Stormwater Pollution Prevention Plan

Former ASARCO/Encycle Facility

5500 Up River Road, Corpus Christi, TX

Asbestos Abatement, Waste Removal, and Demolition

March 1, 2011

Amended April 29, 2011

Stormwater Pollution Prevention Plan

Former ASARCO/Encycle Facility

Asbestos Abatement, Hazardous Waste Removal, and Demolition

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ASARCO – Encycle Facility Asbestos Abatement, Waste Removal, and Demolition Project
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1.0 Introduction

Under Section 26.040 of the Texas Water Code, the Texas Commission on Environmental Quality (TCEQ) has issued Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000, covering eligible stormwater and certain types of non-stormwater discharges into waters of the State from construction activities. The TPDES General Permit was issued on March 5, 2008 and will expire on March 5, 2013. These discharges are authorized in accordance with the requirements of 40 Code of Federal Regulations (CFR) 122.26. Clean Water Act (CWA) Sections 301, 304, and 401 (33 U.S. Code (USC) Sections 1331, 1314, and 1341) include provisions which state that NPDES permits must include effluent limitations requiring authorized discharges to:

1. Meet standards reflecting levels of technological capability;
2. Comply with EPA-approved State water quality standards; and
3. Comply with other State requirements adopted under authority retained by States under CWA Section 510, 33 USC 1370.

This SWP3 has been prepared in accordance with good engineering practices and the current general permit. This plan identifies the potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges associated with a demolition and asbestos abatement project at the Former Asarco-Encycle Facility at 5500 Up River Road in Corpus Christi, Texas. In addition, this plan describes and ensures the implementation of BMPs that are to be used to reduce pollutants in the stormwater discharges from the facility and ensure compliance with the terms and conditions of the TPDES General Permit for construction activities.

A copy of the general permit is provided in **Appendix A**. All reports and certifications required by the permit are signed in accordance with the requirements of 30 TAC 305.128 and 30 TAC 305.44(a). A copy of the completed Site Notice is included in **Appendix B**. Changes to this SWP3 are recorded in **Appendix C**.

This plan will be updated if there is a change in demolition plans that has a significant effect on the potential for the discharge of pollutants to the waters of the state. It will also be reviewed and modified, as necessary, if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutant volumes from sources identified in the permit, or in otherwise achieving the general objectives of controlling pollutants in stormwater discharges associated with demolition activity.

2.0 Project Description

2.1 Site Location

The Encycle Facility is located at 5500 Up River Road in Corpus Christi, Texas (Site [Figure 1]). The facility was formerly a large hydrometallurgical complex, originally operated by the American Smelting and

Refining Company (ASARCO). ASARCO operated the facility as a zinc smelter from 1942 through 1985. Encycle Texas Inc (Encycle) subsequently operated the facility as a metals recycling facility until operations ceased in 2003.

2.2 Proposed Activities

The project requires asbestos abatement, waste removal, and demolition of numerous buildings and associated aboveground piping and ancillary equipment. The Site is comprised of 52 above grade buildings, a 315-foot smoke stack, a water tower, approximately 11 metal silos, cooling towers, numerous aboveground storage tanks, and additional ancillary piping, conduit and equipment. The project will disturb approximately 12 acres including demolition/abatement areas, equipment staging areas, and material storage areas.

Asbestos Abatement

The asbestos abatement activities will include the removal, transport, and disposal of asbestos containing material (ACM) in the buildings and structures to be demolished. This work item also includes development of an asbestos abatement project design and preparation of the Texas Department of State Health Services Asbestos Notification Form.

Hazardous Waste Removal and Unit Decontamination

This work task will include decontamination of remaining waste management units at the facility which have not been closed by the TCEQ. Decontamination procedures include existing waste removal, triple rinse of the units and cleanup of residual surficial impacts. The Project Team will manage, transport, and dispose of recovered waste in accordance with the appropriate waste classification as well as collect, remove, transport, and dispose of characteristic hazardous waste present within the buildings and structures to be demolished. Prior to off-site disposal, the building construction debris, equipment, and components will be separated from the residual hazardous waste.

Building and Structure Demolition

The Project Team will demolish buildings and structures as well as ancillary components. The limits of demolition are defined as at grade level concrete and the exterior of most of the walls and bases of pits and sumps. Construction debris, with the exception of recyclable materials, will be disposed of at an authorized commercial landfill as Class II Industrial waste.

2.3 Project Schedule

The projected start date for this project is March 1, 2011 with work anticipated to be complete by early December 2011. A general schedule for the work is included below.

