CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN (SWP3)

TPDES General Permit (TXR150000)

Capital City Crushing, LLC

Barr Ln Concrete Crusher

10506 Barr Lane

Austin, Texas 78754

Travis County

Prepared By:

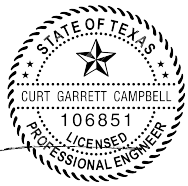
WESTWARD
Environmental. Engineering. Natural Resources.

Boerne, Texas
(830) 246-8284

Date: June 2020
Project No. 11034-009
-AG-

TEXAS REGISTERED ENGINEERING FIRM NO. 4524

TEXAS REGISTERED GEOSCIENCE FIRM NO. 50112



Signature: _____

Curt G. Campbell, PE – License No. 106851
TX PE Firm No. 4524
Date: 6/11/2020

Table of Contents

Appendices:

1. Location Map
2. Detailed Site Map
3. TPDES General Permit TXR150000
4. Notice of Intent(s) (NOIs) and Acknowledgement Letter
5. Grading, Construction Activities, and Stabilization Log
6. Materials List
7. SWP3 Inspection and Maintenance Report Form
8. Project Site Notice(s)
9. Best Management Practice (BMP) Matrix
10. Annotated List of Rare Species

Part II – Applicability and Coverage

Section A - Discharges Eligible for Authorization

1) **Storm water associated with Construction Activity:**
   Discharges of storm water runoff and certain non-stormwater discharges from small and large construction activities may be authorized under this general permit.

2) **Discharges of Storm Water Associated with Construction Support Activities:**
   Discharges of storm water runoff from construction support activities, including concrete batch plants, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:
   - The activity is located within a one (1)-mile distance from the boundary of the permitted construction site;
   - The storm water pollution prevention plan is developed according to the provisions of the general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the construction support activity;
   - The activities are directly related to the construction site;
   - The activities are not a commercial operation, nor serve other unrelated construction projects; and
   - The construction support activity either does not operate beyond the completion date of the construction activity or are authorized under separate TPDES authorization.

3) **Non-Storm Water Discharges**
   The following non-storm water discharges from sites authorized under this general permit are also eligible for authorization under this general permit:
   - Discharges from firefighting activities (firefighting activities do not include washing of trucks, run-off 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 flushing 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, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and 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;
   - Uncontaminated water used for dust control;
   - Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated, and discharges are not expected to adversely affect aquatic life);

- Uncontaminated air conditioning condensate;
- Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and
- Lawn watering and similar irrigation drainage.

4) Other Permitted Discharges

Any discharge authorized under a separate NPDES, TPDES, or TCEQ permit may be combined with discharges authorized by this permit, provided those discharges comply with the associated permit.

Section B - Concrete Truck Wash Out

The washout of concrete trucks associated with off-site production facilities may be conducted at regulated construction sites in accordance with the requirements of Part V of General Permit TXR150000.

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 the General Permit.
- Discharges originating from the site are not authorized under the general permit following the submission of the Notice of Termination (NOT) for the construction activity.

2) Prohibition of Non-Storm Water Discharges

Except as listed in the Part II.A (Discharges Eligible for Authorization) of the General Permit, only discharges that are composed entirely of storm water associated with construction activity may be authorized.

3) Compliance with Water Quality Standards

Storm water discharges from construction activities and/or associated construction support activities are not likely to cause or contribute to a violation of water quality standards, or cause or contribute to, the loss of a designated use.

4) Discharges to Water Quality-Impaired Receiving Waters:

Walnut Creek (Receiving Waters, Segment ID 1428B) is not listed on the EPA approved Clean Water Act Section 2018 303(d) list.

Additionally, there is not a Total Maximum Daily Load (TMDL) associated with Walnut Creek.

5) Discharges to the Edwards Aquifer Recharge Zone:

The Barr Ln Concrete Crusher is not located on the Edwards Aquifer Recharge or Contributing Zone.

6) Discharges to Specific Watersheds and Water Quality Areas

Discharges from Barr Ln Concrete Crusher are not 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

City of Austin may have control requirements for construction at this project location. There are no other known, applicable, federal, other state, or local storm water pollution prevention control requirements for construction projects at this location.

8) Indian Country Lands:

The site is not on Native American Tribal lands.

9) Oil and Gas Production:

Construction activities at this site are not associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.

10) Storm Water Discharges from Agricultural Activities

Storm water discharges from agricultural activities that are not point source discharges of storm water are not subject to TPDES permit requirements. Only storm water discharges associated with the construction of facilities that are subject to TPDES regulations would be point sources regulated under this general permit.

11) Endangered Species Act

The storm water discharges and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat. In the event that endangered species are encountered during the course of construction activities, appropriate protective measures will be implemented to prevent adverse harm to the endangered species or their habitat. Please see **Appendix 10** for a list of endangered species possessing ranges within Travis County.

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 E – Obtaining Authorization to Discharge

3) Authorization for Large Construction Activities - MS4 Operator & Notification

The City of Austin operates the storm sewer system as the authorized MS4 that the Barr Ln Concrete Crusher would discharge to. Notification to the MS4 will occur with the submission of a copy of the project's Notice of Intent.

Part III Section A - Shared SWP3 Development

This construction site has no shared or common areas with another operator. This SWP3 has been written and implemented by a single operator. As such Capital City Crushing, LLC is solely responsible for satisfying the requirements described in this Plan.

Part III Section B - Responsibilities of Operators

Primary Operators with Control Over Construction Plans and Specifications and/or Secondary Operators must:

(a) Ensure the project specification allow or provide that adequate best management practices (BMPs) are developed to meet the requirements of Part III of the General Permit TXR150000;

(b) Ensure that this Storm Water Pollution Prevention Plan (SWP3) indicates that areas of the project where they have control over project specifications, including the ability to make modifications in specifications;

(c) Ensure 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 the General Permit; and

(d) Ensure that this SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization numbers for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If the party with day-to-day operational control has not been authorized or has abandoned the site, the person with control over project specifications is considered to be the responsible party until the authority is transferred to another party and the SWP3 is updated.

The Primary Operator and/or Secondary Operator(s) with control over construction plans and specifications for the Barr Ln Concrete Crusher must be identified below. Each must sign a statement certifying that they understand the TPDES General Permit authorizing storm water discharges from constructions sites. These statements must be maintained in the SWP3 file on site.

"I certify under penalty of law that I understand the terms and conditions of the general Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR150000 that authorizes the storm water discharges associated with construction activity from construction sites."

Printed Name & Title:			
Signature:		Company:	Capital City Crushing, LLC
Responsible for:	Development of the SWP3. Oversight of operators with day-to-day operational control. Compliance with the TPDES General Permit.		

Part III - STORM WATER POLLUTION PREVENTION PLAN

Capital City Crushing, LLC
Barr Ln Concrete Crusher

INTRODUCTION

This Storm Water Pollution Prevention Plan (SWP3) is prepared for Capital City Crushing, LLC per the guidelines in the TPDES General Permit No. TXR150000 relating to discharges from construction activities under provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code issued February 8, 2018 and effective on March 5, 2018.

Section D – Plan Review and Making Plans Available

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. This 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 storm water management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from this 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.

Capital City Crushing, LLC will post a TCEQ site notice at the construction site entrance, where it is readily available for viewing by the general public and local, state and federal authorities.

Section E - Revisions and Updates to the SWP3

Capital City Crushing, LLC must revise or update this SWP3 whenever the following occurs:

- There is 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 this SWP3;
- Changing site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs; or
- Results of inspections or investigations by Capital City Crushing, LLC operators of a municipal separate storm sewer system (MS4) receiving the discharge, authorized TCEQ personnel, or 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 TPDES General Permit No. TXR150000.

Section F(1) – Site and Project Description

Capital City Crushing, LLC – Barr Ln Concrete Crusher consists of 120 ± total acres and is being developed as a concrete recycling operation. This Storm Water Pollution Prevention Plan is prepared to minimize the potential pollutants in storm water runoff associated with limited clearing, site preparation, and construction phases of development activities.

The project site is located on undisturbed greenspace, as well as previously cleared greenspace. There are two potential wetland areas located on the project site, these areas will be subjected to all City and County rules and regulations. The City of Austin buffer for these features is 150 feet from the perimeter of the feature.

Project Name and Location: Capital City Crushing, LLC
Barr Ln Concrete Crusher
10506 Barr Lane
Austin, Texas 78754
Latitude: 30.350209
Longitude: -97.643400

Estimated Project Start Date: Dependent Upon City/County Approval
Estimated Project Completion Date: Dependent Upon Project Start Date

(a) Description of Construction Activities

The sequence of major construction work activities on this site will be divided into three stages. The first stage consists of limited clearing for access, the second stage is site preparation, and the third stage is construction. Construction is being performed to prepare the site for the construction of a concrete recycling operation and associated structures, driveway, stockpiles and parking areas. Any fueling that is required for the construction stages of the Barr Ln Concrete Crusher will be done by a mobile fueling truck. Once construction has been completed, the site will obtain authorization under the TPDES General Permit TXR050000 for operations onsite.

(b) Potential Pollutants and Sources

- *Soil Erosion*: Soil erosion due to the clearing of the site for the construction of roads, plant pads, storage area pads, and parking pads.
- *Vehicle Fluids*: Oil, grease, fuel and hydraulic fluid contamination from construction equipment and vehicle drippings.
- *Litter*: Miscellaneous trash and litter from construction workers and material wrappings.

(c) Sequence of Construction Activities

- Limited Clearing: Limited clearing refers to the small-scale clearing required to provide access to areas of the site overgrown with grass and brush. This clearing will be accomplished using a bulldozer or loader to remove vegetation. No significant excavation or fill will be performed during this stage of construction, except that needed to construct temporary best management practices. Temporary best management practices will start by building the Lined Wet Basins. Other Temporary best management practices will include temporary vegetative stabilization, silt fence, compacted earthen berm, rock berms, outlet stabilization, and the stabilized construction entrance.

- Site Preparation: Site preparation consists of constructing the Wet Lined Basins, clearing and grubbing of the plant pad, parking area pads, associated structure pads, and road alignments.
- Construction: The construction stage refers to the excavation and fill operations for the Wet Lined Basins, roads, plant pad, parking area pads, associated structures pads, and the construction of the plant, associated structures, and roads. Upon completion of construction activities, temporary best management practices such as silt fencing, compacted earthen berms, vegetative stabilization, and rock berms will either be removed or if needed, incorporated into the site as a permanent best management practice. If concrete is used during site construction for pads, a concrete wash out area will be utilized to control waste.
- Modifications: It is 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. Changes to the plan must be shown in the plan and signed by the responsible party.

(d) Site Acreage

- Total Site Acreage: 120 ± acres
- Areas of Construction Disturbance: 23 ± acres
- Off-site material storage areas none

(e) Soil and Quality of Discharge

- Soils: Any native soil remaining at the site belongs to the:
  - Austin-Whitewright complex, 5 to 8 percent slopes, moderately eroded
  - Ferris-Heiden complex, 8 to 20 percent slopes, severely eroded
  - Heiden clay, 5 to 8 percent slopes, eroded
  - Houston Black clay, 1 to 3 percent slopes
  - Houston Black clay, 3 to 5 percent slopes, moderately eroded

Construction activity will primarily disturb the topsoil layers of the project site.

(f) Location Map

See **Appendix 1**.

(g) Detailed Site Map

See **Appendix 2**.

