the best of my knowledge and belief is compliant with any applicable local sediment and erosion control plans, as required in the Construction General Permit (TXR150000). ☐ Yes

Note: For multiple operators who prepare a shared SWP3, the confirmation of an operator may be limited to its obligations under the SWP3, provided all obligations are confirmed by at least one operator.

## SECTION 6. APPLICANT CERTIFICATION SIGNATURE

Operator Signatory Name:

Operator Signatory Title:

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.

Signature (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

# NOTICE OF INTENT CHECKLIST (TXR150000)

Did you complete everything? Use this checklist to be sure!

Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

Confirm each item (or applicable item) in this form is complete. This checklist is for use by the applicant to ensure a complete application is being submitted. **Missing information may result in denial of coverage under the general permit.** (See NOI process description in the General Information and Instructions.)

## APPLICATION FEE

If paying by check:

- ☐ Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)
- ☐ Check number and name on check is provided in this application.

If using ePay:

- ☐ The voucher number is provided in this application and a copy of the voucher is attached.

## RENEWAL

- ☐ If this application is for renewal of an existing authorization, the authorization number is provided.

## OPERATOR INFORMATION

- ☐ Customer Number (CN) issued by TCEQ Central Registry
- ☐ Legal name as filed to do business in Texas. (Call TX SOS 512-463-5555 to verify.)
- ☐ Name and title of responsible authority signing the application.
- ☐ Phone number and e-mail address
- ☐ Mailing address is complete & verifiable with USPS. [www.usps.com](http://www.usps.com)
- ☐ Type of operator (entity type). Is applicant an independent operator?
- ☐ Number of employees.
- ☐ For corporations or limited partnerships - Tax ID and SOS filing numbers.
- ☐ Application contact and address is complete & verifiable with USPS. <http://www.usps.com>

## REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

- ☐ Regulated Entity Number (RN) (if site is already regulated by TCEQ)
- ☒ Site/project name and construction activity description
- ☒ County
- ☒ Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>

- ☒ Site Address/Location. Do not use a rural route or post office box.

#### **GENERAL CHARACTERISTICS**

- ☒ Indian Country Lands -the facility is not on Indian Country Lands.
- ☒ Construction activity related to facility associated to oil, gas, or geothermal resources
- ☒ Primary SIC Code that best describes the construction activity being conducted at the site. [www.osha.gov/oshstats/sicser.html](http://www.osha.gov/oshstats/sicser.html)
- ☒ Estimated starting and ending dates of the project.
- ☒ Confirmation of concrete truck washout.
- ☒ Acres disturbed is provided and qualifies for coverage through a NOI.
- ☒ Common plan of development or sale.
- ☒ Receiving water body or water bodies.
- ☒ Segment number or numbers.
- ☒ MS4 operator.
- ☒ Edwards Aquifer rule.

#### **CERTIFICATION**

- ☐ Certification statements have been checked indicating Yes.
- ☐ Signature meets 30 Texas Administrative Code (TAC) §305.44 and is original.

# Instructions for Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity under TPDES General Permit (TXR150000)

## GENERAL INFORMATION

### Where to Send the Notice of Intent (NOI):

By Regular Mail:

TCEQ

Stormwater Processing Center (MC228)

P.O. Box 13087

Austin, Texas 78711-3087

By Overnight or Express Mail:

TCEQ

Stormwater Processing Center (MC228)

12100 Park 35 Circle

Austin, TX

### Application Fee:

The application fee of \$325 is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit. Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

### Mailed Payments:

Use the attached General Permit Payment Submittal Form. The application fee is submitted to a different address than the NOI. Read the General Permit Payment Submittal Form for further instructions, including the address to send the payment.

**ePAY Electronic Payment:** <http://www.tceq.texas.gov/epay>

When making the payment you must select Water Quality, and then select the fee category "General Permit Construction Storm Water Discharge NOI Application". You must include a copy of the payment voucher with your NOI. Your NOI will not be considered complete without the payment voucher.

### TCEQ Contact List:

Application – status and form questions:

512-239-3700, [swpermit@tceq.texas.gov](mailto:swpermit@tceq.texas.gov)

Technical questions:

512-239-4671, [swgp@tceq.texas.gov](mailto:swgp@tceq.texas.gov)

Environmental Law Division:

512-239-0600

Records Management - obtain copies of forms:

512-239-0900

Reports from databases (as available):

512-239-DATA (3282)

Cashier's office:

512-239-0357 or 512-239-0187

### Notice of Intent Process:

When your NOI is received by the program, the form will be processed as follows:

- **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(es) on the form must be verified with the US Postal service as receiving regular mail delivery. Do not give an overnight/express mailing address.

- **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

or

**Denial of Coverage:** If the operator fails to respond to the NOD or the response is inadequate, coverage under the general permit may be denied. If coverage is denied, the operator will be notified.

### General Permit (Your Permit)

For NOIs submitted **electronically** through ePermits, provisional coverage under the general permit begins immediately following confirmation of receipt of the NOI form by the TCEQ.

For **paper** NOIs, provisional coverage under the general permit begins **7 days after a completed NOI is postmarked for delivery** to the TCEQ.

You should have a copy of your general permit when submitting your application. You may view and print your permit for which you are seeking coverage, on the TCEQ web site <http://www.tceq.texas.gov>. Search using keyword TXR150000.

### Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated project or site changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted no later than 10 days prior to the change in Operator status.

### TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. After final acknowledgment of coverage under the general permit, the program will assign a Customer Number and Regulated Entity Number, if one has not already been assigned to this customer or site.

For existing customers and sites, you can find the Customer Number and Regulated Entity Number by entering the following web address into your internet browser: <http://www15.tceq.texas.gov/crpub/> or you can contact the TCEQ Stormwater Processing Center at 512-239-3700 for assistance. On the website, you can search by your permit number, the Regulated Entity (RN) number, or the Customer Number (CN). If you do not know these numbers, you can select "Advanced Search" to search by permittee name, site address, etc.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur. For this permit, a Notice of Change form must be submitted to the program area.

## INSTRUCTIONS FOR FILLING OUT THE NOI FORM

**Renewal of General Permit.** Dischargers holding active authorizations under the expired General Permit are required to submit a NOI to continue coverage. The existing permit number is required. If the permit number is not provided or has been terminated, expired, or denied, a new permit number will be issued.

### Section 1. OPERATOR (APPLICANT)

#### a) Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. **This is not a permit number, registration number, or license number.**

If the applicant is an existing TCEQ customer, the Customer Number is available at the following website: <http://www15.tceq.texas.gov/crpub/>. If the applicant is not an existing TCEQ customer, leave the space for CN blank.

#### b) Legal Name of Applicant

Provide the current legal name of the applicant. The name must be provided exactly as filed with the Texas Secretary of State (SOS), or on other legal documents forming the entity, as filed in the county. You may contact the SOS at 512-463-5555, for more information related to filing in Texas. If filed in the county, provide a copy of the legal documents showing the legal name.

#### c) Contact Information for the Applicant (Responsible Authority)

Provide information for the person signing the application in the Certification section. This person is also referred to as the Responsible Authority.

Provide a complete mailing address for receiving mail from the TCEQ. The mailing address must be recognized by the US Postal Service. You may verify the address on the following website: <https://tools.usps.com/go/ZipLookupAction!input.action>.

The phone number should provide contact to the applicant.

The fax number and e-mail address are optional and should correspond to the applicant.

#### d) Type of Customer (Entity Type)

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type. Note that the selected entity type also indicates the name that must be provided as an applicant for an authorization.

##### Individual

An individual is a customer who has not established a business, but conducts an activity that needs to be regulated by the TCEQ.

##### Partnership

A customer that is established as a partnership as defined by the Texas Secretary of State Office (TX SOS). If the customer is a 'General Partnership' or 'Joint Venture' filed in the county (not filed with TX SOS), the legal name of each partner forming the 'General Partnership' or 'Joint Venture' must be provided. Each 'legal entity' must apply as a co-applicant.

### **Trust or Estate**

A trust and an estate are fiduciary relationships governing the trustee/executor with respect to the trust/estate property.

### **Sole Proprietorship (DBA)**

A sole proprietorship is a customer that is owned by only one person and has not been incorporated. This business may:

1. be under the person's name
2. have its own name (doing business as or DBA)
3. have any number of employees.

If the customer is a Sole Proprietorship or DBA, the 'legal name' of the individual business 'owner' must be provided. The DBA name is not recognized as the 'legal name' of the entity. The DBA name may be used for the site name (regulated entity).

### **Corporation**

A customer that meets all of these conditions:

1. is a legally incorporated entity under the laws of any state or country
2. is recognized as a corporation by the Texas Secretary of State
3. has proper operating authority to operate in Texas

The corporation's 'legal name' as filed with the Texas Secretary of State must be provided as applicant. An 'assumed' name of a corporation is not recognized as the 'legal name' of the entity.

### **Government**

Federal, state, county, or city government (as appropriate)

The customer is either an agency of one of these levels of government or the governmental body itself. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization is not recognized as the 'legal name'.

### **Other**

This may include a utility district, water district, tribal government, college district, council of governments, or river authority. Provide the specific type of government.

#### **e) Independent Entity**

Check No if this customer is a subsidiary, part of a larger company, or is a governmental entity. Otherwise, check Yes.

#### **f) Number of Employees**

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessarily the number of employees at the site named in the application.



**g) Customer Business Tax and Filing Numbers**

These are required for Corporations and Limited Partnerships. These are not required for Individuals, Government, and Sole Proprietors.

**State Franchise Tax ID Number**

Corporations and limited liability companies that operate in Texas are issued a franchise tax identification number. If this customer is a corporation or limited liability company, enter the Tax ID number.