Mobilization, March 15, 2011 -

- Mobilization of equipment and personnel
- Set up construction trailer
- Install up barricades, orange fencing, and best management practices (BMP)
- Complete onsite safety/storm water orientations
- Hook up water line for demolition dust suppression

Demolition activities, beginning week of April 6, estimated time for completion is 180 days -

- Demolish brick, steel, and concrete structures
- Remove and salvage pumps, motors, wire, and misc recyclable materials

Asbestos abatement, beginning week of April 13, estimated time for completion is 190 days -

- Set up containment
- Piping and boilers and ovens
- Roofing material and floor tiles
- Galvestos siding

Hazardous material removal, beginning week of April 20, estimated time for completion is 120 days -

- Triple rinsing – decontamination procedure
- Liquid removal
- Solids removal

Demobilization, estimated to occur mid-January, 2012

- Remove equipment
- Take down BMP's
- Clean site

3.0 Pollution Prevention Team

The table presented below summarizes information concerning the Pollution Prevention Team at this facility. These team members are responsible for development of the SWP3 and for assisting the operator or the operator's designee in the implementation, maintenance, and revisions of the plan.

Table 3.1 - Pollution Prevention Team

Employee Name	Employee Title	Designated SWP3 Responsibility
Gaylon Gibson	Project Safety Officer	Senior management authority; provide corporate support to ensure availability of necessary resources to maintain compliance with the permit and SWP3; is a duly authorized representative.
Craig Illuasky	Project Manager	Qualified Individual; ensure compliance with the permit and SWP3; record reportable spills/leaks of hazardous substances; conduct site compliance evaluation; review and modify the plan to keep it current; ensure record keeping.
Brady Armes or designated representative	Project QA/QC Officer	Overall SWP3 implementation on a daily basis; conduct periodic site inspections; conduct visual examinations of stormwater quality.

4.0 Potential Stormwater Pollutant Sources On-Site

Potential sources of storm water quality impacts include runoff from loose rubble and debris from demolition activities, material staging areas, equipment refueling operations, asbestos abatement operations, hazardous material removal, and load out of demolition materials for recycling or disposal. The following figures identify possible source locations of pollutants which could impact storm water or uncontaminated waters used to control dust:

- Equipment and material staging areas are areas that could impact water quality through unfiltered run-off of storm water and uncontrolled release of fuel during equipment refueling operations. Figure 1 illustrates the location of primary equipment and material staging areas as well as access routes and the office trailer location.

- Rinsate will be generated during decontamination (triple rinsing) of tanks that previously contained metal-bearing hazardous waste. Improper handling, storage, and containment of rinsate could impact storm water quality. Most, if not all of the tanks, pipes, and equipment are located within existing secondary containment features. Figure 2 illustrates the location of tanks requiring decontamination as well as waste management units which require triple rinsing for final unit closure.

- Residual amounts of characteristically hazardous wastes are located on the floor and inside piping, tanks, silos, ovens, vessels, and other structures and process equipment inside specific buildings to be demolished. In addition, certain areas of the facility have tanks, pipes, and equipment carrying fluids that may contain hazardous concentrations of metals. Improper handling, storage, and containment of these residual waste materials could impact storm water quality. Most, if not all of these structures are within an existing secondary containment feature. Figure 3 illustrates the location buildings containing hazardous waste.

- Storm water runoff from loose rubble and miscellaneous debris generated during demolition, runoff from dust suppression, as well as runoff from improper handling, storage, and containment of ACM, rinsate, and hazardous materials could impact storm water quality. Figure 4 illustrates the layout of the existing storm sewer system and the location of storm drain inlets which will be protected from pollutant sources during the course of the project.

5.0 Pollution Prevention Measures and Controls

As required by the terms of the general permit, the construction team has identified the appropriate BMPs needed to reduce or eliminate the potential for contamination of storm water run-off. The types

and locations of structural controls in place during the project are identified on **Figure 5**. The pollution prevention measures and controls associated with these sources are described below.

5.1 Best Management Practices

Best Management Practices will be implemented on the project site to prevent stormwater pollution to the extent practicable. Erosion control and stabilization BMP's for the project include:

Equipment and Material Staging Areas:

- Preserving and protecting existing trees and vegetation where possible.
- Utilizing existing manmade secondary containment structures when present to capture dust suppression waters and water generated during precipitation events.
- Utilizing existing vegetative buffer strips to intercept surface runoff.
- Construction and maintenance of decontamination and wash down areas.
- Implementing dust control measures (wetting of work areas).
- Prompt cleanup and maintenance of debris and salvage stockpiles.
- Use of silt fencing and straw bales with non-woven geotextile to prevent sediment transport (see Appendix F for diagrams).