(h) Supporting Construction Activity

- Asphalt Plants: There are no asphalt plants at this site supporting construction activity.
- Rock Crushers: A rock crusher will be utilized to support construction activity at this site.
- Concrete Plants: There are no concrete plants at this site supporting construction activity.
- Equipment Staging areas: There are no equipment staging areas at this site supporting construction activity.

- Materials Storage Yards: There may be material storage yards for base/pad material located at the site during construction.
- Materials Borrow Areas: There are no materials borrow areas at this site supporting construction activity.
- Excavated Material Disposal Areas: There are no material disposal areas at this site supporting construction activity.

(i) Receiving Waters

- Name of Receiving Waters: Walnut Creek (segment ID# 1428B)

(j) Copy of TPDES general permit

See **Appendix 3**.

(k) Copy of NOI and Acknowledgement Certificate

See **Appendix 4**.

Section F(2) Best Management Practices (BMPs)

(a) General Requirements

- The site preparation and construction stage's erosion and sediment controls are designed to retain sediment on site to the extent possible with consideration for local topography, soil type, and rainfall.
- Control measures are selected, installed, and maintained in accordance with manufacturer's and/or designer's specifications.
- Litter, construction debris, and construction materials exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges through collection, disposal, and containment.

(b) Erosion Control and Stabilization Practices

- Erosion control and stabilization practices utilized at this site may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.
- Where possible, existing trees and vegetation will be preserved. Soil disturbances shall be minimized by exposing only the smallest practical area of land required for the clearing and grading activity and for the construction activity, 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 minimal practical area for continuance of construction.
- The following records must be maintained. These records may be kept with this SWP3 or some other place where they are readily available for review (see **Appendix 5**).
    - Dates when major grading activities begin and end.
    - Dates when construction activities temporarily or permanently cease on all or a portion of the project.
    - Dates when stabilization measures are initiated.

- 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. Except as provided below, these measures must be initiated as soon as practicable, but no more than 14 days after the initiation of soil stabilization measures:
  - Where the initiation of stabilization measures after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
  - 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), or drought-stricken areas where the immediate initiation of stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, erosion control and 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.
  - In areas where temporary stabilization measures are not feasible, the operator may use temporary perimeter controls. This SWP3 must include a discussion as to why temporary stabilization measures are not feasible and must demonstrate that the perimeter controls will retain sediment on site.
  - If the initiation or completion of vegetative stabilization is affected by circumstances beyond the control of the permittee, vegetative stabilization must be initiated or completed as soon as conditions or circumstances allow it on the site. The requirement to initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days.
  - Temporary or permanent stabilization measures are not required to be applied in areas intended to be left unvegetated, such as dirt access roads, vehicle, equipment, or material storage areas, etc.
  - Final stabilization must be achieved prior to termination of permit coverage.

(c) Sediment Control Practices

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

(A) Sedimentation Basins

A sediment 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. Two Wet Lined Basins have been designed for this project. The details for these basins can be seen in the other attachments of the City of Austin permit submittal. Unless infeasible, when discharging from these Wet Lined Basins and impoundments, outlet structures that withdraw water from the surface will be utilized.

(B) Perimeter Controls

Silt fences, rock berms, compacted earthen berms, and vegetation will be used at all down slope boundaries and where necessary at side slope boundaries of the construction area.

(ii) Controls for Sites With Drainage Areas Less than Ten Acres

This site has a drainage area larger than ten acres.

Section F(3) – Permanent Storm Water Controls

The primary storm water control to be implemented at this site are the Wet Lined Basins. The construction of this permanent best management practice will occur during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

Existing and new compacted earthen berms will act as permanent storm water controls at the site. Berms will be used to direct flows to permanent storm water controls or to divert flows from undisturbed areas from contacting areas disturbed during construction.

Section F(4) – Other Controls and BMPs

(a) Off-Site Vehicle Tracking

Off-site vehicle tracking of sediments and the generation of dust must be minimized.

- Vehicular traffic leaving the construction site (prior to improved streets/roads) will exit through a stabilized construction exit. When soils have collected on the stabilized vehicular exit to an extent that reduces its intended effectiveness, the surface will be cleaned and reestablished for its designed or intended purpose.
- Hand or mechanical broom sweeping shall remove mud/dirt inadvertently tracked off site and on to public streets. Sediment escaping the construction site must be removed at a frequency sufficient to minimize offsite impacts to water quality.

(b) Waste Removal and Disposal

A list of construction and waste materials to be stored on site should be recorded and regularly updated (See **Appendix 6**).

- Construction waste materials, domestic garbage, etc. shall be regularly collected and periodically disposed of off site in accordance with applicable regulations.
- Trash receptacles will be established at locations in the vicinity of the equipment storage area and near the construction areas. Receptacles shall be emptied as required and disposed of off site in accordance with applicable regulations.

(c) Pollutant Sources from areas other than Construction

- Minor vehicle maintenance will be performed in designated areas during the construction phase of the is project.

(d) Outfall Velocity Dissipation Devices

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) as necessary 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) Pumping or Channel Standing Water

It should not be necessary to pump or channel standing water from this construction site. If dewatering becomes required, then proper BMPs will be utilized downgradient of the outfall.

Section F(5) Compliance with Approved State and Local Plans

This SWP3 was designed to ensure consistency with known sediment and erosion site plans or site permits, and storm water management site plans or site permits. Any other future applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by federal, state, or local officials for this site will require review of this SWP3 to ensure it remains consistent with those other plans or permits.

This SWP3 will 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 storm water management site plans or site permits approved by state or local officials for which Capital City Crushing, LLC receives written notice.

Section F(6) - Maintenance Requirements

All protective measures identified in this SWP3 must be maintained in effective operating condition. If, through inspections, or other means, Capital City Crushing, LLC determines that BMPs are not operating effectively, Capital City Crushing, LLC must perform maintenance as necessary to maintain the continued effectiveness of storm water controls, prior to the next rain event as 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.

If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, Capital City Crushing, LLC must replace or modify the control as soon as practicable after making the discovery.

Sediment must be removed from sediment traps and basins 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.

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 Capital City Crushing, LLC does not own or operate the off-site conveyance, then the permittee must work with the owner or operator of the property to remove the sediment.

Section F(7) - Inspection of Controls

Personnel provided by Capital City Crushing, LLC must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system.

Inspections performed by personnel must be knowledgeable of the TXR150000 General Permit, familiar with the construction site, and knowledgeable this SWP3.

Sediment and erosion control measures identified in this SWP3 must be inspected to ensure that they are operating correctly.

Locations where vehicles enter or exit the site must be inspected for evidence of off-site tracking.

Inspections at the Barr Ln Concrete Crusher site will occur every week and after each rainfall event.

- Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground. If six (6) inches or more of sediment is retained by the silt fence this material will be removed and discarded appropriately. If the silt fence is found to allow water to flow beneath itself the silt fence will be repaired by burying the bottom of the fencing material on upgradient side or by placing clean rock on both sides of the fence in the affected area. If the fencing material is torn or clogged the silt fence will be repaired or replaced.
- Rock filter berms will be inspected for buildup of excess sediment or undercutting. Accumulated sediment shall be removed when it reaches a depth of six (6) inches or more and disposed of at an approved site and in such a manner as to not contribute to additional siltation. If it is observed that water is undercutting the berm, additional sediment may need to be excavated on the uphill side of the control. If the berm becomes clogged, it will be repaired and/or replaced. Repeated clogging of the filter material may require installation of another BMP to prevent failure of the berm. Any wire sheathing around the rock berms will also be inspected and repaired if it is observed to be loose.
- Stabilized construction entrance and exit materials will be inspected for structural integrity. Stone material must be inspected for sediment buildup and evidence of undercutting. When filter stone becomes clogged it must be removed and properly cleaned or replaced with new stone. The protection structures will be repaired or rebuilt if they become compromised. The maintenance frequency will be determined from the routine inspection.

- Outlet stabilization structures will be used to prevent erosion at the outlet of a channel or conduit by reducing the velocity of flow. A riprap-lined apron or equivalent BMP will be used for outlet stabilization. The outlet stabilization will be observed during the routine inspections and repaired if the structural integrity of the BMP is compromised in any way.
- The Wet Lined Basins will be inspected for the amount of sediment collected and any breaks or weaknesses in the surrounding earthen berms. The frequency of sediment removal from the basins will be determined by observation of how much sediment has been captured. If either control structure is compromised or becomes clogged, it will be repaired and/or replaced.
- Compacted earthen berms will be inspected during routine inspections. The berms will be repaired or rebuilt when their structure has been compromised. The maintenance frequency will be determined from the routine inspection, and will last until the berms have been vegetated.

Linear Construction Project Information
The construction activities to be performed by Capital City Crushing, LLC as detailed in this SWP3 do not fit the definition of linear construction usually associated with utility line installation, pipeline construction, and other examples of long, narrow construction activities.

Inspection Schedule Variances
Inspections may occur on either schedule provided that this SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions:

- The schedule may be changed a maximum of one time each month.
- The schedule change must be implemented at the beginning of a calendar month; and
- The reason for the schedule change must be documented (e.g., end of “dry” season and beginning of “wet” season).

In the event of flooding or other uncontrollable situation which prohibits access to the inspection sites, inspections must be conducted as soon as access is practicable.

Revisions to the SWP3 Resulting from Inspections
This SWP3 will be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to this 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.

Inspection Report
A report summarizing the scope of the inspection, the date(s) of the inspection and major observations relating to the implementation of this SWP3 must be made and retained as part of the SWP3.

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 for a particular location; and
- locations where additional BMPs are needed.

See Appendix 7: SWP3 Inspection & Maintenance Report Form

Actions taken as a result of inspections must be described in the report and retained in this SWP3. Reports must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and the permit. *The report must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).*

The names and qualifications of personnel making the inspections must be documented on the inspection report form or in the SWP3.

Section F(8) – Pollution Prevention Measures for Non-Storm Water Discharges

- Storm water discharges from this development may be intermittently mixed with eligible non-storm water discharges from water used to wash vehicles or control dust, uncontaminated potable and non-potable water sources including water line flushings, irrigation draining from watering vegetation, pavement wash waters where spills or leaks of toxic or hazardous material have not occurred (unless all spilled material has been removed) and where detergents are not used, and foundation or footing drains where flows are not contaminated with process materials such as solvents.

- 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 current site BMPs and structural controls used for storm water run off.

- Other non-storm water discharges are not anticipated from the construction of this development.

Section G – Erosion and Sediment Control Requirements

Erosion and Sediment Controls - Capital City Crushing, LLC will 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 by:

- Properly implementing temporary sediment control best management practices (BMPs) during site disturbance and associated activities. Appropriate BMPs being utilized in the attainment of stormwater volume and velocity reduction will be selected based upon

current site conditions pertaining to the total drainage area (in acres), soil characteristics, and slope.*

- When necessary, velocity dissipation devices will be installed on site in such a way as to minimize the erosive nature of high velocity flows.*

*Please see the BMP matrix (Appendix 9) for appropriate BMP selection and implementation.

(b) If any stormwater flow will be channelized at the site, stormwater controls must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion by:

- Where necessary, velocity dissipation devices will be placed inside drainage channels and flow pathways to provide for the attainments of a non-erosive flow velocity along the water course so that the physical characteristics of the drainage channel are maintained and protected.