**Federal Tax ID**

All businesses, except for some small sole proprietors, individuals, or general partnerships should have a federal taxpayer identification number (TIN). Enter this number here. Use no prefixes, dashes, or hyphens. Sole proprietors, individuals, or general partnerships do not need to provide a federal tax ID.

**TX SOS Charter (filing) Number**

Corporations and Limited Partnerships required to register with the Texas Secretary of State are issued a charter or filing number. You may obtain further information by calling SOS at 512-463-5555.

**DUNS Number**

Most businesses have a DUNS (Data Universal Numbering System) number issued by Dun and Bradstreet Corp. If this customer has one, enter it here.

**Section 2. APPLICATION CONTACT**

Provide the name and contact information for the person that TCEQ can contact for additional information regarding this application.

**Section 3. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**

**a) Regulated Entity Number (RN)**

The RN is issued by TCEQ's Central Registry to sites where an activity is regulated by TCEQ. This is not a permit number, registration number, or license number. Search TCEQ's Central Registry to see if the site has an assigned RN at <http://www15.tceq.texas.gov/crpub/>. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, an RN may already be assigned for the larger site. Use the RN assigned for the larger site.

If the site is found, provide the assigned RN and provide the information for the site to be authorized through this application. The site information for this authorization may vary from the larger site information.

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

**b) Name of the Project or Site**

Provide the name of the site or project as known by the public in the area where the site is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity name.

**c) Description of Activity Regulated**

In your own words, briefly describe the primary business that you are doing that requires this authorization. Do not repeat the SIC Code description.

**d) County**

Provide the name of the county where the site or project is located. If the site or project is located in more than one county, provide the county names as secondary.

**e) Latitude and Longitude**

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmapview.html>.

**f) Site Address/Location**

If a site has an address that includes a street number and street name, enter the complete address for the site in *Section A*. If the physical address is not recognized as a USPS delivery address, you may need to validate the address with your local police (911 service) or through an online map site used to locate a site. Please confirm this to be a complete and valid address. Do not use a rural route or post office box for a site location.

If a site does not have an address that includes a street number and street name, provide a complete written location description in *Section B*. For example: "The site is located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1."

Provide the city (or nearest city) and zip code of the site location.

**Section 4. GENERAL CHARACTERISTICS**

**a) Indian Country Lands**

If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA Region 6, Dallas. Do not submit this form to TCEQ.

**b) Construction activity associated with facility associated with exploration, development, or production of oil, gas, or geothermal resources**

If your activity is associated with oil and gas exploration, development, or production, you may be under jurisdiction of the Railroad Commission of Texas (RRC) and may need to obtain authorization from EPA Region 6.

Construction activities associated with a facility related to oil, gas or geothermal resources may include the construction of a well site; treatment or storage facility; underground hydrocarbon or natural gas storage facility; reclamation plant; gas processing facility; compressor station; terminal facility where crude oil is stored prior to refining and at which refined products are stored solely for use at the facility; a

carbon dioxide geologic storage facility; and a gathering, transmission, or distribution pipeline that will transport crude oil or natural gas, including natural gas liquids, prior to refining of such oil or the use of the natural gas in any manufacturing process or as a residential or industrial fuel.

Where required by federal law, discharges of stormwater associated with construction activities under the RRC's jurisdiction must be authorized by the EPA and the RRC, as applicable. Activities under RRC jurisdiction include construction of a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources, such as a well site; treatment or storage facility; underground hydrocarbon or natural gas storage facility; reclamation plant; gas processing facility; compressor station; terminal facility where crude oil is stored prior to refining and at which refined products are stored solely for use at the facility; a carbon dioxide geologic storage facility under the jurisdiction of the RRC; and a gathering, transmission, or distribution pipeline that will transport crude oil or natural gas, including natural gas liquids, prior to refining of such oil or the use of the natural gas in any manufacturing process or as a residential or industrial fuel. The RRC also has jurisdiction over stormwater from land disturbance associated with a site survey that is conducted prior to construction of a facility that would be regulated by the RRC. Under 33 U.S.C. §1342(l)(2) and §1362(24), EPA cannot require a permit for discharges of stormwater from field activities or operations associated with {oil and gas} exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities unless the discharge is contaminated by contact with any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the facility. Under §3.8 of this title (relating to Water Protection), the RRC prohibits operators from causing or allowing pollution of surface or subsurface water. Operators are encouraged to implement and maintain best management practices (BMPs) to minimize discharges of pollutants, including sediment, in stormwater during construction activities to help ensure protection of surface water quality during storm events.

For more information about the jurisdictions of the RRC and the TCEQ, read the Memorandum of Understanding (MOU) between the RRC and TCEQ at 16 Texas Administrative Code, Part 1, Chapter 3, Rule 3.30, by entering the following link into an internet browser:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=16&pt=1&ch=3&rl=30](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=16&pt=1&ch=3&rl=30) or contact the TCEQ Stormwater Team at 512-239-4671 for additional information.

**c) Primary Standard Industrial Classification (SIC) Code**

Provide the SIC Code that best describes the construction activity being conducted at this site.

Common SIC Codes related to construction activities include:

- 1521 - Construction of Single Family Homes
- 1522 - Construction of Residential Buildings Other than Single Family Homes
- 1541 - Construction of Industrial Buildings and Warehouses

- 1542 - Construction of Non-residential Buildings, other than Industrial Buildings and Warehouses
- 1611 - Highway and Street Construction, except Highway Construction
- 1622 - Bridge, Tunnel, and Elevated Highway Construction
- 1623 - Water, Sewer, Pipeline and Communications, and Power Line Construction

For help with SIC Codes, enter the following link into your internet browser: <http://www.osha.gov/pls/imis/sicsearch.html> or you can contact the TCEQ Small Business and Local Government Assistance Section at 800-447-2827 for assistance.

**d) Secondary SIC Code**

Secondary SIC Code(s) may be provided. Leave this blank if not applicable. For help with SIC Codes, enter the following link into your internet browser: <http://www.osha.gov/pls/imis/sicsearch.html> or you can contact the TCEQ Small Business and Environmental Assistance Section at 800-447-2827 for assistance.

**e) Total Number of Acres Disturbed**

Provide the approximate number of acres that the construction site will disturb. Construction activities that disturb less than one acre, unless they are part of a larger common plan that disturbs more than one acre, do not require permit coverage. Construction activities that disturb between one and five acres, unless they are part of a common plan that disturbs more than five acres, do not require submission of an NOI. Therefore, the estimated area of land disturbed should not be less than five, unless the project is part of a larger common plan that disturbs five or more acres. Disturbed means any clearing, grading, excavating, or other similar activities.

If you have any questions about this item, please contact the stormwater technical staff by phone at 512-239-4671 or by email at [swgp@tceq.texas.gov](mailto:swgp@tceq.texas.gov).

**f) Common Plan of Development**

Construction activities that disturb less than five acres do not require submission of an NOI unless they are part of a common plan of development or for sale where the area disturbed is five or more acres. Therefore, the estimated area of land disturbed should not be less than five, unless the project is part of a larger common plan that disturbs five or more acres. Disturbed means any clearing, grading, excavating, or other similar activities.

For more information on what a common plan of development is, refer to the definition of “Common Plan of Development” in the Definitions section of the general permit or enter the following link into your internet browser: [www.tceq.texas.gov/permitting/stormwater/common\\_plan\\_of\\_development\\_steps.html](http://www.tceq.texas.gov/permitting/stormwater/common_plan_of_development_steps.html)

For further information, go to the TCEQ stormwater construction webpage enter the following link into your internet browser: [www.tceq.texas.gov/goto/construction](http://www.tceq.texas.gov/goto/construction) and search for “Additional Guidance and Quick Links”. If you have any further questions about the Common Plan of Development you can contact the TCEQ Stormwater Team at 512-239-4671 or the TCEQ Small Business and Environmental Assistance at 800-447-2827.

**g) Estimated Start Date of the Project**

This is the date that any construction activity or construction support activity is initiated at the site. If renewing the permit provide the original start date of when construction activity for this project began.

**h) Estimated End Date of the Project**

This is the date that any construction activity or construction support activity will end and final stabilization will be achieved at the site.

**i) Will concrete truck washout be performed at the site?**

Indicate if you expect that operators of concrete trucks will washout concrete trucks at the construction site.

**j) Identify the water body(s) receiving stormwater runoff**

The stormwater may be discharged directly to a receiving stream or through a MS4 from your site. It eventually reaches a receiving water body such as a local stream or lake, possibly via a drainage ditch. You must provide the name of the water body that receives the discharge from the site (a local stream or lake).

If your site has more than one outfall you need to include the name of the first water body for each outfall, if they are different.

**k) Identify the segment number(s) of the classified water body(s)**

Identify the classified segment number(s) receiving a discharge directly or indirectly. Enter the following link into your internet browser to find the segment number of the classified water body where stormwater will flow from the site:

[www.tceq.texas.gov/waterquality/monitoring/viewer.html](http://www.tceq.texas.gov/waterquality/monitoring/viewer.html) or by contacting the TCEQ Water Quality Division at (512) 239-4671 for assistance.

You may also find the segment number in TCEQ publication GI-316 by entering the following link into your internet browser: [www.tceq.texas.gov/publications/gi/gi-316](http://www.tceq.texas.gov/publications/gi/gi-316) or by contacting the TCEQ Water Quality Division at (512) 239-4671 for assistance.

If the discharge is into an unclassified receiving water and then crosses state lines prior to entering a classified segment, select the appropriate watershed:

- 0100 (Canadian River Basin)
- 0200 (Red River Basin)
- 0300 (Sulfur River Basin)
- 0400 (Cypress Creek Basin)
- 0500 (Sabine River Basin)

Call the Water Quality Assessments section at 512-239-4671 for further assistance.