(c) Minimize the amount of soil exposed during construction activity:

- Where possible, existing trees and vegetation will be preserved. Soil disturbances shall be minimized by exposing only the smallest practical area of land required for clearing and grading activities and for the construction activity, 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 minimal practical area for continuance of construction.

(d) Minimize the disturbance of steep slopes by:

- The addition of soil, packing, and grading will be staged in such a manner to maintain as negligible a slope as possible, thus minimizing erosion.

(e) Minimize sediment discharges from the site by:

- During site construction activities, temporary best management practices (BMP's) will be implemented to minimize the occurrence of erosion and sediment runoff from disturbed areas. Prior to being discharged for the site, stormwater will be directed via natural flow patterns or diversionary practices such as the diversion dikes and pipe slope drains, to structural controls that aid in the filtration of stormwater.
- When practical, grading activities and excavation will be conducted in such a manner as to minimize the amount of possible sediment erosion
- Sheet flow from undisturbed areas that are not subject to run-on from disturbed areas will be allowed to leave the site unimpeded.

(f) When earth disturbance activities are located in close proximity to a surface water, Capital City Crushing, LLC will provide and maintain appropriate natural buffers if feasible and as necessary, around surface waters, depending on site-specific topography, sensitivity, and proximity to water bodies. Stormwater will be directed to vegetated areas to increase sediment removal and maximize stormwater infiltration. When providing buffers is infeasible, Capital City Crushing, LLC will document the reason that natural buffers are not feasible, and will implement additional erosion and sediment controls to reduce sediment load.

(g) When feasible, natural topsoil will be preserved and an attempt will be made to utilize any preserved topsoil in the establishment of permanent stabilization of the site.

(h) Soil compaction in post-construction pervious areas will be minimized. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, Capital City Crushing, LLC will either:

- Restrict vehicle and equipment use to avoid soil compaction; or
- 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.

Soil Stabilization – Stabilization practices utilized at this site may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, and other similar measures. Where possible, existing trees and vegetation will be preserved. Stabilization of disturbed areas will 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. 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.

Dewatering - Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by the following controls:

- When dewatering is required from trenches, excavated areas, or other associated activates, discharges will be released onto an erosion resistant surface, such as a gabion pad or rip-rap pad in order to reduce contact erosion. In the event that the abovementioned practice is impractical, discharges from dewatering discharges will be released onto a vegetated buffer strip/s.
- Furthermore, flow from the discharge will be directed to temporary and/or permanent BMPs for the purpose of low velocity and sediment load reduction. If established structural BMPs are not sufficient to adequately mitigate flow velocity and sediment loading, addition structural BMPs such as filter rolls, rock filter berms, and silt fencing may be utilized.*

*Please see the BMP matrix (Appendix 9) for appropriate BMP selection and implementation.

Pollution Prevention Measures - Capital City Crushing, LLC will design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. The measures will be designed, installed, implemented, and maintained to:

(a) Minimize the discharge of pollutants form 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 of 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; and
(c) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.

Prohibited Discharges - The following discharges are prohibited:

(a) Wastewater from wash out of concrete trucks, unless managed by and appropriated 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; and
(d) Soaps or solvents used in vehicle and equipment washing.

Part IV - Storm Water Runoff from Concrete Batch Plants

This facility does not utilize a supporting onsite concrete batch plant.

Part V – Concrete Truck Wash Out Requirements

The General Permit authorizes the wash out of concrete trucks at construction sites regulated under the Permit provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks that are associated with off-site production facilities. Wash out water associated with on-site concrete production facilities must be authorized under a separate TCEQ general permit or individual permit.

- Direct discharge of concrete truck wash out waters to waters in the state, including discharge to storm sewers is prohibited by the General Permit.
- Concrete truck wash out water shall be discharged to any area 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 allows 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 measure to prevent runoff from the construction site.
- Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator must insure that BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.
- The discharge of wash out water shall not cause or contribute to groundwater contamination.
- Concrete wash out areas shall be identified on the SWP3 site map.

Part VI – Retention of Records

Capital City Crushing, LLC must retain:

- a copy of this SWP3;
- all reports and actions required by permit, including a copy of the construction site notice;

- all data used to complete the NOI, if an NOI is required for coverage under the General Permit; and
- 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

1. Capital City Crushing, LLC 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, and is grounds for enforcement action, for terminating coverage under the General Permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.
2. Authorization under the General Permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. Capital City Crushing, LLC 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 revoking, suspending, or terminating authorization under the Permit. Additionally, Capital City Crushing, LLC must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of the General Permit.
3. 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.
4. Inspection and entry shall be allowed under Texas Water Code Chapters 26-28, Texas Health and Safety Code §361.032-361.033 and 361.037, and 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code §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.
5. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §26.136, 26.212, and 26.213 for violations including but not limited to the following:
   a. negligently or knowingly violating the federal Clean Water Act (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);
   b. 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.
6. 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).
7. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

SPILL PREVENTION: MATERIAL MANAGEMENT PRACTICES

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

Good Housekeeping

- An effort will be made to store only enough product required to do the job.
- Materials stored on site will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- The site superintendent will inspect daily to ensure proper use and disposal of materials on site.

Hazardous Products

- Products will be kept in original containers unless they are not resealable.
- Original labels and materials safety data sheets will be retained; they contain important product information.
- If surplus product must be disposed of, manufacturers' or local and state recommended methods for proper disposal will be followed.

Petroleum Products:
On site vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers excluding fuel tankers. Tanks will be clearly labeled.

Spill Control Practices:
- Manufacturers' recommended methods for spill cleanup will be made available and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area on site. Equipment and materials may include but not be limited to brooms, dust pans, mops, rags, gloves, goggles, kitty litter, sand, sawdust, sorbent booms, sorbent pads and plastic/metal trash containers specifically for this purpose.

Spill Response Action

Capital City Crushing, LLC has developed the following Spill Response Actions Plan which details the steps to be taken to prevent spills, among many other subjects regarding spill prevention, employee training and response to spills or leaks. Hydrocarbons will be delivered to

the site by mobile trailers. Sediment, fuels and lubricants from vehicles and equipment, and trash/debris items will be the pollutants controlled by the permanent controls.

Among the actions to be taken in the event of a spill or leak are the following:

- Determine the cause of the spill or leak and stop it if possible.
- Initiate spill containment action with the required and appropriate manpower, equipment and materials.
- Identify and downgrade fire, explosion and vapor hazards.
- Insure that there is no smoking in the spill area.
- In the event of the likelihood of a fire or explosion hazard, notify the fire department, evacuate all personnel to a safe location and secure the area.
- Visually inspect all spills or exposed areas and prevent further migration of the spill.
- Alert neighbors if personal danger is possible or if any part of the discharge is going to leave the property or premises.
- Initiate cleanup and removal operations in accordance with state and federal guidelines.
- Remedy all hazards posed by the contaminated soils and the excavated area.

"Reportable spills" must be reported to the Texas Commission on Environmental Compliance (TCEQ) as soon as is practical. A reportable spill is one that meets any of the following criteria:

- 25 gallons of oil, fuel, and other hydrocarbon onto the ground or waters of the United States;
- Any amount of hydrocarbon that leaves the property;
- Any amount of hydrocarbon that causes a visible sheen on water of the United States, including, but not limited to, storm water runoff.

In the event of a reportable spill, the following Emergency Response Agencies can be contacted for assistance. Always inform your supervisor of a reportable spill immediately. Follow company policy when responding to an emergency.

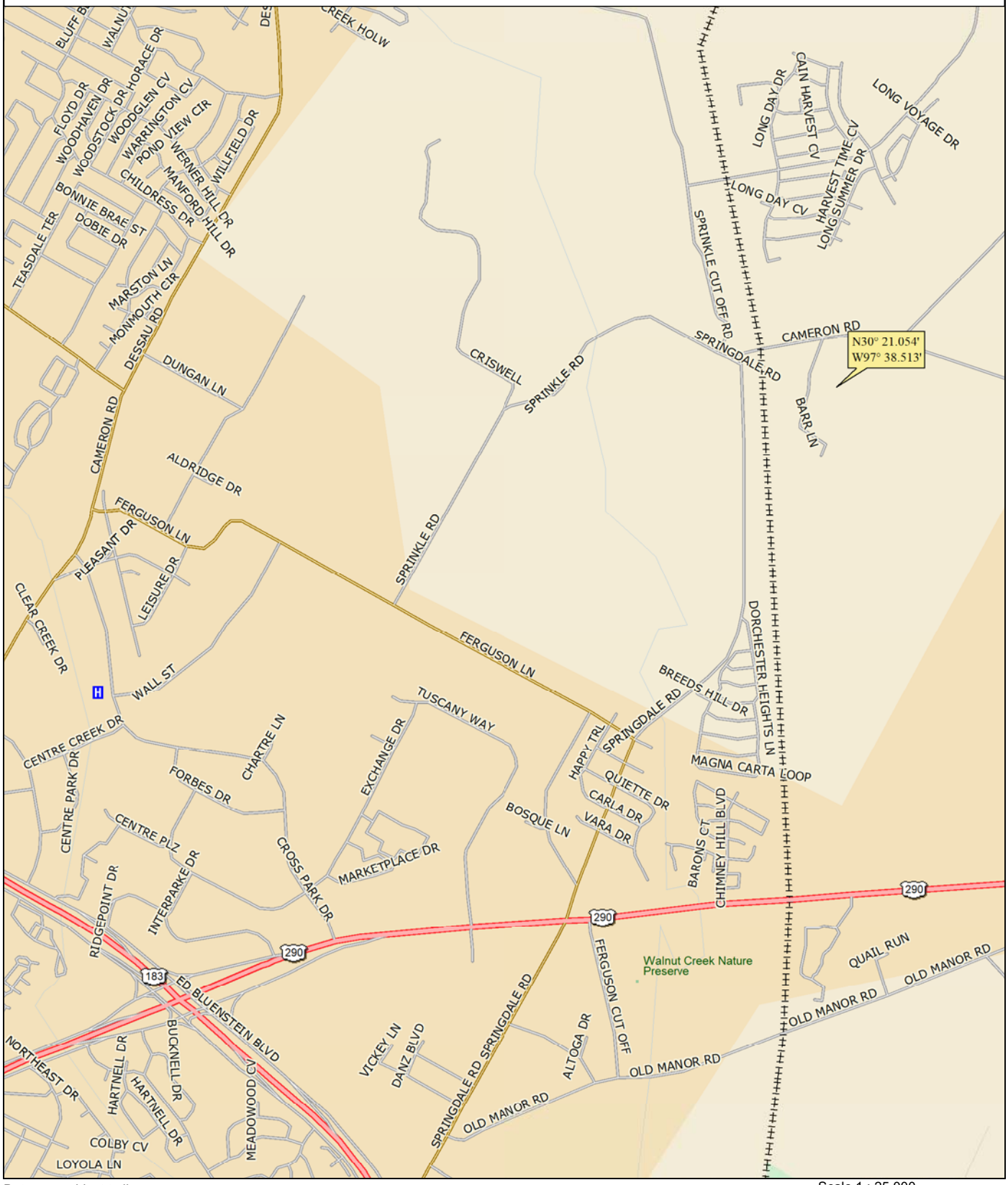
State Emergency Response Commission	(512) 463-7727
National Response Center	(800) 424-8802
US EPA Region 6, Dallas, 24-hr Number	(866) 372-7745
National Weather Service	(281) 337-5074
TCEQ 24-hr	(800) 832-8224
TCEQ Region 11 Austin	(512) 339-2929