**l) Discharge into MS4 – Identify the MS4 Operator**

The discharge may initially be into a municipal separate storm sewer system (MS4). If the stormwater discharge is into an MS4, provide the name of the entity that operates the MS4 where the stormwater discharges. An MS4 operator is often a city, town, county, or utility district, but possibly can be another form of government. Please note that the Construction General Permit requires the Operator to supply the MS4 with a

copy of the NOI submitted to TCEQ. For assistance, you may call the technical staff at 512-239-4671.

**m) Discharges to the Edwards Aquifer Recharge Zone and Certification**

The general permit requires the approved Contributing Zone Plan or Water Pollution Abatement Plan to be included or referenced as a part of the Stormwater Pollution Prevention Plan.

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer by entering the following link into an internet browser:

[www.tceq.texas.gov/field/eapp/viewer.html](http://www.tceq.texas.gov/field/eapp/viewer.html) or by contacting the TCEQ Water Quality Division at 512-239-4671 for assistance.

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, a site-specific authorization approved by the Executive Director under the Edwards Aquifer Protection Program (30 TAC Chapter 213) is required before construction can begin.

For questions regarding the Edwards Aquifer Protection Program, contact the appropriate TCEQ Regional Office. For projects in Hays, Travis and Williamson Counties: Austin Regional Office, 12100 Park 35 Circle, Austin, TX 78753, 512-339-2929. For Projects in Bexar, Comal, Kinney, Medina and Uvalde Counties: TCEQ San Antonio Regional Office, 14250 Judson Rd., San Antonio, TX 78233-4480, 210-490-3096.

**Section 5. NOI CERTIFICATION**

**Note: Failure to indicate Yes to all of the certification items may result in denial of coverage under the general permit.**

**a) Certification of Understanding the Terms and Conditions of Construction General Permit (TXR150000)**

Provisional coverage under the Construction General Permit (TXR150000) begins 7 days after the completed paper NOI is postmarked for delivery to the TCEQ. Electronic applications submitted through ePermits have immediate provisional coverage. You must obtain a copy and read the Construction General Permit before submitting your application. You may view and print the Construction General Permit for which you are seeking coverage at the TCEQ web site by entering the following link into an internet browser: [www.tceq.texas.gov/goto/construction](http://www.tceq.texas.gov/goto/construction) or you may contact the TCEQ Stormwater processing Center at 512-239-3700 for assistance.

**b) Certification of Legal Name**

The full legal name of the applicant as authorized to do business in Texas is required. The name must be provided exactly as filed with the Texas Secretary of State (SOS), or on other legal documents forming the entity, that is filed in the county where doing business. You may contact the SOS at 512-463 5555, for more information related to filing in Texas.

**c) Understanding of Notice of Termination**

A permittee shall terminate coverage under the Construction General Permit through the submittal of a NOT when the operator of the facility changes, final stabilization has

been reached, the discharge becomes authorized under an individual permit, or the construction activity never began at this site.

**d) Certification of Stormwater Pollution Prevention Plan**

The SWP3 identifies the areas and activities that could produce contaminated runoff at your site and then tells how you will ensure that this contamination is mitigated. For example, in describing your mitigation measures, your site's plan might identify the devices that collect and filter stormwater, tell how those devices are to be maintained, and tell how frequently that maintenance is to be carried out. You must develop this plan in accordance with the TCEQ general permit requirements. This plan must be developed and implemented before you complete this NOI. The SWP3 must be available for a TCEQ investigator to review on request.

**Section 6. APPLICANT CERTIFICATION SIGNATURE**

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

**If you are a corporation:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

**If you are a municipality or other government entity:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the TCEQ's Environmental Law Division at 512-239-0600.

## 30 Texas Administrative Code

### §305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) 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.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) 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).



# Texas Commission on Environmental Quality General Permit Payment Submittal Form

**Use this form to submit your Application Fee only if you are mailing your payment.**

## Instructions:

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- *Do not mail this form with your NOI form.*
- *Do not mail this form to the same address as your NOI.*

## Mail this form and your check to either of the following:

### *By Regular U.S. Mail*

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, TX 78711-3088

### *By Overnight or Express Mail*

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, TX 78753

**Fee Code: GPA General Permit: TXR150000**

1. Check or Money Order No:

2. Amount of Check/Money Order:

3. Date of Check or Money Order:

4. Name on Check or Money Order:

5. NOI Information:

If the check is for more than one NOI, list each Project or Site (RE) Name and Physical Address exactly as provided on the NOI. **Do not submit a copy of the NOI with this form, as it could cause duplicate permit application entries!**

If there is not enough space on the form to list all of the projects or sites the authorization will cover, then attach a list of the additional sites.

Project/Site (RE) Name:

Project/Site (RE) Physical Address:

**Staple the check or money order to this form in this space.**

# Texas Administrative Code

## TITLE 30

## ENVIRONMENTAL QUALITY

### PART 1

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### CHAPTER 305

### CONSOLIDATED PERMITS

### SUBCHAPTER C

### APPLICATION FOR PERMIT OR POST-CLOSURE ORDER

### RULE §305.44

### Signatories to Applications

---

(a) All applications shall be signed as follows.

(1) 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.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) 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).

(b) A person signing an application shall make the following certification: "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."

(c) For a hazardous solid waste permit or a post-closure order, the application must be signed by the owner and operator of the facility.

(d) For radioactive material license applications under Chapter 336 of this title (relating to Radioactive Substance Rules), the applicant or person duly authorized to act for and on the applicant's behalf must sign the application.

---

**Source Note:** The provisions of this §305.44 adopted to be effective June 19, 1986, 11 TexReg 2591; amended to be effective July 14, 1987, 12 TexReg 2102; amended to be effective October 8, 1990, 15 TexReg 5492; amended to be effective June 5, 1997, 22 TexReg 4583; amended to be effective January 30, 2003, 28 TexReg 705



# LARGE CONSTRUCTION SITE NOTICE

Texas Commission on Environmental Quality (TCEQ)

Stormwater Program

**TPDES GENERAL PERMIT TXR150000**

***“PRIMARY OPERATOR” NOTICE***

This notice applies to construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

[http://www.tceq.state.tx.us/nav/permits/wq\\_construction.html](http://www.tceq.state.tx.us/nav/permits/wq_construction.html)

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: <i>Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.</i>	Northwest of Rushing River and River Pointe Intersection, San Antonio, TX 78245 Start Date: 07/1/2022 End Date: 10/01/2022
Location of Stormwater Pollution Prevention Plan (SWP3):	



# LARGE CONSTRUCTION SITE NOTICE

FOR THE

Texas Commission on Environmental Quality (TCEQ)

Stormwater Program

**TPDES GENERAL PERMIT TXR150000**

***"SECONDARY OPERATOR" NOTICE***

This notice applies to secondary operators of construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

[http://www.tceq.state.tx.us/nav/permits/wq\\_construction.html](http://www.tceq.state.tx.us/nav/permits/wq_construction.html)

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: <i>Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.</i>	Northwest of Rushing River and River Pointe Intersection, San Antonio, TX 78245 Start Date: 07/1/2022 End Date: 10/01/2022
Location of Stormwater Pollution Prevention Plan (SWP3):	

For Large Construction Activities Authorized Under Part II.E.3. (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.3. 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 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 \_\_\_\_\_

\_\_\_\_\_ Date Notice Removed

\_\_\_\_\_ MS4 operator notified per Part II.F.3.

**STORMWATER QUALITY  
PERMIT APPLICATION  
(Bexar County)**



# Bexar County Public Works Department

DEVELOPMENT SERVICES DIVISION

1948 Probandt

San Antonio, Texas 78214-1240

E-mail: swq@bexar.org

210.335.6700 (voice) 210.335.6713 (fax)

## STORM WATER QUALITY SITE DEVELOPMENT PERMIT APPLICATION

TYPE: ☒ New Project (\$500 Application Fee) ☐ Major Amendment (\$250 Application Fee) ☐ Minor Amendment (No Fee)

### PROJECT INFORMATION

Project Name: Highpoint Unit-2C Anticipated Work Start Date: July 1, 2022  
Location: Northwest of Rushing River and River Pointe Intersection Anticipated Work Stop Date: October 1, 2022  
Application Date: April 2022 Total Project Area (acres): 21.72 Total Disturbance Area (acres): 21.72  
Obtained Tree Permit? ☐ No ☒ Yes ESA Survey Completed? ☐ No ☐ Yes Project Limits Contain Floodplain: no

### CONTACT INFORMATION

Property Owner/Developer: Ladera I, LLC Consulting Firm: Pape-Dawson Engineers, Inc.  
Contact Name: Chad Nugent Contact Phone: 907-274-8638 Contact Name: Trey Dawson, P.E. Contact Phone: 210-375-9000  
Address: 725 E. Fireweed Lane, Suite 800, Anchorage, Alaska 99503 Address: 2000 NW Loop 410, San Antonio, TX 78213  
Contact E-mail: cnugent@ciri.com Contact E-mail: treydawson@pape-dawson.com  
Site Clearing Contractor: Vertical Construction Contractor:  
Contact Name: Contact Phone: Contact Name: Contact Phone:  
Address: Address:  
Contact E-mail: Contact E-mail:  
Sitework On-Site Inspection Company: Vertical Construction On-Site Inspection Company:  
Inspector Name: Inspector Name:  
Inspector E-mail: Inspector E-mail:

### WORK ACTIVITIES (Check all that apply)

☒ Clearing & Grading ☒ Street and Drain Construction ☐ Home Building  
☐ Fill ☐ Detention Pond ☐ Amenity Center  
☐ Demolition ☐ Parking Lot Non-Single Family Vertical Construction, specify:  
☒ Wet Utility (Sewer, Water) ☐ OSSF (Septic System) Permit #: (eg, Shell building, Retail, Office, Multi-family, etc)  
☒ Dry Utility (Electric, Fiber, Cable) ☐ Other, specify:  
☐ Offsite Utility (☐ Wet ☐ Dry)

### AMENDMENT TYPE (Check all that apply) SWQ# (Required)

#### MINOR (E-mail Inspector/Storm Water Engineer Assistant)

☐ Change of Contractor/Inspector Contact Information/Project Name  
☐ Minor Field Modification (ex. Change of BMP Type)  
☐ Providing Offsite Utility Storm Water Permit Number(s)  
☐ Schedule Change

#### MAJOR

☐ Change of Project Limits  
☐ Major Field Modification (ex. Increased Disturbance Area)  
☐ Increased Impervious cover

**NOTE: Change of Owner Requires a New Permit**

### Submittal Requirements

☒ One (1) paper set and one (1) PDF of Storm Water Pollution Prevention Plan.

Questions? E-mail swq@bexar.org or call 210-335-6700, press 5 followed by 6

☒ Narrative identifying sources of potential pollutants with general timing sequence for implementation of the BMPs for pre and post construction conditions based on calculated runoff coefficients for each condition with site  
☒ Narrative must also identify the installation of BMPs that will be used as a permanent post construction storm water protection measure for the site.  
☒ Detailed site plan identifying items noted in Section 5.04.4 F of the Bexar County Regulations for Storm Water Pollution Prevention Court Order

Submit application and supporting materials to:  
1948 Probandt, San Antonio, Texas, 78214-1240

#### ADMINISTRATIVE USE ONLY

☐ Dewatering Plan (if applicable)  
☐ Copy of TCEQ Notice of Intent (NOI) Number (if applicable, New Permit Only)  
☐ Copy of TCEQ Notice of Change (NOC) (if applicable, Amendment (Major/Minor) Only)  
☒ Application Fee (Checks payable to: Bexar County Clerk)

Site Development Permit Number: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_  
Determination: \_\_\_\_\_ Issue Permit \_\_\_\_\_ Denied Date: \_\_\_\_\_  
Application Submitted: \_\_\_\_\_



## NOTICE

It is the obligation of the Owner/Operator to ensure that erosion/sediment control measures SHALL be in place prior to commencement of grading, or stockpiling and shall be maintained throughout construction as per plan. The Owner expressly grants the County a right of entry during construction to enter the site described in this application, to inspect the property, and provide direction for necessary sediment/erosion control if the Permittee fails to do so. Failure to properly install sediment/erosion control will result in Stop Work Order, re-inspection and/or further penalties from County to include a \$1,000 fine or lien.

## PERMITTEE AND THEIR CONTRACTORS SHALL:

- 1 Comply with the "Bexar County Regulations for Storm Water Pollution Prevention" Court Order.
- 2 Notify Bexar County Storm Water Quality Inspector identified on the issued permit by text or e-mail at least two (2) working days before starting construction.
- 3 Install erosion and sediment control BMPs before beginning work on site.
- 4 Implement the approved plans throughout the site development.
- 5 If BMPs need maintenance, repair or replacement; then perform task as soon as possible within time limit set by Bexar County inspector or Stop Work Order may be issued until task is completed and re-inspected by Bexar County Inspector.
- 6 Install additional measures at the direction of the County due to changed site conditions, BMP ineffectiveness or BMP failure as soon as possible within time limit set by County Inspector or Stop Work Order may be issued until task is completed and re-inspected by County Inspector.
- 7 Revise the Storm Water Pollution Prevention Plan and site map when changes are made on site.
- 8 Send inspection reports to Bexar County Storm Water Program at least bi-monthly via e-mail (swq@bexar.org) or fax (210-335-6713).
- 9 Within fourteen (14) days of cease of construction operations, temporary stabilization needs to be in place.
- 10 Within twenty one (21) days of cease of construction operations, final stabilization needs to be in place.
- 11 Remove all temporary BMPs prior to Site Development permit being terminated.
- 12 Send Notice Of Termination of the Bexar County Site Development Permit with any supporting materials (e.g., Denton Pond Conformance Letter, Private Street and/or Drain Conformance, etc) to County when site reaches permanent stabilization.
- 13 Permit will not be terminated until Bexar County Inspector inspects site and approves the termination of permit.


This permit is issued to the permittee for a specific operation and location identified in the Storm Water Pollution Prevention plan submitted with this application. It cannot be reassigned, transferred or sold to a new user, different premises or a new or changed operation by a new owner unless the new owner or designee obtains a separate Site Development Permit.

*\* I certify under penalty of law that I have read and understand the terms and conditions of the Texas Pollutant Discharge Elimination System (TPDES) General Permit for Storm Water Discharges for Construction Activities that authorizes the storm water discharges associated to activities from the construction site identified as part of this certification. Further, by my signature, I understand that I am fully responsible, along with all other contractors and sub-contractors who are performing work activities under this contract to comply with all provisions and requirements of the TPDES General Permit for Storm Water Discharges from Construction Activities and this Site Development Permit Application for Storm Water Quality.*

**Other permits may be required from Bexar County Public Works or from the Bexar County Fire Marshall for site development to begin.**

**NOTE: A signed Building Permit Authorization is not a Site Development Permit Issued by the Fire Marshall Office.**

24 Hour Emergency Contact Phone Number: Stephen Kauffman, Bitterblue, 210-478-9178

Authorized Agent (Print Name): Trey Dawson, P.E.	Signature: 
Title: Sr. Vice President	Date: 4/6/2022

**HIGHPOINT UNIT-2C**  
**Storm Water Pollution Prevention Plan**

**NOI TRACKING FORM**

<b>Owner/Operator Name</b>	<b>Owner/Operator Signature</b>	<b>NOI Submittal Date</b>	<b>TCEQ Approval Date</b>	<b>General Permit Authorization Number</b>

***Note: Until the TCEQ responds to receipt of the NOI with a general permit authorization number, the SWP3 must specify the date that the NOI was submitted to TCEQ by each operator.***



# Texas Administrative Code

## TITLE 30

## ENVIRONMENTAL QUALITY

### PART 1

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### CHAPTER 305

### CONSOLIDATED PERMITS

### SUBCHAPTER C

### APPLICATION FOR PERMIT OR POST-CLOSURE ORDER

### RULE §305.44

### Signatories to Applications

---

(a) All applications shall be signed as follows.

(1) 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.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) 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).

(b) A person signing an application shall make the following certification: "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."

(c) For a hazardous solid waste permit or a post-closure order, the application must be signed by the owner and operator of the facility.

(d) For radioactive material license applications under Chapter 336 of this title (relating to Radioactive Substance Rules), the applicant or person duly authorized to act for and on the applicant's behalf must sign the application.

---

**Source Note:** The provisions of this §305.44 adopted to be effective June 19, 1986, 11 TexReg 2591; amended to be effective July 14, 1987, 12 TexReg 2102; amended to be effective October 8, 1990, 15 TexReg 5492; amended to be effective June 5, 1997, 22 TexReg 4583; amended to be effective January 30, 2003, 28 TexReg 705

# **INSPECTION RECORD**

# HIGHPOINT UNIT-2C

## Storm Water Pollution Prevention Plan

### INSPECTION SCHEDULE

- Alternate No. 1: Every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater.
- Alternate No. 2: Once every seven (7) calendar days. Inspections must occur on a specifically defined day, regardless of whether or not there has been a rain fall event since previous inspection.
- Alternate No. 3: Once a month in winter conditions (ground is covered with snow or ice or ground is frozen).
- Alternate No. 4: Once a month in arid or semi-arid or drought-stricken area, and within 24 hours after the end of a storm event 0.5 inches or greater.

Note: Inspection Schedule may be changed a maximum of one time each month. Schedule change must be implemented at the beginning of a calendar month. Reason for schedule change must be documented.

Inspection Date/Day	Check (v) one		Reason for Change
	Alternate No. 1	Alternate No. 2	

The TCEQ or local authority will periodically inspect a site to make sure the above requirements are followed. It is the responsibility of the Primary Operator(s)/NOI submitter(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.

# HIGHPOINT UNIT-2C

## 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?				

## HIGHPOINT UNIT-2C

### 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?				
Is inlet protection installed and functioning properly?				
Are erosion blankets installed and functioning properly?				

## HIGHPOINT UNIT-2C

### Storm Water Pollution Prevention Plan

Site Evaluation - continued				
	Compliant			Corrective Action No.
	Yes	No	N/A	
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 the responsibility of the Primary Operator(s)/NOI submitter(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.

# Storm Water Pollution Prevention Plan

[illegible]

Date

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

Project Name: Highpoint Unit-2C  
TPDES Storm Water General Permit \_\_\_\_\_  
Delegating an "Authorized Representative"

Dear 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

# Texas Administrative Code

<b>TITLE 30</b>	ENVIRONMENTAL QUALITY
<b>PART 1</b>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<b>CHAPTER 305</b>	CONSOLIDATED PERMITS
<b>SUBCHAPTER F</b>	PERMIT CHARACTERISTICS AND CONDITIONS
<b>RULE §305.128</b>	<b>Signatories to Reports</b>

---

(a) All reports requested by permits and other information requested by the executive director shall be signed by a person described in §305.44(a) of this title (relating to Signatories to Applications) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) the authorization is made in writing by a person described in §305.44(a) of this title (relating to Signatories to Applications);

(2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity or for environmental matters for the applicant, such as the position of plant manager, operator of a well or well field, environmental manager, or a position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) the written authorization is submitted to the executive director.

(b) If an authorization under this section is no longer accurate because of a change in individuals or position, a new authorization satisfying the requirements of this section must be submitted to the executive director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(c) Any person signing a report required by a permit shall make the certification set forth in §305.44(b) of this title (relating to Signatories to Applications).