Appendices:

1. Location Map
2. Detailed Site Map
3. TPDES General Permit TXR150000
4. Notice of Intent(s) (NOIs) and Acknowledgement Letter
5. Grading, Construction Activities, and Stabilization Log
6. Materials List
7. SWP3 Inspection and Maintenance Report Form
8. Project Site Notice(s)
9. Best Management Practice (BMP) Matrix
10. Annotated List of Rare Species

Appendix 1
Location Map

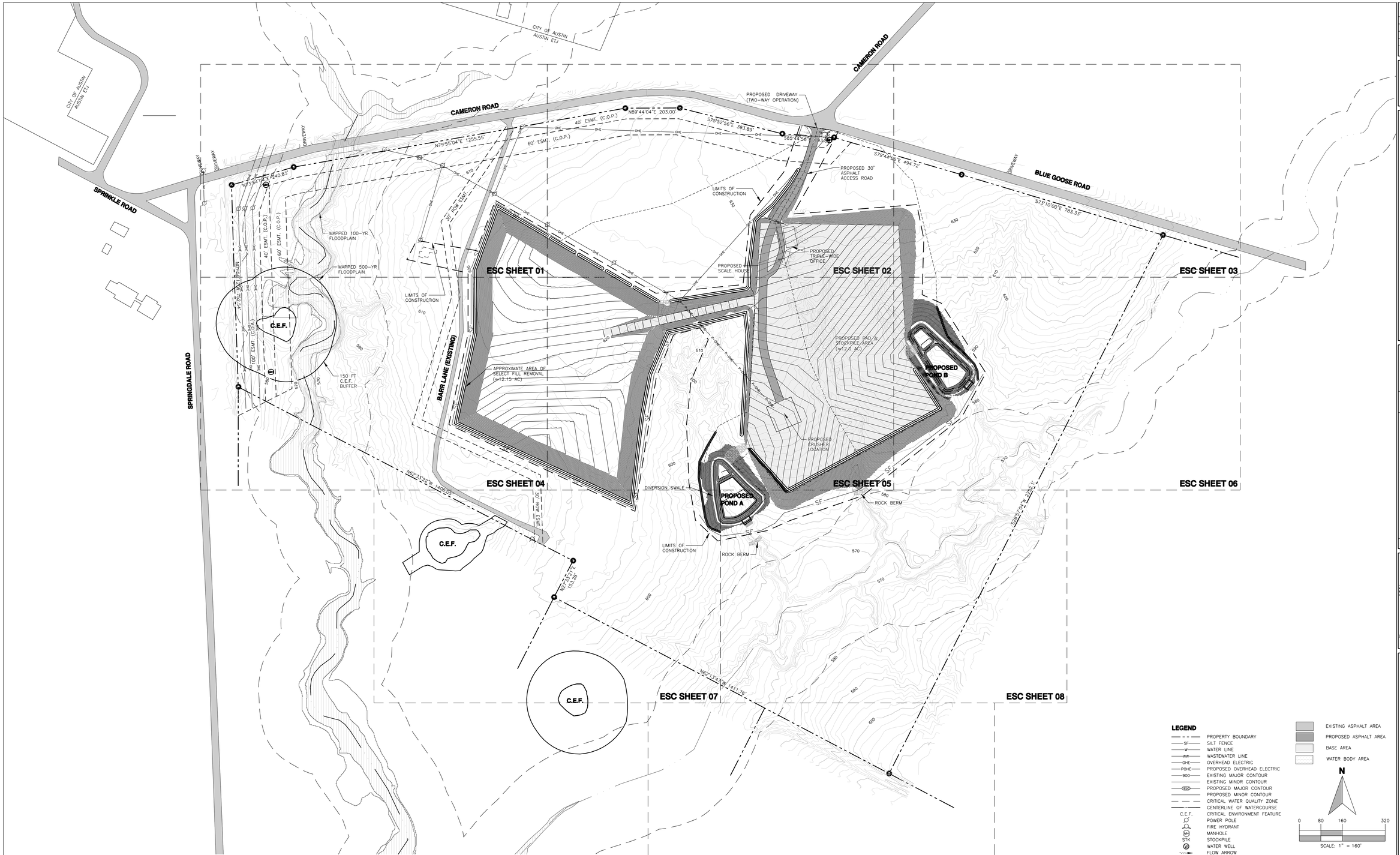
Capital City Crushing, LLC. - Barr Ln Concrete Crusher



TN
MN (3.4°E)

Scale 1 : 25,000
1" = 2,083.3 ft
Data Zoom 13-0

Appendix 2
Detailed Site Map



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- W — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 80 160 320

SCALE: 1" = 160'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE:	1" = 160'
JOB NO.:	11034-008

SHEET NO.: **05** OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

REV.	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curtis G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - GENERAL

SITE PLAN APPLICATION – BARR LANE TRACT

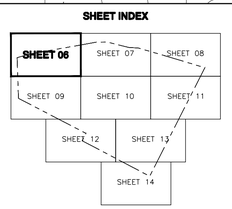
CAPITAL CITY CRUSHING, LLC

10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX

TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

06

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

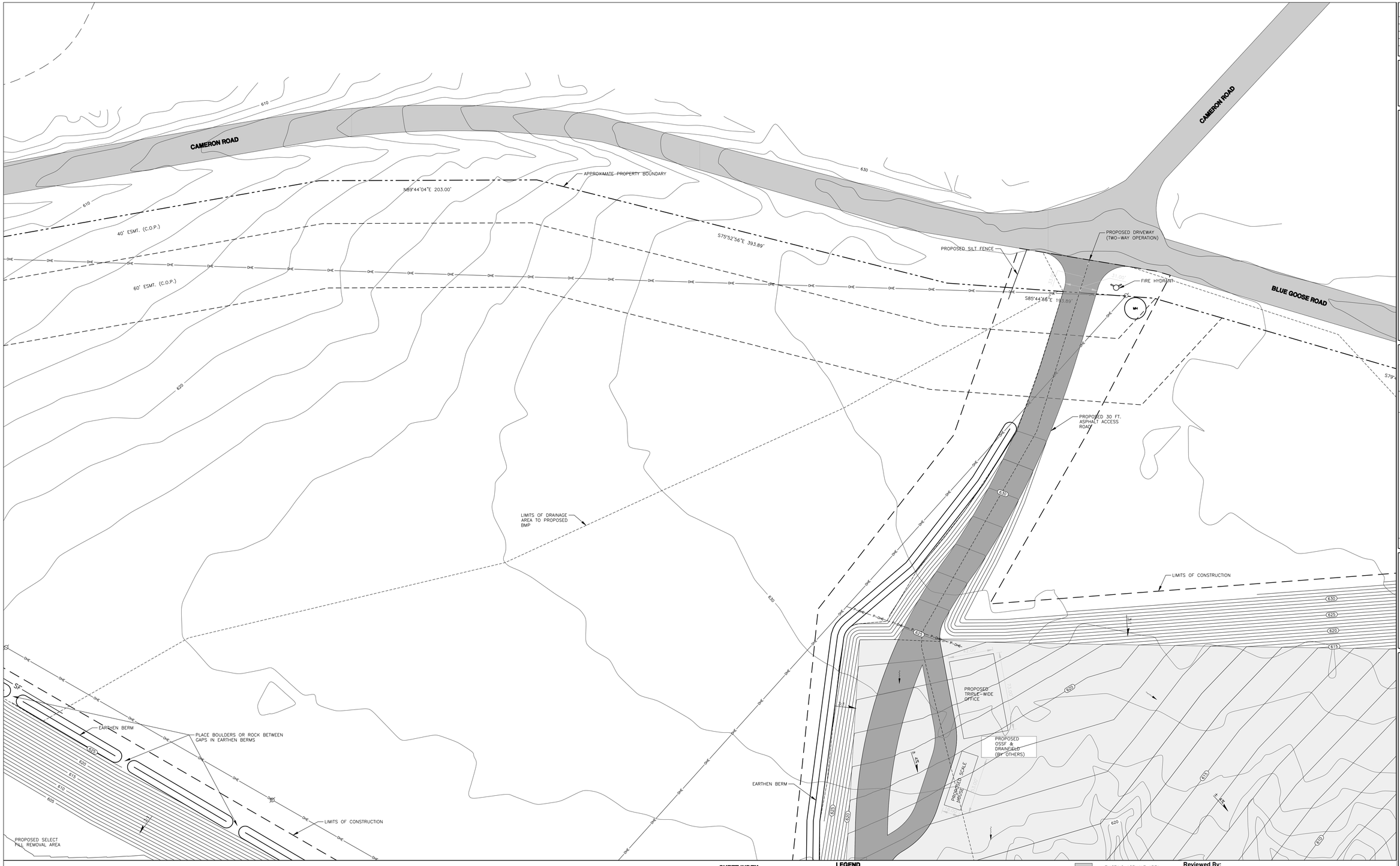
NO.	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED
PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 01

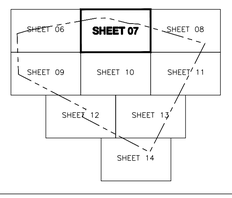
SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FH — FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/13/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

07

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

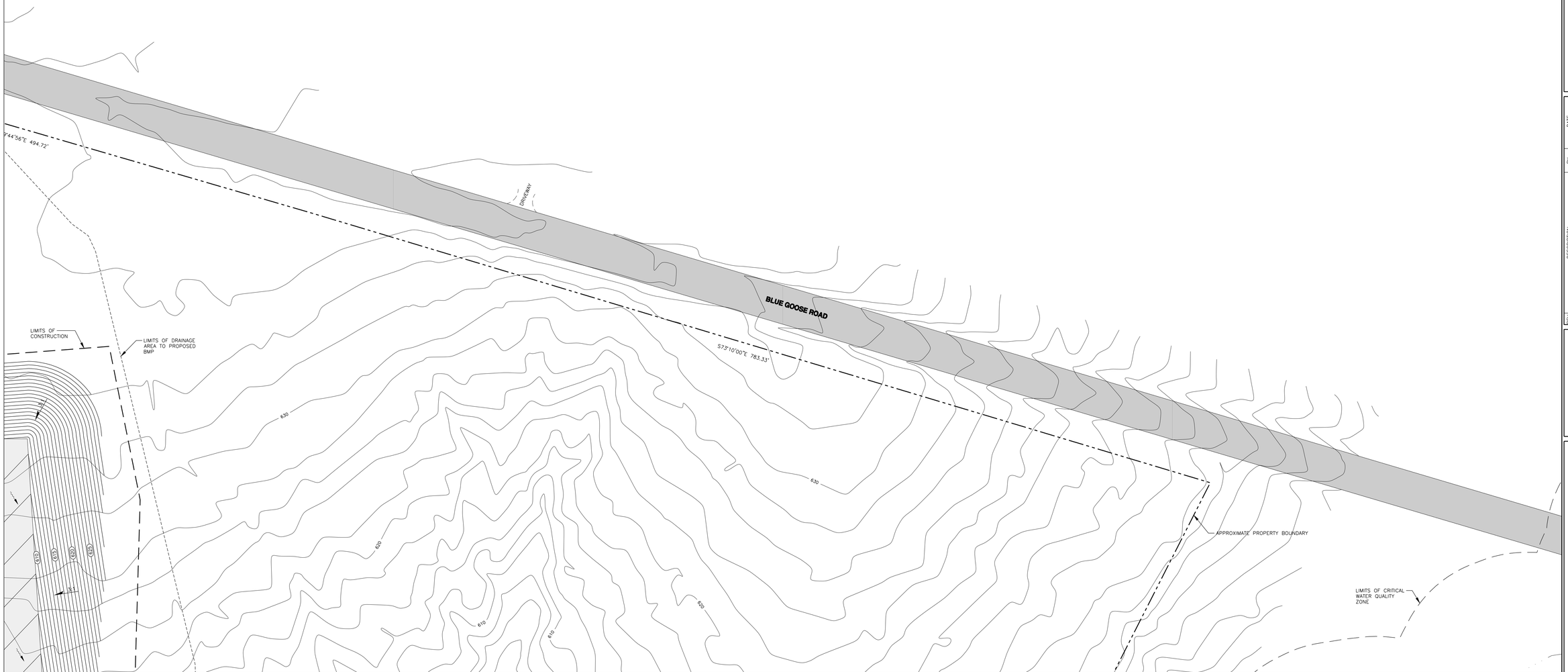
NO.	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED
PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 02