---

**Source Note:** The provisions of this §305.128 adopted to be effective June 19, 1986, 11 TexReg 2597; amended to be effective July 14, 1987, 12 TexReg 2102; amended to be effective October 8, 1990, 15 TexReg 5492.

# **INSPECTOR'S QUALIFICATIONS**

# Storm Water Pollution Prevention Plan

John Doe has worked with ABC General Contracting for 10 years and has installed and maintained storm water controls for 5 years. He has attended several storm water workshops and will be implementing the SWP3 for this project. He has read the SWP3 and is familiar with the TPDES Construction General Permit TXR150000 and its requirements.

EXAMPLE

# **PLAN MODIFICATIONS**

# **NOTICE OF TERMINATION**



TCEQ Office Use Only  
Permit No:  
CN:  
RN:  
Region:

## Notice of Termination (NOT) for Authorizations under TPDES General Permit TXR150000

### IMPORTANT INFORMATION:

Please read and use the General Information and Instructions prior to filling out each question in the form.

Effective September 1, 2018, this paper form must be submitted to TCEQ with a completed electronic reporting waiver form (TCEQ-20754).

**ePermits:** This form is available on our online permitting system.

Sign up for online permitting at: <https://www3.tceq.texas.gov/steers/>

**What is the permit number to be terminated?**

TXR15  TXRCW

### Section 1. OPERATOR (Permittee)

a) What is the Customer Number (CN) issued to this entity?

CN

b) What is the Legal Name of the current permittee?

c) Provide the contact information for the Operator (Responsible Authority).

Prefix (Mr. Ms. or Miss):

First and Last Name:  Suffix:

Title:  Credentials:

Phone Number:  Fax Number:

Email:

Mailing Address:

City, State, and Zip Code:

Country Mailing Information, if outside USA:

### Section 2. APPLICATION CONTACT

This is the person TCEQ will contact if additional information is needed regarding this application.

Is the application contact the same as the permittee identified above?

☐ Yes, go to Section 3.

☐ No, complete section below

Prefix (Mr. Ms. or Miss):   
First and Last Name:  Suffix:   
Title:  Credentials:   
Phone Number:  Fax Number:   
Email:   
Mailing Address:   
City, State, and Zip Code:   
Country Mailing Information, if outside USA:

### Section 3. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

- a) TCEQ issued RE Reference Number (RN): RN
- b) Name of project or site as known by the local community: Highpoint Unit-2C
- c) County, or counties if more than 1: Bexar
- d) Latitude: 29.406282 N Longitude: -98.792227 W
- e) Site Address/Location:  
If the site has a physical address such as 12100 Park 35 Circle, Austin, TX 78753, complete Section 3A.  
If the site does not have a physical address, provide a location description in Section 3B. Example: located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1.

#### Section 3A: Physical Address of Project or Site:

Street Number and Name:   
City, State, and Zip Code:

#### Section 3B: Site Location Description:

**Location description:** Northwest of Rushing River and River Pointe Intersection

City where the site is located or, if not in a city, what is the nearest city: San Antonio  
Zip Code where the site is located: 78245

### Section 4. REASON FOR TERMINATION

Check the reason for termination:

- ☐ Final stabilization has been achieved on all portions of the site that are the responsibility of the Operator and all silt fences and other temporary erosion controls have been removed, or scheduled for removal as defined in the SWP3.
- ☐ Another permitted Operator has assumed control over all areas of the site that have not been finally stabilized, and temporary erosion controls that have been identified in the SWP3 have been transferred to the new Operator.
- ☐ The discharge is now authorized under an alternate TPDES permit.



- ☐ The activity never began at this site that is regulated under the general permit.

## Section 5. CERTIFICATION

Signatory Name:

Signatory Title:

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.

Signature (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

# Instructions for Notice of Termination (NOT) for Authorizations under TPDES General Permit TXR150000

## GENERAL INFORMATION

### Where to Send the Notice of Termination (NOT):

#### BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC-228)  
P.O. Box 13087  
Austin, Texas 78711-3087

#### BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC-228)  
12100 Park 35 Circle  
Austin, TX 78753

### TCEQ Contact List:

Application status and form questions:	512-239-3700, <a href="mailto:swpermit@tceq.texas.gov">swpermit@tceq.texas.gov</a>
Technical questions:	512-239-4671, <a href="mailto:swgp@tceq.texas.gov">swgp@tceq.texas.gov</a>
Environmental Law Division:	512-239-0600
Records Management - obtain copies of forms:	512-239-0900
Reports from databases (as available):	512-239-DATA (3282)
Cashier's office:	512-239-0357 or 512-239-0187

### Notice of Termination Process:

A Notice of Termination is **effective on the date postmarked for delivery to TCEQ.**

When your NOT is received by the program, the form will be processed as follows:

- 1) Administrative Review: The form will be reviewed to confirm the following:
  - the permit number is provided;
  - the permit is active and has been approved;
  - the entity terminating the permit is the current permittee;
  - the site information matches the original permit record; and
  - the form has the required original signature with title and date.
- 2) Notice of Deficiency: If an item is incomplete or not verifiable as indicated above, a phone call will be made to the applicant to clear the deficiency. A letter will not be sent to the permittee if unable to process the form.
- 3) Confirmation of Termination: A Notice of Termination Confirmation letter will be mailed to the operator.

### Change in Operator:

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted not later than 10 days prior to the change in Operator status.

## INSTRUCTIONS FOR FILLING OUT THE FORM

The majority of permit information related to the current operator and regulated entity are available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

## **Section 1. Operator (Current Permittee):**

- a) Customer Number (CN)  
TCEQ's Central Registry assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. The Customer Number, for the current permittee, is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

- b) Legal Name of Operator  
The operator must be the same entity as previously submitted on the original Notice of Intent for the permit number provided. The current operator name, as provided on the current authorization, is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

- c) Contact Information for the Operator (Responsible Authority)  
Provide information for person signing the NOT application in the Certification section. This person is also referred to as the Responsible Authority.

Provide a complete mailing address for receiving mail from the TCEQ. Update the address if different than previously submitted for the Notice of Intent or Notice of Change. The mailing address must be recognized by the US Postal Service. You may verify the address on the following website: <https://tools.usps.com/go/ZipLookupAction!input.action>.

The phone number should provide contact to the operator.

The fax number and e-mail address are optional and should correspond to the operator.

## **Section 2. Application Contact:**

Provide the name, title and contact information of the person that TCEQ can contact for additional information regarding this application.

## **Section 3. Regulated Entity (RE) Information on Project or Site:**

- a) Regulated Entity Reference Number (RN)  
A number issued by TCEQ's Central Registry to sites where an activity regulated by TCEQ. This is not a permit number, registration number, or license number. The Regulated Entity Reference Number is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).
- b) Name of the Project or Site  
Provide the name of the site as known by the public in the area where the site is located.
- c) County  
Identify the county or counties in which the regulated entity is located.
- d) Latitude and Longitude  
Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. The latitude and longitude as provided on the current authorization is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).
- e) Site/Project (RE) Physical Address/Location Information  
The physical address/location information, as provided on the current authorization, is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

Section 3A. If a site has an address that includes a street number and street name, enter the complete address for the site. If the physical address is not recognized as a USPS delivery address, you may need to validate the address with your local police (911 service) or through an online map site used to locate the site. Please confirm this to be a complete and valid address. Do not use a rural route or post office box for a site location.

Section 3B. If a site does not have an address that includes a street number and street name, provide a complete written location description. For example: "The site is located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1."

Provide the city (or nearest city) and Zip Code of the facility location.

#### **Section 4. Reason for Termination:**

The Notice of Termination form is only for use to terminate the authorization (permit). The Permittee must indicate the specific reason for terminating by checking one of the options. If the reason is not listed then provide an attachment that explains the reason for termination.

Please read your general permit carefully to determine when to terminate your permit. Permits will not be reactivated after submitting a termination form. The termination is effective on the date postmarked for delivery to TCEQ.

#### **Section 5. Certification:**

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code §305.44.

##### *IF YOU ARE A CORPORATION:*

The regulation that controls who may sign an application form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

##### *IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:*

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statutes under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a) (3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at 512-239-0600.

*30 Texas Administrative Code §305.44. Signatories to Applications*

(a) All applications shall be signed as follows.

(1) 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.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) 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).

**MARCH 5, 2018**  
**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, issued March 5, 2013

Construction sites that discharge stormwater associated with construction activity  
located in the state of Texas

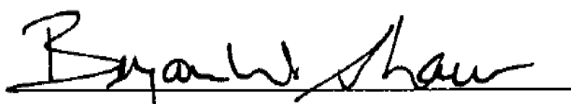
may discharge to surface water in the state

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, five years from the permit effective date.

EFFECTIVE DATE: March 5, 2018

ISSUED DATE: 2-8-18

  
For the Commission

**TPDES GENERAL PERMIT NUMBER TXR1500000 RELATING TO  
STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION  
ACTIVITIES**

**Table of Contents**

Part I.	Flow Chart and Definitions .....	5
Section A.	Flow Chart to Determine Whether Coverage is Required .....	5
Section B.	Definitions.....	6
Part II.	Permit Applicability and Coverage .....	13
Section A.	Discharges Eligible for Authorization .....	13
1.	Stormwater Associated with Construction Activity .....	13
2.	Discharges of Stormwater Associated with Construction Support Activities .....	13
3.	Non-Stormwater Discharges .....	13
4.	Other Permitted Discharges .....	14
Section B.	Concrete Truck Wash Out.....	14
Section C.	Limitations on Permit Coverage .....	14
1.	Post Construction Discharges.....	14
2.	Prohibition of Non-Stormwater Discharges .....	14
3.	Compliance with Water Quality Standards .....	14
4.	Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements .....	14
5.	Discharges to the Edwards Aquifer Recharge or Contributing Zone .....	15
6.	Discharges to Specific Watersheds and Water Quality Areas .....	16
7.	Protection of Streams and Watersheds by Other Governmental Entities.....	16
8.	Indian Country Lands.....	16
9.	Oil and Gas Production and Transportation .....	16
10.	Stormwater Discharges from Agricultural Activities.....	16
11.	Endangered Species Act.....	16
12.	Other .....	17
Section D.	Deadlines for Obtaining Authorization to Discharge .....	17
1.	Large Construction Activities .....	17
2.	Small Construction Activities .....	17
Section E.	Obtaining Authorization to Discharge .....	17
1.	Automatic Authorization for Small Construction Activities with Low Potential for Erosion:.....	17
2.	Automatic Authorization for Small Construction Activities: .....	18
3.	Authorization for Large Construction Activities: .....	19



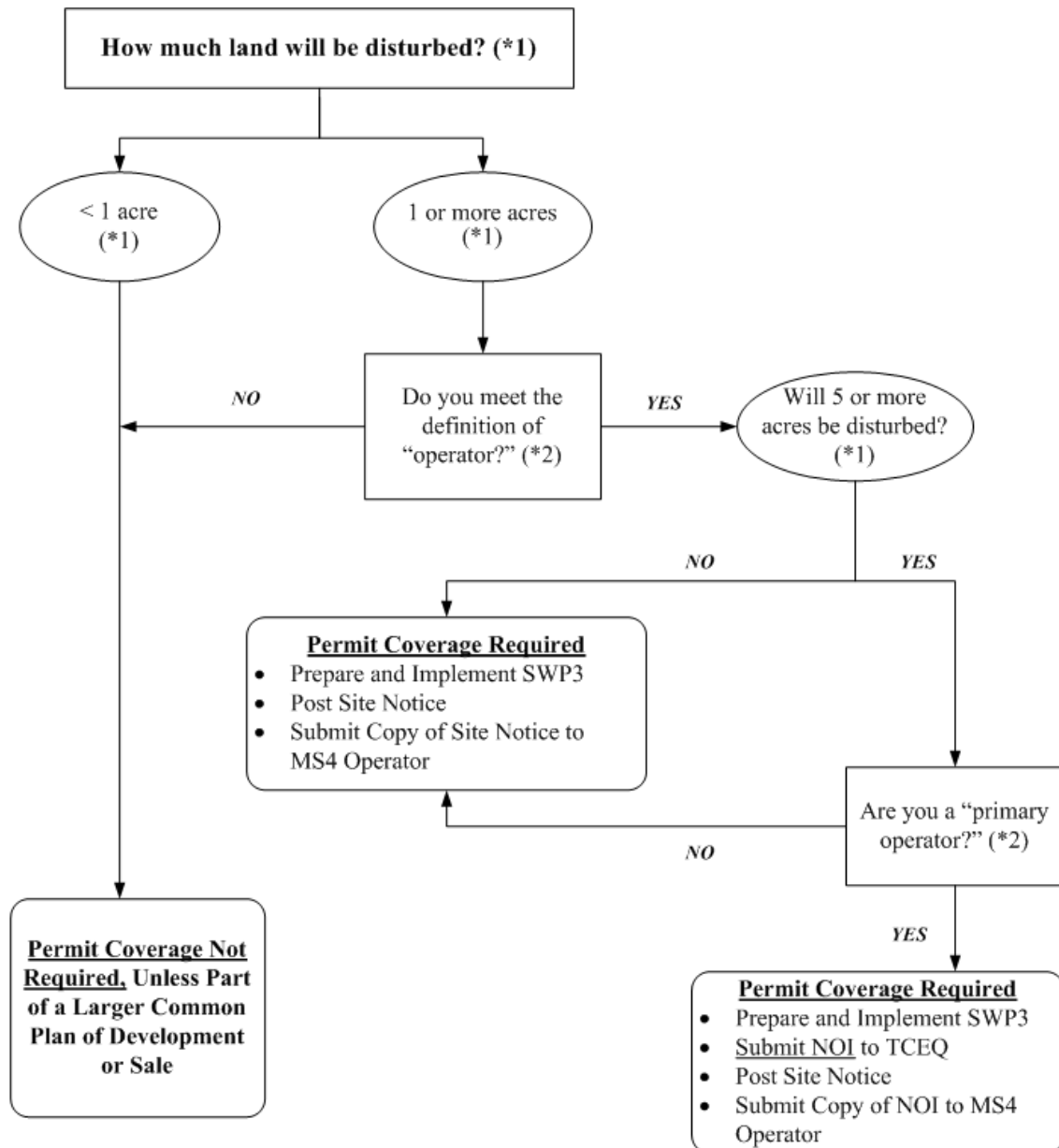
4. Waivers for Small Construction Activities:	20
5. Effective Date of Coverage	20
6. Notice of Change (NOC)	21
7. Signatory Requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices	22
8. Contents of the NOI	22
Section F. Terminating Coverage	23
1. Notice of Termination (NOT) Required	23
2. Minimum Contents of the NOT	23
3. Termination of Coverage for Small Construction Sites and for Secondary Operators at Large Construction Sites	24
4. Transfer of Day-to-Day Operational Control	24
Section G. Waivers from Coverage	25
1. Waiver Applicability and Coverage	25
2. Steps to Obtaining a Waiver	26
3. Effective Date of a LREW	26
4. Activities Extending Beyond the LREW Period	26
Section H. Alternative TPDES Permit Coverage	27
1. Individual Permit Alternative	27
2. Alternative Authorizations for Certain Discharges	27
3. Individual Permit Required	27
4. Alternative Discharge Authorization	27
Section I. Permit Expiration	27
Part III. Stormwater Pollution Prevention Plans (SWP3)	28
Section A. Shared SWP3 Development	29
Section B. Responsibilities of Operators	29
1. Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications	29
2. Primary Operators with Day-to-Day Operational Control	30
Section C. Deadlines for SWP3 Preparation, Implementation, and Compliance	30
Section D. Plan Review and Making Plans Available	30
Section E. Revisions and Updates to SWP3s	31
Section F. Contents of SWP3	31
Section G. Erosion and Sediment Control Requirements Applicable to All Sites	40
Part IV. Stormwater Runoff from Concrete Batch Plants	42
Section A. Benchmark Sampling Requirements	42
Section B. Best Management Practices (BMPs) and SWP3 Requirements	44

Section C. Prohibition of Wastewater Discharges.....	46
Part V. Concrete Truck Wash Out Requirements .....	46
Part VI. Retention of Records.....	47
Part VII. Standard Permit Conditions .....	47
Part VIII. Fees .....	48
Appendix A: Automatic Authorization .....	50
Appendix B: Erosivity Index (EI) Zones in Texas .....	52
Appendix C: Isoerodent Map .....	53
Appendix D: Erosivity Indices for EI Zones in Texas .....	54

## 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 0 to 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., stockpiling of fill material, demolition).

**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 ¼ 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 right-of-ways, 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 rainwater or groundwater from building foundations, vaults, and trenches.

**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](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 [http://www.tceq.texas.gov/compliance/field\\_ops/eapp/mapdisclaimer.html](http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.html), can be used to determine where the recharge zone is located.

**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 [http://www.tceq.texas.gov/compliance/field\\_ops/eapp/mapdisclaimer.html](http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.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, gabions, or geotextiles) 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.

**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** – 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 Storm Water 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.

**Semiarid 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 or more days with daytime temperatures greater than 32 °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:

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;

- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

## **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.

#### **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 for the permitted construction site according to the provisions in Part III.F of this general permit, and includes appropriate controls and measures to reduce erosion and the discharge of pollutants in stormwater runoff according to the provisions in Part III.G 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 fire-fighting activities (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 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 V 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 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 Section 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*, 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 (i.e., the initial disturbance of soils associated with clearing, grading, or excavating activities, as well as other construction-related activities such as stockpiling of fill material and demolition) 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 is 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 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. For example, this permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code §401.002.

#### 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. Oil and Gas Production and Transportation

Stormwater runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the TCEQ and are not eligible for coverage under this general permit. Authorization for stormwater discharges from construction activities that are associated with production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline must be obtained, as required, from the U.S. EPA or the Texas Railroad Commission, as applicable. Discharge of stormwater related to construction activity, from a facility that stores both refined products intended for off-site use and crude oil in aboveground storage tanks, is regulated by the TCEQ and is eligible for coverage under this general permit.

#### 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. 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 TXR150000 (effective on March 5, 2013), must submit an NOI to renew authorization or a 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 2013 TPDES general permit.

#### 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 2013 TPDES Construction General Permit.

### 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.

- (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;
- (d) the permittee signs a completed TCEQ small construction site notice for low potential for erosion, including the certification statement;
- (e) a signed and certified copy of the 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 completion of the construction activity;

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

- (f) a copy of the signed and certified small construction site notice for low potential for erosion is provided to the operator of any MS4 receiving the discharge at least two days prior to commencement of construction activities;
- (g) 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
- (h) 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 Small Construction site notice, 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 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 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 site notice at the construction site until final stabilization has been achieved; and

NOTE: Posted site notices may have a redacted signature as long as there is an original signed and certified 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 construction site notice to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least two days prior to commencement of construction activities.

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 e-Permits system on TCEQ's website. Operators with an electronic reporting waiver must submit a completed NOI to TCEQ at least seven (7) days prior to prior to commencing construction activity to obtain provisional coverage seven (7) days 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 a paper NOI or an electronic NOI at least ten (10)

days prior to assuming operational control of a construction site and commencing construction activity.

Operators that submit NOIs electronically must use the online e-Permits system available through the TCEQ website.