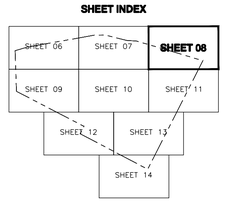
SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FH — FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WELL — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	
N/A	
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

08

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

REV.	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

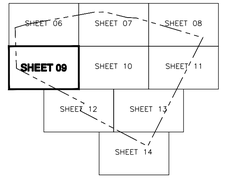
EROSION / SEDIMENTATION CONTROL PLAN - 03

SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX

TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.92	562,621	10.82%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 920 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FH — FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WELL — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE:	1" = 40'
JOB NO.:	11034-008

SHEET NO.:

09

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

REV	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

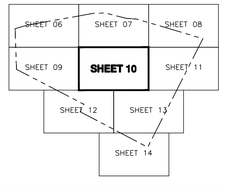
EROSION / SEDIMENTATION CONTROL PLAN - 04

SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX

TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 920 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WELL — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE:	1" = 40'
JOB NO.:	11034-008

SHEET NO.:

10

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

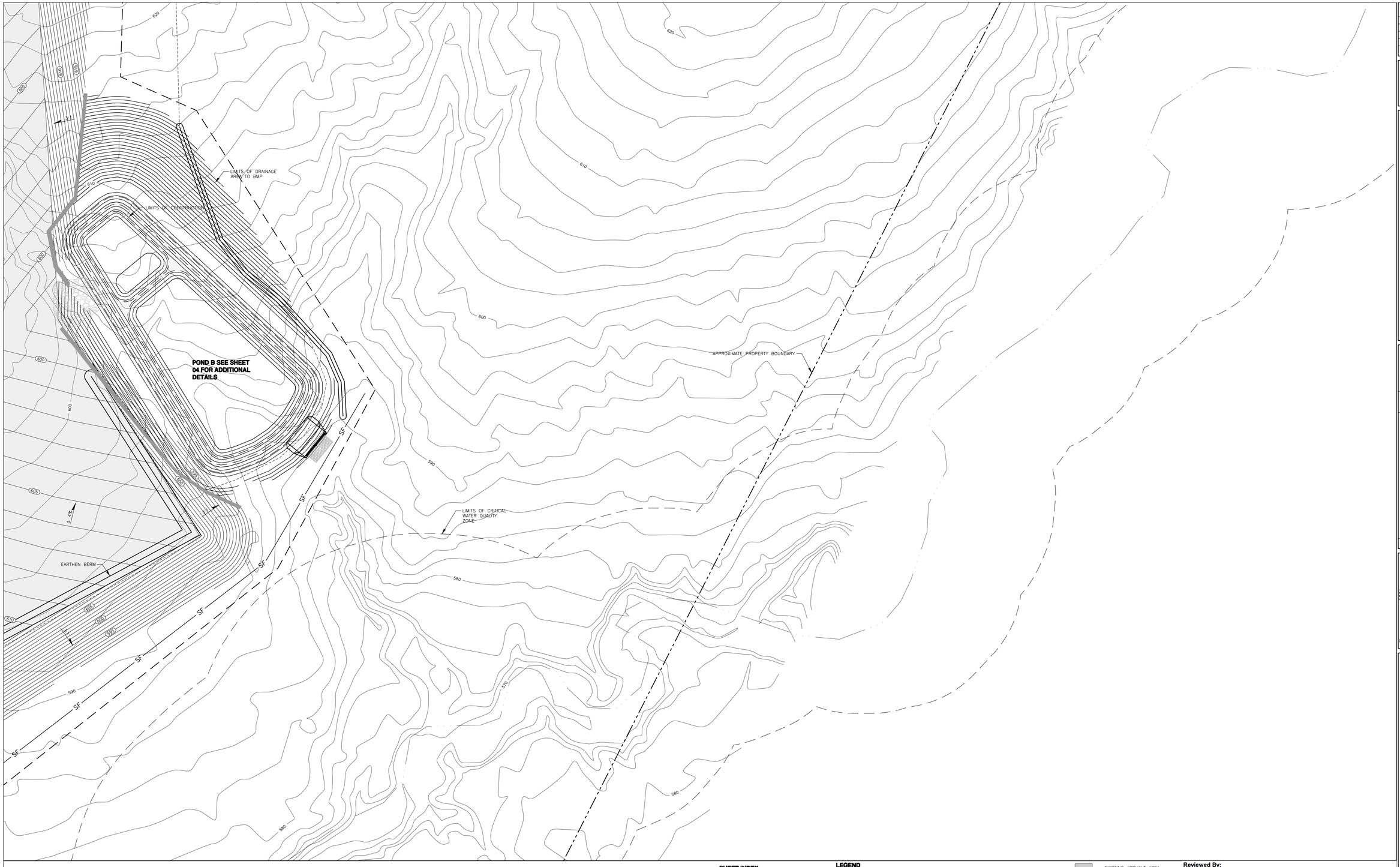
REV	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED
PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 05

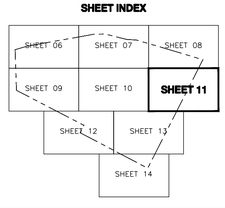
SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- W — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

11

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

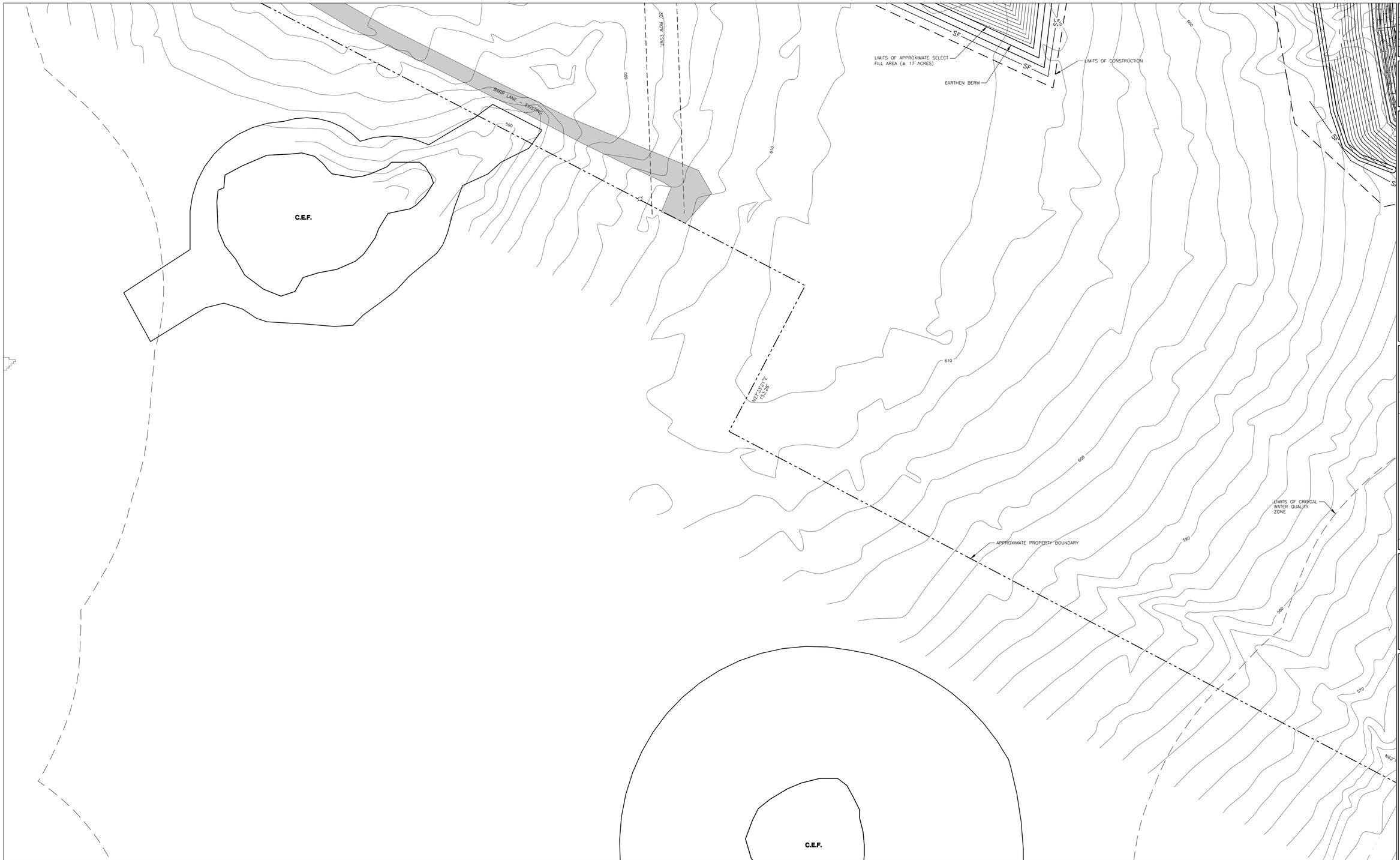
NO.	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 06

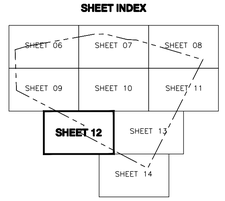
SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FH — FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WELL — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

12

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

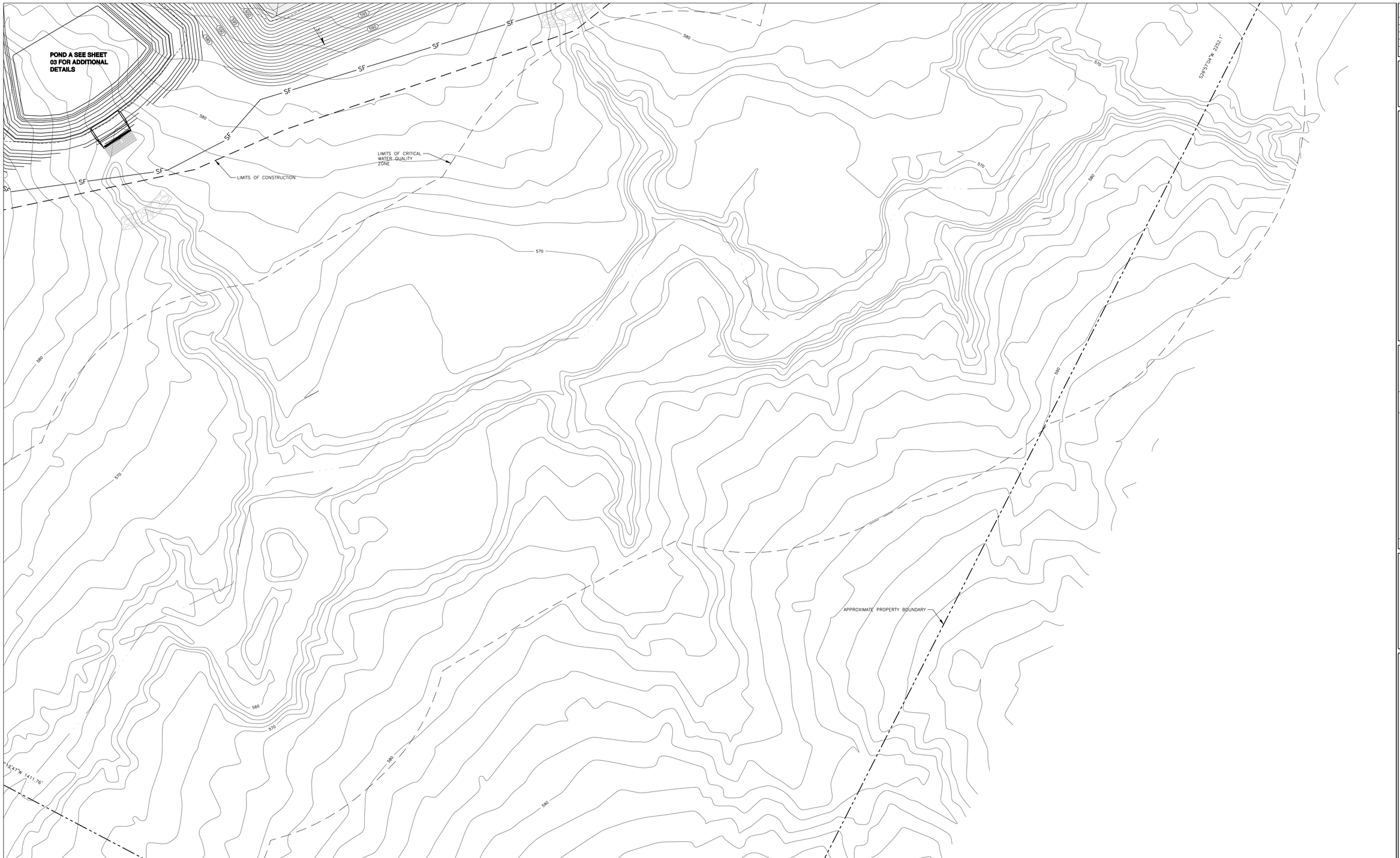
REV	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 07

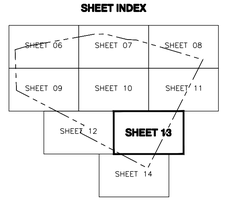
SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CONSTRUCTIO, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 950 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FH — FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- WELL — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA

N

0 20 40 80

SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources — Date

Development Permit Number — Date

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

13

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

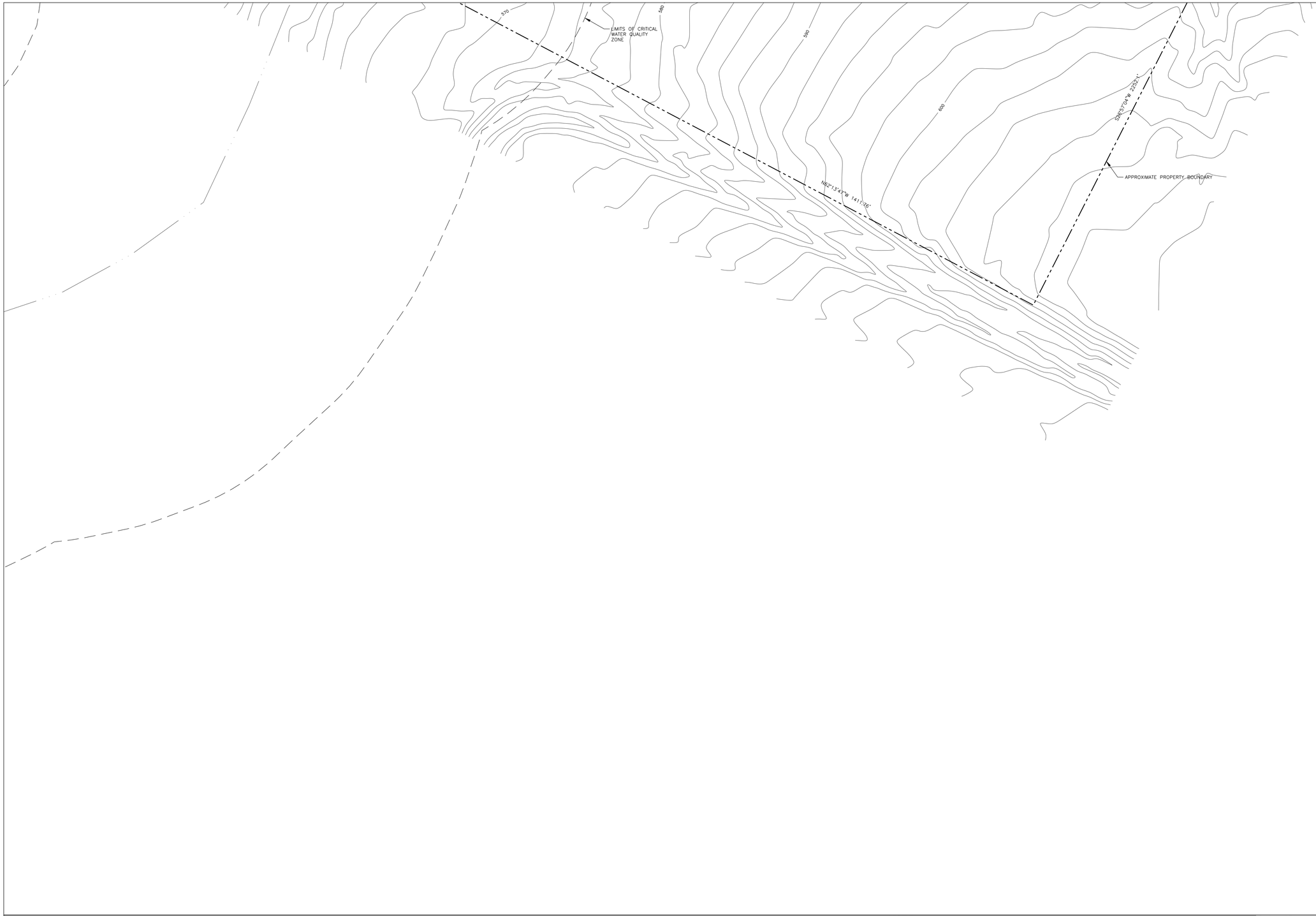
REV	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 08

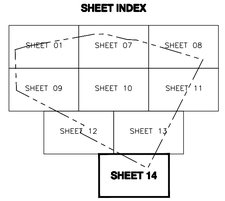
SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX



TRAVIS COUNTY DEVELOPMENT PERMIT
BARR LANE TRACT

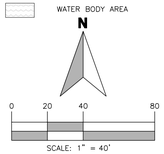
	Acres	Square Feet	Percentage
Total Area of the Site	119.33	5,197,798	--
Impervious Cover	12.24	450,584	8.67%

SHEET INDEX



LEGEND

- PROPERTY BOUNDARY
- SF — SILT FENCE
- W — WATER LINE
- WW — WASTEWATER LINE
- OHE — OVERHEAD ELECTRIC
- POHE — PROPOSED OVERHEAD ELECTRIC
- 900 — EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 900 — PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- CRITICAL WATER QUALITY ZONE
- CENTERLINE OF WATERCOURSE
- EARTHEN BERM (TOP & TOE OF SLOPE)
- LIMITS OF CONSTRUCTION
- C.E.F. — CRITICAL ENVIRONMENT FEATURE
- POWER POLE
- FH — FIRE HYDRANT
- MH — MANHOLE
- STK — STOCKPILE
- W — WATER WELL
- FLOW ARROW
- EXISTING ASPHALT AREA
- PROPOSED ASPHALT AREA
- BASE AREA
- WATER BODY AREA



SCALE: 1" = 40'

Reviewed By:

Travis County Transportation and Natural Resources **Date**

Development Permit Number **Date**

Travis County Revision Block (cover sheet):

No.	Revision Description	Reviewed By:	Date

IMAGE:	N/A
ISSUE DATE:	06/15/2020
DRAWN BY:	JJS
CHECKED BY:	CGC
SCALE: 1" =	40'
JOB NO.:	11034-008

SHEET NO.:

14

OF 17

WESTWARD
Environmental, Engineering, Natural Resources.
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPG REG. NO.: 50112

REV.	DESCRIPTION	BY	DATE

STATE OF TEXAS
CURT GARRETT CAMPBELL
106851
LICENSED PROFESSIONAL ENGINEER
6/15/2020

Curt G. Campbell, P.E.
License No. 106851

EROSION / SEDIMENTATION CONTROL PLAN - 09

SITE PLAN APPLICATION – BARR LANE TRACT
CAPITAL CITY CRUSHING, LLC
10506 BARR LN. AUSTIN, TRAVIS COUNTY, TX

Appendix 3
TPDES General Permit

General Permit to Discharge Under the Texas Pollutant Discharge Elimination System

Stormwater Discharges Associated with Construction Activities

TXR150000

Effective March 5, 2018

printed on recycled paper

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

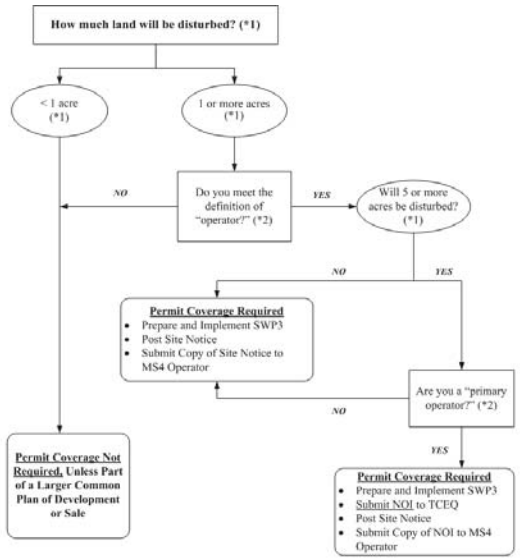
TPDES GENERAL PERMIT NUMBER TXR150000 RELATING TO STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Table of Contents

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.

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, 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.

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 (MHWM) 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 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 BMP s as necessary to remain compliant with the conditions of this general permit; and
   (d) ensure that the SWP3 for portions of the project where 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 un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

The SWP3 must include a description of any sediment control practices used to remove eroded soils from stormwater runoff, including the general timing or sequence for implementation of controls.