- (c) all operators of large construction activities must post a site notice in accordance with Part III.D.2 of this permit. The 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 completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the 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) 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
- (f) all secondary operators of large construction activities must post a copy of the signed and certified Secondary Operator construction site notice and provide a copy of the signed and certified site notice to the operator of any MS4 receiving the discharge at least two days prior to the commencement construction activities.

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.

Effective September 1, 2018, applicants must submit an NOI using the online e-Permits 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. 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 seven (7) days 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 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 was obtained.
- (d) If operators that submitted NOIs have active authorizations for construction activities that are ongoing when the term of the current general permit expires 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. Deadlines for obtaining coverage for operators of small and large construction are provided in Part II.D.1 and 2 above.

## 6. Notice of Change (NOC)

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, if possible. Where a 14-day advance notice is not possible, the operator must submit an NOC to TCEQ within 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 14 days after discovery. The NOC shall be submitted on a form provided by the executive director, or by letter if an NOC form is not available. 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 on an NOC may include, but is not limited to, the following: a change in the description of the construction project; an increase in the number of acres disturbed (for increases of one or more acres); or the name of the operator (where the name of the operator has changed).

A transfer of operational control from one operator to another, including a transfer of the ownership of a company. Coverage under this general permit is not transferable

from one operator to another or one company to another, and may not be included in an NOC.

A transfer of ownership of a company may include, but is not limited to, the following: changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing number (or charter number) that is on record with the Texas Secretary of State must be changed.

An NOC is not required for notifying TCEQ of a decrease in the number of acres disturbed. This information must be included in the SWP3 and retained on site.

Effective September 1, 2018, applicants must submit an NOC using the online e-Permits 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.

7. Signatory Requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices

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

8. 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) confirmation that the project or site will not be located on Indian Country lands;
- (f) confirmation that a SWP3 has been developed in accordance with 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;
- (g) name of the receiving water(s);
- (h) 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
- (i) 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.

## 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 on a paper form to TCEQ supplied by the executive director or electronically via the online e-Permits system available through the TCEQ website. 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. Compliance with the conditions and requirements of this permit is required until an NOT is submitted.

Effective September 1, 2018, applicants must submit an NOT using the online e-Permits 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.

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.

### 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 site notice;
  - ii. complete the applicable portion of the site notice related to removal of the site notice; and
  - iii. submit a copy of the completed 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.

Authorization to discharge under this general permit terminates immediately upon removal of the applicable site notice. Compliance with the conditions and requirements of this permit is required until the site notice is removed.

### 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 site notice, and the new operator must post the required 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 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. 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 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 either a signed paper Low Rainfall Erosivity Waiver (LREW) certification form to the TCEQ, supplied by the executive director, or complete the form electronically via the online e-Permits system available through the TCEQ website. The 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).

The paper LREW certification form must be postmarked for delivery to the TCEQ at least seven (7) days before construction activity begins or, if submitted electronically, construction may begin at any time following the receipt of written confirmation from TCEQ that a complete electronic application was submitted and acknowledged.

This waiver from coverage does not apply to any non-stormwater discharges, including what is allowed under this permit. The operator must insure 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.

Effective September 1, 2018, applicants must submit an LREW using the online e-Permits 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.

## 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 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: <http://ei.tamu.edu/index.html>, 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 a LREW

Unless otherwise notified by the executive director, operators of small construction activities seeking coverage under a LREW are provisionally waived from the otherwise applicable requirements of this general permit seven (7) days 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 e-Permits system available through the TCEQ website.

Effective September 1, 2018, applicants seeking coverage under a LREW must submit an application for a LREW using the online e-Permits 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 waiver certification 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 §305 (relating to Consolidated Permits). Applications for individual permit coverage must be submitted at least three hundred and thirty (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. Alternative Authorizations for Certain Discharges**

Certain 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 Chapter 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).

### **4. Alternative Discharge Authorization**

Any discharge 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), if applicable.

## **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 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 and does not establish the effluent limits that apply to the construction site's discharges. These limits are established in Part III.G 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 BMPs as necessary to remain compliant with the conditions of this general permit; and
- (d) ensure that the SWP3 for portions of the project where they are operators 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.
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. Site notices for small and large construction

activities at these linear construction sites may be located, 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 within seven 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 III, Section G 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. drainage patterns and approximate slopes anticipated after major grading activities;
- ii. areas where soil disturbance will occur;
- iii. locations of all controls and buffers, either planned or in place;
- iv. locations where temporary or permanent stabilization practices are expected to be used;
- v. locations of construction support activities, including those located off-site;
- vi. surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicate whether those waters are impaired;
- vii. locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
- viii. vehicle wash areas; and
- ix. 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;
  - (k) the NOI and the acknowledgement of provisional and non-provisional authorization for primary operators of large construction sites, and the site notice for small construction sites and for secondary operators of large construction sites;
  - (l) 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
  - (m) 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 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 the manufacturer's or designer's specifications.

- iii. Controls must be developed to minimize the offsite transport of litter, construction debris, and construction materials.

(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 III.G 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 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 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 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.7.(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 unstabilized 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.

i. Sites With Drainage Areas of Ten or More Acres

(A) Sedimentation Basin(s)

(1) A sedimentation basin 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 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. Capacity calculations shall be included in the SWP3.

(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 is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin 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 are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.
      - (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 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 III.G.6 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 the generation of dust. The SWP3 shall include a description of controls utilized to accomplish this requirement.
  - (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 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 III.G 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. Inspections of 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.

#### (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, 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 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.7.(c).ii – v below.
- 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 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 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.7.(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.7.(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 one time each month; the schedule change must be implemented at the beginning 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.7.(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 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.7.(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.7.(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) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.
- (f) 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 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.

8. 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.
9. The SWP3 must include the information required in Part III.B of this general permit.
10. The SWP3 must include pollution prevention procedures that comply with Part III.G.4 of this general permit.

### **Section G. 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).

1. *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:
  - (a) Control stormwater volume and velocity within the site to minimize soil erosion in order to minimize pollutant discharges;
  - (b) 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);
  - (c) Minimize the amount of soil exposed during construction activity;
  - (d) Minimize the disturbance of steep slopes;
  - (e) 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;
  - (f) If earth disturbance activities are located in close proximity to a surface water in the state, provide and maintain appropriate natural buffers if feasible and as necessary, around surface water in the state, depending on site-specific topography, sensitivity, and proximity to water bodies. 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;
  - (g) 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
  - (h) Minimize soil compaction. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, either:
    - i. restrict vehicle and equipment use to avoid soil compaction; or

- ii. 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.

- (i) 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 III.G.1.(f) above.
2. *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 14 calendar days. 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. Temporary stabilization must be completed no more than 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.
  3. *Dewatering.* Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls.
  4. *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:
    - (a) 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;
    - (b) 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;
    - (c) Minimize the exposure of waste materials by closing waste container lids at the end of the work day. 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, or a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment); and
    - (d) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.
  5. *Prohibited discharges.* The following discharges are prohibited:

- (a) Wastewater from wash out of concrete, unless managed by an appropriate control;
  - (b) Wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - (c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - (d) Soaps or solvents used in vehicle and equipment washing; and
  - (e) Toxic or hazardous substances from a spill or other release.
6. *Surface outlets.* When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

#### **Part IV. 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**

<b>Benchmark Parameter</b>	<b>Benchmark Value</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
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 40 CFR §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 Section 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.7 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 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 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 IV.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 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 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 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 weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part IV.B.1, "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part IV.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 IV.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 V of this general permit.

### **Part V. 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 waste water 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 VI. 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 NOI 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 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 VII. 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 40 CFR §122.44(i)(1)(iv).

#### **Part VIII. Fees**

- A.** A fee of must be submitted along with the NOI:
1. \$325 if submitting a paper NOI, or
  2. \$225 if submitting an NOI electronically.
- 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.

- D.** Effective September 1, 2018, applicants seeking coverage under an NOI or LREW must submit their application using the online e-Permits 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.

**Appendix A: Automatic Authorization**

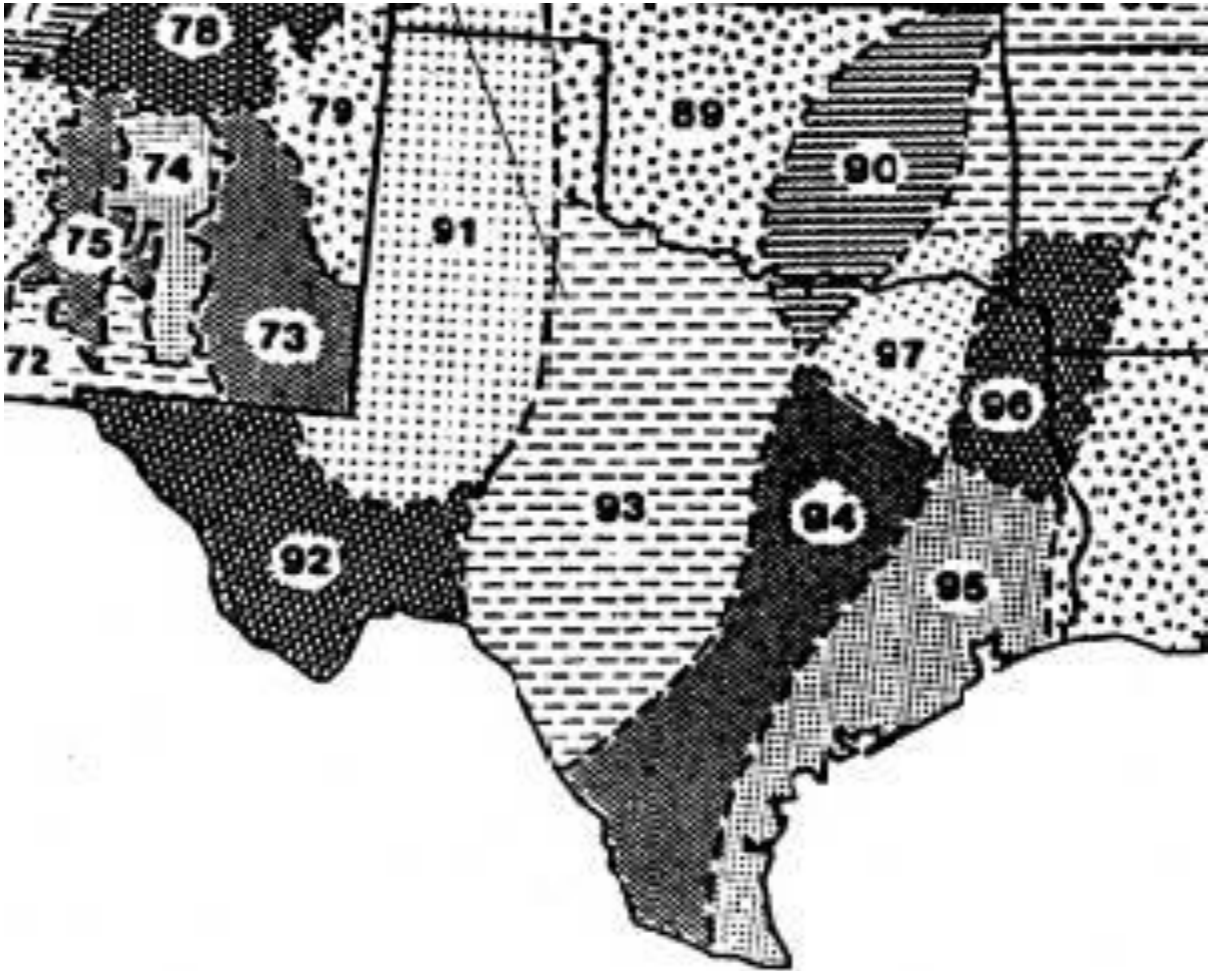
## Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30	Ector: Nov. 15 - Apr. 30
Archer: Dec. 15 - Feb. 14	Edwards: Dec. 15 - Feb. 14
Armstrong: Nov. 15 - Apr. 30	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
Bailey: Nov. 1 - Apr. 30, or Nov. 15 - May 14	Fisher: Dec. 15 - Feb. 14
Baylor: Dec. 15 - Feb. 14	Floyd: Nov. 15 - Apr. 30
Borden: Nov. 15 - Apr. 30	Foard: Dec. 15 - Feb. 14
Brewster: Nov. 15 - Apr. 30	Gaines: Nov. 15 - Apr. 30
Briscoe: Nov. 15 - Apr. 30	Garza: Nov. 15 - Apr. 30
Brown: Dec. 15 - Feb. 14	Glasscock: Nov. 15 - Apr. 30
Callahan: Dec. 15 - Feb. 14	Hale: Nov. 15 - Apr. 30
Carson: Nov. 15 - Apr. 30	Hall: Feb. 1 - Mar. 30
Castro: Nov. 15 - Apr. 30	Hansford: Nov. 15 - Apr. 30
Childress: Dec. 15 - Feb. 14	Hardeman: Dec. 15 - Feb. 14
Cochran: Nov. 1 - Apr. 30, or Nov. 15 - May 14	Hartley: Nov. 15 - Apr. 30
Coke: Dec. 15 - Feb. 14	Haskell: Dec. 15 - Feb. 14
Coleman: Dec. 15 - Feb. 14	Hockley: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Collingsworth: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28	Howard: Nov. 15 - Apr. 30
Concho: Dec. 15 - Feb. 14	Hudspeth: Nov. 1 - May 14
Cottle: Dec. 15 - Feb. 14	Hutchinson: Nov. 15 - Apr. 30
Crane: Nov. 15 - Apr. 30	Irion: Dec. 15 - Feb. 14
Crockett: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30	Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14
Crosby: Nov. 15 - Apr. 30	Jones: Dec. 15 - Feb. 14
Culberson: Nov. 1 - May 14	Kent: Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30
Dallam: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30	Kerr: Dec. 15 - Feb. 14
Dawson: Nov. 15 - Apr. 30	Kimble: Dec. 15 - Feb. 14
Deaf Smith: Nov. 15 - Apr. 30	King: Dec. 15 - Feb. 14
Dickens: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30	Kinney: Dec. 15 - Feb. 14
Dimmit: Dec. 15 - Feb. 14	Knox: Dec. 15 - Feb. 14
Donley: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28	Lamb: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Eastland: Dec. 15 - Feb. 14	

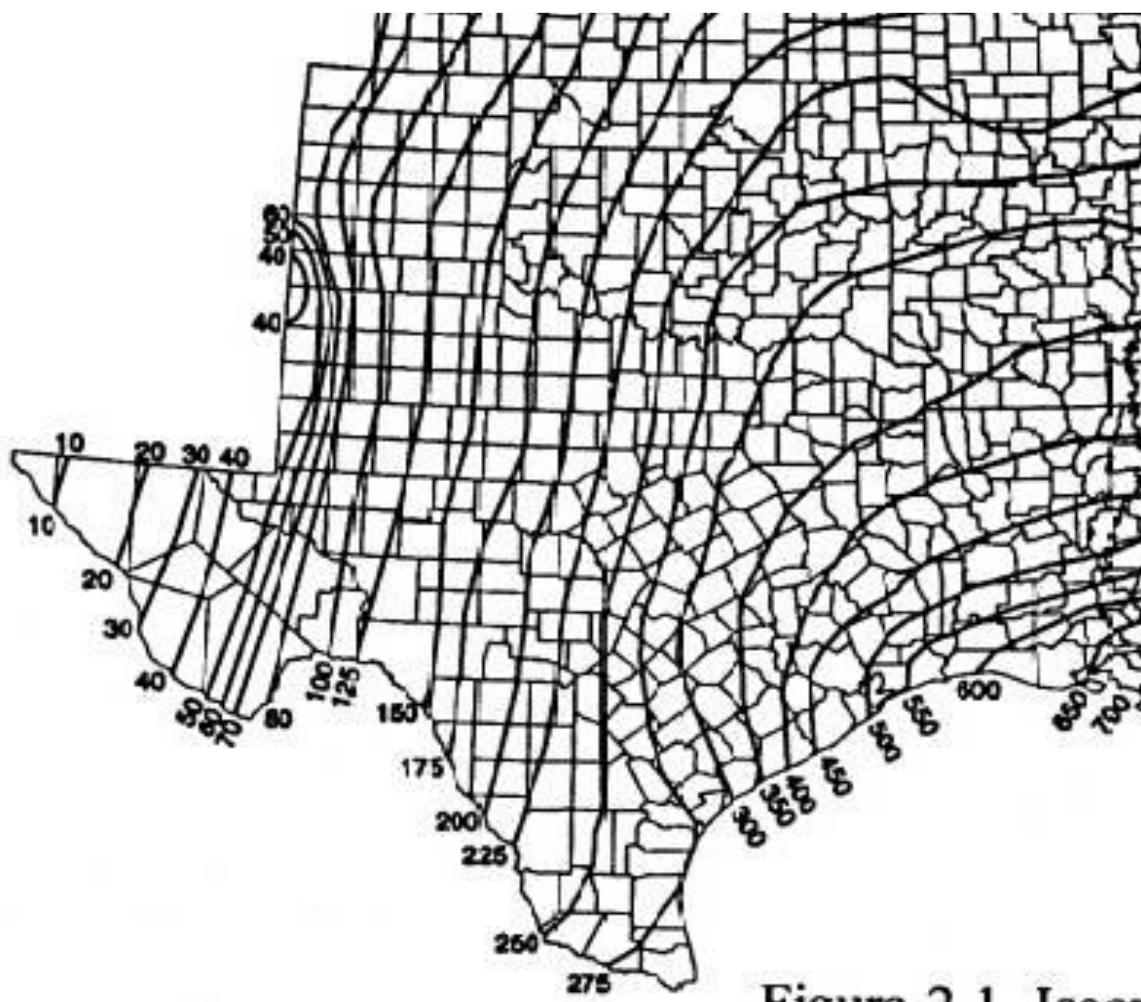


Loving: Nov. 1 - Apr. 30, or Nov. 15 - May 14  
Lubbock: Nov. 15 - Apr. 30  
Lynn: Nov. 15 - Apr. 30  
Martin: Nov. 15 - Apr. 30  
Mason: Dec. 15 - Feb. 14  
Maverick: Dec. 15 - Feb. 14  
McCulloch: Dec. 15 - Feb. 14  
Menard: Dec. 15 - Feb. 14  
Midland: Nov. 15 - Apr. 30  
Mitchell: Nov. 15 - Apr. 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  
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: Erosivity Index (EI) Zones in Texas**

*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**

*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****Periods:**

<b>EI #</b>	<b>1/1</b>	<b>1/16</b>	<b>1/31</b>	<b>2/15</b>	<b>3/1</b>	<b>3/16</b>	<b>3/31</b>	<b>4/15</b>	<b>4/30</b>	<b>5/15</b>	<b>5/30</b>	<b>6/14</b>	<b>6/29</b>	<b>7/14</b>	<b>7/29</b>	<b>8/13</b>	<b>8/28</b>	<b>9/12</b>	<b>9/27</b>	<b>10/12</b>	<b>10/27</b>	<b>11/11</b>	<b>11/26</b>	<b>12/11</b>	<b>12/31</b>
<b>89</b>	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
<b>90</b>	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
<b>91</b>	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
<b>92</b>	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
<b>93</b>	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
<b>94</b>	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
<b>95</b>	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
<b>96</b>	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
<b>97</b>	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
<b>106</b>	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*