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

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

(*1) All analytical results for these parameters must be obtained from a laboratory that is accredited based on rules located in 30 TAC §25.4 (a) or through the National Environmental Laboratory Accreditation Program (NELAP). Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 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 NOT is not required, records shall be retained for a minimum period of three (3) years from the date that the operator terminates coverage under Section II.F.3 of this permit. Records include:

A. A copy of the SWP3;

B. All reports and actions required by this permit, including a copy of the 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

Archer: Dec. 15 - Feb. 14

Armstrong: Nov. 15 - Apr. 30

Bailey: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Baylor: Dec. 15 - Feb. 14

Borden: Nov. 15 - Apr. 30

Brewster: Nov. 15 - Apr. 30

Briscoe: Nov. 15 - Apr. 30

Brown: Dec. 15 - Feb. 14

Callahan: Dec. 15 - Feb. 14

Carson: Nov. 15 - Apr. 30

Castro: Nov. 15 - Apr. 30

Childress: Dec. 15 - Feb. 14

Cochran: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Coke: Dec. 15 - Feb. 14

Coleman: Dec. 15 - Feb. 14

Collingsworth: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

Concho: Dec. 15 - Feb. 14

Cottle: Dec. 15 - Feb. 14

Crane: Nov. 15 - Apr. 30

Crockett: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Crosby: Nov. 15 - Apr. 30

Culberson: Nov. 1 - May 14

Dallam: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Dawson: Nov. 15 - Apr. 30

Deaf Smith: Nov. 15 - Apr. 30

Dickens: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Dimmit: Dec. 15 - Feb. 14

Donley: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

Eastland: Dec. 15 - Feb. 14

Ector: Nov. 15 - Apr. 30

Edwards: Dec. 15 - Feb. 14

El Paso: Jan. 1 - Jul. 14, or May 15 - Jul. 31, or Jun. 1 - Aug. 14, or Jun. 15 - Sept. 14, or Jul. 1 - Oct. 14, or Jul. 15 - Oct. 31, or Aug. 1 - Apr. 30, or Aug. 15 - May 14, or Sept. 1 - May 30, or Oct. 1 - Jun. 14, or Nov. 1 - Jun. 30, or Nov. 15 - Jul. 14

Fisher: Dec. 15 - Feb. 14

Floyd: Nov. 15 - Apr. 30

Foard: Dec. 15 - Feb. 14

Gaines: Nov. 15 - Apr. 30

Garza: Nov. 15 - Apr. 30

Glasscock: Nov. 15 - Apr. 30

Hale: Nov. 15 - Apr. 30

Hall: Feb. 1 - Mar. 30

Hansford: Nov. 15 - Apr. 30

Hardeman: Dec. 15 - Feb. 14

Hartley: Nov. 15 - Apr. 30

Haskell: Dec. 15 - Feb. 14

Hockley: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Howard: Nov. 15 - Apr. 30

Hudspeth: Nov. 1 - May 14

Hutchinson: Nov. 15 - Apr. 30

Irion: Dec. 15 - Feb. 14

Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14

Jones: Dec. 15 - Feb. 14

Kent: Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30

Kerr: Dec. 15 - Feb. 14

Kimble: Dec. 15 - Feb. 14

King: Dec. 15 - Feb. 14

Kinney: Dec. 15 - Feb. 14

Knox: Dec. 15 - Feb. 14

Lamb: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

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

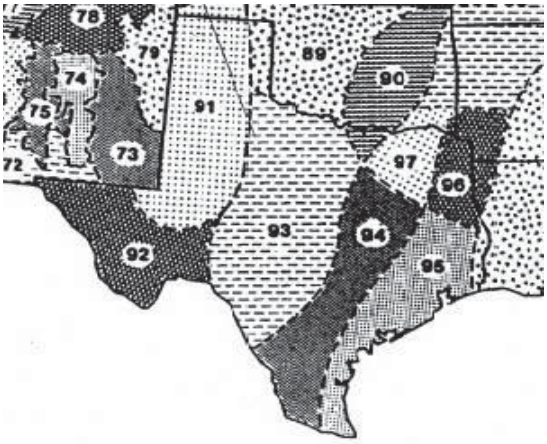
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Young: Dec. 15 - Feb. 14

Wheeler: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

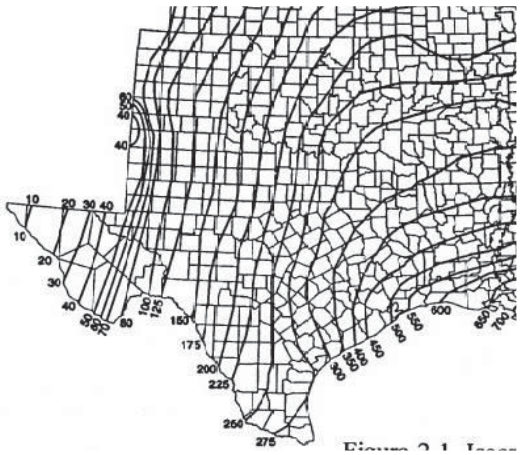
Zavala: Dec. 15 - Feb. 14

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:

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

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

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

Appendix 4
Notice(s) of Intent (NOIs) and Acknowledgement Letter(s)

Pending City of Austin Approval

Appendix 5
Grading, Construction Activities, and Stabilization Log

Grading, Construction Activities, and Stabilization Log

The following records must be maintained and either attached to or referenced in the SWP3:

- The dates when major grading activities occur;
- The dates when construction activities temporarily or permanently cease on a portion of the site; and
- The dates when stabilization measures are initiated.

Date	*Check those that apply*			Area Affected	Comments
	Major Grading Occurring	Construction Activities Ceased	Stabilization Measures Initiated		

Appendix 6
Materials List

Materials List

Material	Quantity Exposed	Location & Method of Storage	BMP(s) for Material	Affected Outfall(s)

Appendix 7
SWP3 Inspection and Maintenance Report Form

Construction SWP3 - Inspection Report Form

TO BE COMPLETED EVERY 7 DAYS or EVERY 14 DAYS AND WITHIN 24 HOURS OF A RAINFALL EVENT OF 0.5 INCHES OR MORE

Section A

By: _____ Date: _____

Qualifications: _____ Time: _____

Weather Conditions:

Inspection for evidence of, or the potential for, pollutants entering the drainage system.
Areas of concern include:

- Exposed Materials storage areas
- Fuel storage/dispensing areas
- Disturbed areas of the site that have not been finally stabilized
- Structural controls (berms, ponds, sumps, diversion ditches, silt fences, aggregate filters, etc.)
- Maintenance areas
- Vehicle and equipment parking areas

Section B

VISUAL INSPECTION CHECKLIST

DID YOU OBSERVE (check the boxes that are applicable):	**Location**
☐ Evidence of erosion?	
☐ Discharge(s) of sediment or pollution from the site?	
☐ Sediment and Erosion controls **not** operating correctly?	
☐ Additional Control(s) needed?	
☐ Control(s) in need of repair or maintenance?	
☐ Intentionally disabled, run-over, or removed control(s)?	
☐ Silt fencing - Is there evidence of washout or overtopping?	
☐ Rock Rubble Dam - Is there evidence of washout or overtopping?	
☐ Earth Dike - Is there evidence of washout or overtopping?	
☐ Earth dike not stabilized?	
☐ Sediment basin - Is there evidence of overtopping or washout?	
☐ Sediment basin capacity less than 50% than original design?	
☐ Evidence of off-site tracking from entrance/exit?	
☐ Evidence of poor Housekeeping?	
☐ (Other)	

☐ **Check this box if no incidents of noncompliance were noted during the inspection and refer to Section E.**

WHO WAS NOTIFIED? DATE NOTIFIED?

SIGNATURE:

Section C

CORRECTIVE ACTION TAKEN:

If BMPs must be modified or additional BMPs are necessary, include implementation schedule.

Section D

MODIFICATIONS REQUIRED TO THE SWP3:

odifications/Revisions to the SWP3 must be completed within seven (7) calendar days following the inspectio

Section E

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 TXR150000 Permit. The report must be signed by the person and in the manner required by 30 TAC 305.128 (relating to Signatories to Reports.

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 gathered and evaluated 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 and accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Date: _____

Appendix 8
Project Site Notice(s)

LARGE CONSTRUCTION SITE NOTICE

FOR THE
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

Site-Specific TPDES Authorization Number:	Pending City of Austin Approval
Operator Name:	Capital City Crushing, LLC
Contact Name and Phone Number:	William Leoni III - (830) 241-2955
Project Description: *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.*	10506 Barr Lane, Austin, TX 78754 Est. Start Date: Pending City of Austin Approval Est. Complete Date: Pending Start Date
Location of Stormwater Pollution Prevention Plan:	On Site

Appendix 9
Best Management Practice (BMP) Matrix

Best Management Practice (BMP) Matrix

Vegetation and Soil Stabilization Erosion Control Measures

Measure	Description	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
Compost blanket	A 1- to 4-inch surface application of compost/mulch or a blend to protect areas with erosive potential		X			X		X	X		X		X	X		X	X			X	
Compost filter tube	A tubular mesh sock filled with a specified blend of composted materials, used to slow flow velocity, capture and degrade chemical pollutants, and trap sediment		X			X		X	X	X	X		X	X		X	X		X		
Dust control	A chemical applied to an exposed soil to prevent the movement of dust		X					X		X	X	X	X	X	X				X		
Flocculents	Natural materials or a class of chemicals that cause colloidal particles (clay) to coagulate; the coagulated particles group together to form flocs that will settle out of detained stormwater					X													X		
Grass channels	A temporary drainageway to convey runoff through, along, or around an area; these can be established to serve as permanent controls				X	X	X	X		X	X	X	X			X	X	X	X	X	X
Mulching	Applying plant residue or other suitable material to protect the soil surface		X	X	X			X	X	X	X	X	X	X	X	X			X		
Rolled erosion products (RECP)	Prefabricated blankets or netting which are formed from both natural and synthetic materials		X			X		X	X	X	X		X	X		X	X		X		
Seeding and fertilizing	Seeding grasses and legumes on disturbed soil areas Note: A ground cover of grass is the most effective method of controlling erosion		X	X	X	X		X	X	X	X	X	X	X	X	X	X		X	X	X
Sodding	Bare soil covered with cut sod, usually bluegrass, to provide rapid ground cover and stabilization of the soil; often used in waterways and flumes		X		X				X		X	X	X	X	X	X	X				X
Stream channel vegetation	The use of vegetation to retard stream channel and bank erosion and maintain soil stability				X		X		X	X	X		X	X		X	X	X	X	X	X
Vegetative filter strip	A strip of grass planted at right angles to the flow of runoff; a 30-foot width is desirable, though as little as 10 to 15 feet can be helpful	X	X			X		X	X		X	X	X	X	X	X				X	X
Wattles	A sediment and stormwater velocity control device, generally tubes of straw, rice straw, or coconut husk encased in ultraviolet (UV) degradable plastic netting or 100% biodegradable burlap material; wattles help stabilize slopes by breaking up the length and by slowing and spreading overland water flow		X			X		X	X	X	X		X	X		X	X		X		

Key

A	Perimeter Control	H	KeyPermanent Stabilizing	O	Drainage Area < 1 acre
B	Slope Protection	I	Soil – Sandy	P	Drainage Area 1-5 acres
C	Borrow and Stockpiles	J	Soil – Silty	Q	Drainage Area > 5 acres
D	Drainage Areas	K	Soil – Clay	R	Effectiveness < 6 mo
E	Sediment Trapping	L	Slope 0% - 3%	S	Effectiveness 6-12 mo
F	Streams	M	Slope 3% - 8%	T	Effectiveness > 12 mo
G	Temporary Stabilizing	N	Slope > 8%		

Example

Description: A site has been disturbed and possesses a drainage area of 4 acres. The soil consists mostly of clay with a gentle slope of 1% - 3%. The discharge of sedimentary runoff from the site has become a concern.
Solution: Based upon the site specific parameters, the selection of appropriate BMPs has been narrowed down to only those that meet E, K, L, and P. The BMPs that meet all of the listed criteria are silt fence, grass channels, and seeding along with fertilizing. At this point it is up to the operator to select and combine those approved BMPs to meet the situation specific needs.

Structural Erosion Control Measures

Measure	Description	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
Compost filter berm	A temporary or permanent ridge of soil located so runoff water is channeled to a planned location		X		X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Check dam	A small temporary barrier or dam constructed across a drainage ditch				X	X		X				X	X	X		X			X	X	X
Diversion structure	A temporary or permanent dike or compost filter berm located so water can be directed to a planned location (use in conjunction with other BMPs)	X	X		X			X	X	X		X	X	X		X	X		X	X	X
Temporary slope drain	A temporary structure, either metal or flexible pipe, used to carry runoff water from the top of a slope to the bottom	X	X		X	X		X	X	X	X	X	X	X	X	X			X	X	X
Energy dissipater	An obstacle placed at the outlet of a drainage pipe or where a rapid flow of water needs to be reduced to prevent erosion				X		X	X	X	X	X		X	X	X		X	X	X	X	X
Rock chutes and flumes	A device to transport water in a structure to a lower level without erosion		X		X			X	X	X	X	X	X	X	X	X	X		X	X	X
Silt fence	A temporary barrier of geotextile fabric used to intercept sediment on small drainage areas; one of the most convenient control measures to use on all projects	X	X	X	X	X		X	X	X	X	X	X	X		X	X		X	X	
Gabion pad or basket	A rectangular wire mesh box filled with rock and used in a variety of places where heavy flexible reinforcement is necessary		X		X		X		X	X	X	X	X	X		X	X	X	X	X	X
Retaining wall	A constructed wall to assist in the stabilization of cut or fill slopes where permissible slopes cannot be obtained without the use of a wall	X	X		X				X	X	X	X	X	X		X			X	X	X
Riprap	A permanent erosion resistant ground cover of large, graded, loose angular stone used where water erosion is a problem		X		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Stabilized construction entrance	A crushed rock or gravel stabilized pad located at points of vehicular ingress or egress at a construction site	X						X	X		X	X	X	X		X	X		X	X	X
Sediment basin	A basin created by building a dam across a waterway or by excavation or a combination of both; a sediment basin usually consists of a dam, a pipe outlet, and an emergency spillway				X			X			X	X	X	X		X	X		X	X	X
Sediment trap	A depressed area in drainage areas that allows the runoff to slow and the silt to settle				X	X		X		X	X	X	X	X		X			X		
Subsurface drainage	A perforated pipe, tubing, or tile installed beneath the ground surface to intercept and convey ground water for suitable disposal	X	X		X			X	X	X	X		X	X		X	X		X	X	X
Retention pond	A permanent pool of water that has the capacity to store storm water until it is released from the structure				X	X			X			X	X					X			X

Key

A	Perimeter Control	H	KeyPermanent Stabilizing	O	Drainage Area < 1 acre
B	Slope Protection	I	Soil – Sandy	P	Drainage Area 1-5 acres
C	Borrow and Stockpiles	J	Soil – Silty	Q	Drainage Area > 5 acres
D	Drainage Areas	K	Soil – Clay	R	Effectiveness < 6 mo
E	Sediment Trapping	L	Slope 0% - 3%	S	Effectiveness 6-12 mo
F	Streams	M	Slope 3% - 8%	T	Effectiveness > 12 mo
G	Temporary Stabilizing	N	Slope > 8%		

Source Documents: RG348 - Technical Guidance on Best Management Practices, Iowa Site Erosion Control Manual, and New York Standards and Specifications for Erosion and Sediment Control

Appendix 10
Annotated List of Rare Species

IPaC **U.S. Fish & Wildlife Service**

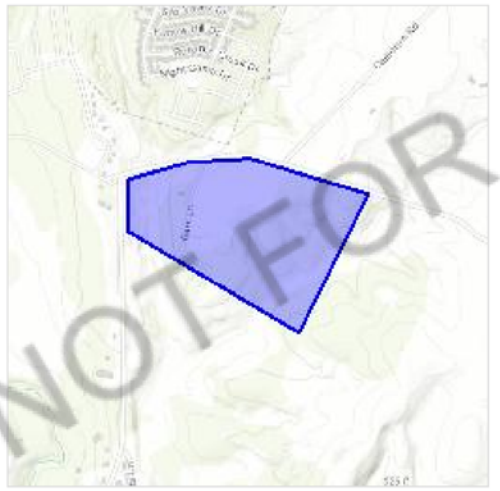
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Travis County, Texas



Local office

Austin Ecological Services Field Office

(512) 490-0057
(512) 490-0974

10711 Burnet Road, Suite 200
Austin, TX 78758-4460

http://www.fws.gov/southwest/es/AustinTexas/
http://www.fws.gov/southwest/es/EndangeredSpecies/lists/

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS

Golden-cheeked Warbler (=wood) Dendroica chrysoparia — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/33

Least Tern Sterna antillarum — Endangered
This species only needs to be considered if the following condition applies:
- Wind Energy Projects

No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/8505

Piping Plover Charadrius melodus — Threatened
This species only needs to be considered if the following condition applies:
- Wind Energy Projects

There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/6039

Red Knot Calidris canutus rufa — Threatened
This species only needs to be considered if the following condition applies:
- Wind Energy Projects

No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/1864

Whooping Crane Grus americana — Endangered
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/758

Amphibians

NAME	STATUS

Austin Blind Salamander Eurycea waterlooensis — Endangered
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/5737

Barton Springs Salamander Eurycea sosorum — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/1113

Jollyville Plateau Salamander Eurycea tonkawae — Threatened
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/3116

Clams

NAME	STATUS
Texas Fatmucket Lampsilis bracteata No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9041	Candidate
Texas Fawnsfoot Truncilla macrodon No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8965	Candidate
Texas Pimpleback Quadrula petrina No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8966	Candidate

Insects

NAME	STATUS
Kretschmarr Cave Mold Beetle Texamaurops reddelli No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3140	Endangered
Tooth Cave Ground Beetle Rhadine persephone No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5625	Endangered

Arachnids

NAME	STATUS
Bee Creek Cave Harvestman Texella reddelli No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2464	Endangered
Bone Cave Harvestman Texella reyesi No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5306	Endangered
Tooth Cave Pseudoscorpion Tartarocreagris texana No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6667	Endangered

Tooth Cave Spider Neoleptoneta myopica No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2360	Endangered

Flowering Plants

NAME	STATUS
Bracted Twistflower Streptanthus bracteatus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2856	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general

public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
American Golden-plover Pluvialis dominica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Harris's Sparrow Zonotrichia querula This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Lesser Yellowlegs Tringa flavipes This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere

Long-billed Curlew Numenius americanus — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/5511

Sprague's Pipit Anthus spragueii — Breeds elsewhere
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/8964

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

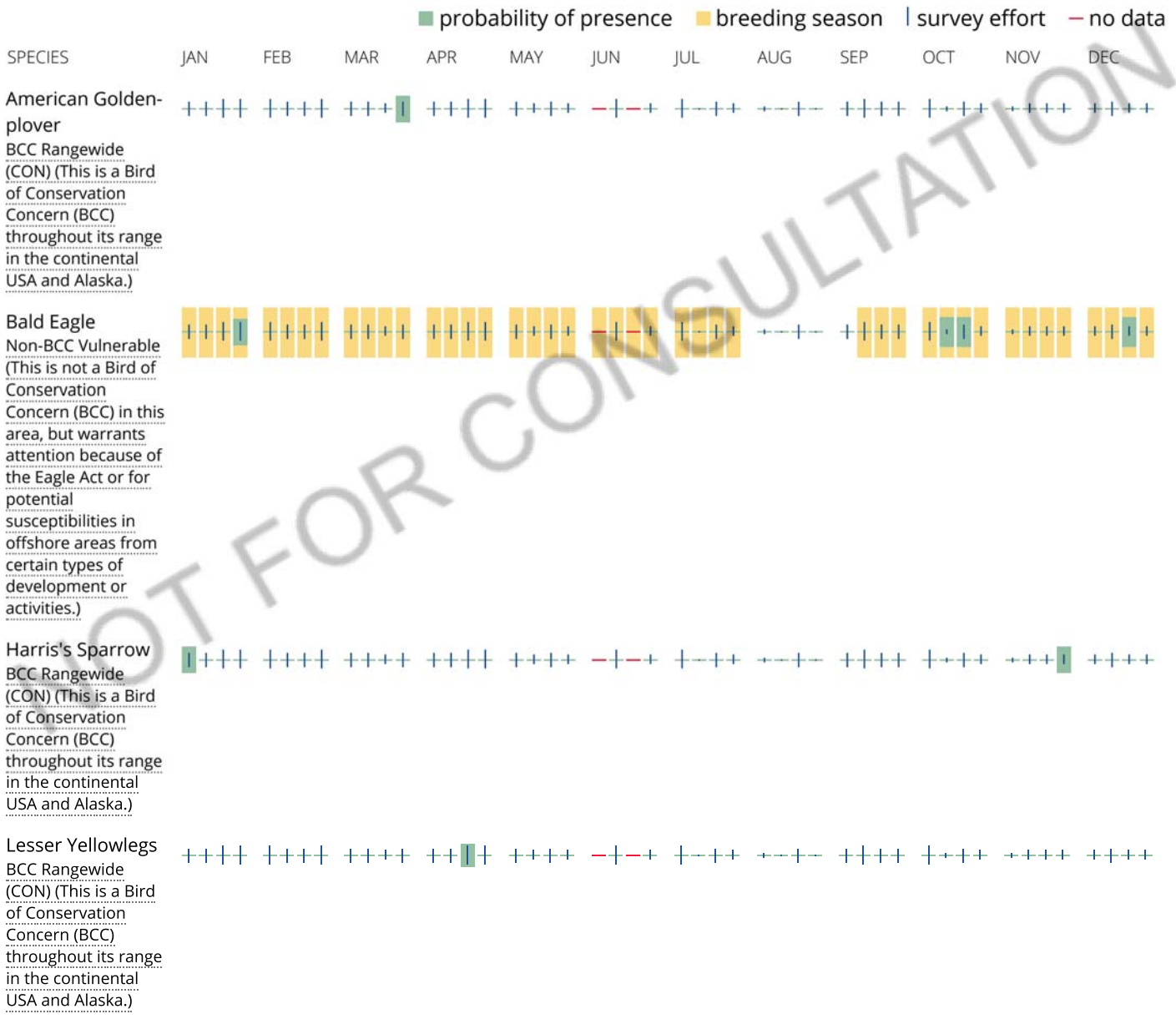
Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

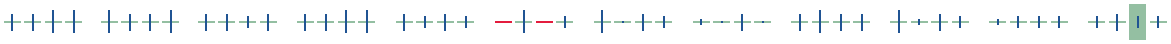
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

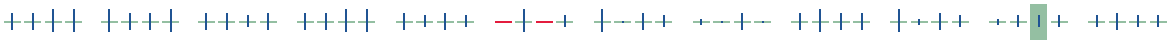
Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Long-billed Curlew
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Sprague's Pipit
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds

guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or

minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.