Rinsate Generated During Decontamination:

- Utilizing existing manmade secondary containment structures to prevent incidental discharge of rinsate waters to storm drain.
- Construction and maintenance of decontamination and wash down areas.
- Blinding or closing off inlets adjacent to hazardous waste and ACM removals.
- Maintaining spill control and counter measures in vicinity of work area.

Handling Residual Hazardous Wastes:

- Utilization of water-tight vacuum trucks and chemical-resistant hoses and hose fittings to remove residual hazardous waste liquids, and decontamination rinse water, from the remaining tanks that contain hazardous wastes.
- Utilization of vacuum trucks or water-tight, lined roll off boxes with tarps to store residual hazardous waste sludges and solids removed from the remaining tanks that contain hazardous wastes.
- Utilization of water-tight, lined roll off boxes with tarps to store residual hazardous waste solids removed from the floors of the smoke stack, Facility No. 2 (east side), the east and west cell houses, the east and west bag houses, and metal silos A through K.

- Following waste removal from the buildings, tanks, and structures to be demolished, prompt transport of the residual hazardous wastes to the hazardous waste landfill in lined and tarped roll-off boxes.
- Implementing dust control measures (wetting of work areas).
- Construction and maintenance of decontamination and wash down areas.
- Use of silt fencing and straw bales with non-woven geotextile to prevent sediment transport.
- Use sandbags or hay bales to create temporary sediment barriers at storm drain inlets.
- Blinding or closing off inlets adjacent to hazardous waste and ACM removals.
- Maintaining spill control and counter measures.

Demolition Activities:

- Preserving and protecting existing trees and vegetation where possible.
- Utilizing existing manmade secondary containment structures when present to capture dust suppression waters and water generated during precipitation events.
- Utilizing existing vegetative buffer strips to intercept surface runoff.
- Use of a designated stabilized construction entrance.
- Implementing dust control measures (wetting of work areas).
- Prompt cleanup and maintenance of debris and salvage stockpiles.
- Construction and maintenance of decontamination and wash down areas.
- Use of silt fencing and straw bales with non-woven geotextile to prevent sediment transport.
- Use sandbags or hay bales to create temporary sediment barriers at storm drain inlets.
- Blinding or closing off inlets adjacent to hazardous waste and ACM removals.
- Maintaining spill control and counter measures.
- Installation of temporary containment curbs or berms as needed to prevent transport of material from work area.
- Installation of temporary containment curbs or berms as needed to prevent transport of material from work area.

Inlet protection devices at the facility shall consist of the inlet grating overlaid by a non-woven geotextile Geotex model 311 manufactured by SI Geosolutions (or equivalent) which is secured by straw bales (Appendix F).

Silt fence will come in 100-foot rolls with pre-assembled hardwood stakes. The affixed geotextile shallow be anchored in a trench a minimum of 6-inches and backfilled with tamped soil.

Additional details regarding BMP installation may be found in Appendix F.

5.2 Management of Runoff

Stormwater from the site not contained within existing concrete secondary containment areas discharges into a three tier storm water detention system which provides for sedimentation of suspended solids in storm water discharges from the facility prior to ultimate discharge into the Corpus Christi Ship Channel which is connected to Nueces Bay. The project will implement the BMPs described in section 5.1 during the project to avoid reducing the quality of stormwater runoff into the detention system. Figure 5 indicates the existing plant outfalls, surface water flow direction, location of sediment control measures, existing secondary containment structures, and location of storm water detention features. As noted in Figures 4 and 5, storm water from the site enters a storm drain system which consists of approximately 200 grated storm drain inlets. Storm water entering the storm drain inlets gravity flows through storm drain piping into a concrete sump near the railroad tracks northeast of Building 14 (Lettered Bins Building). Stormwater that enters the concrete sump gravity discharges through a pipe near the top of the sump into the West Lagoon, which has a high-density polyethylene (HDPE) liner. When the west lagoon is full, storm water flows into the east lagoon, which has a clay liner. When the east lagoon is full, storm water discharges into a concrete lined ditch that flows northerly into the Corpus Christi Ship Channel near the northeast corner of the East Lagoon. Water in the Corpus Christi Ship Channel ultimately discharges into Nueces Bay. Total detention capacity of the west and east lagoons is approximately 6,000,000 gallons.

As detailed in Section 1.2.2 of the December 1999 report entitled "*Closure Plan – East and West Lagoons, Encycle/Texas, Inc., Corpus Christi, Texas"* that was approved by the TCEQ on March 30, 2000,during significant rainfall events storm water fills the lagoons and then discharges through a concrete-lined drainage ditch east of the lagoons. The concrete-lined drainage ditch east of the lagoons flows northerly into the Corpus Christi Ship Channel (Outfall 002).

Encycle/Texas, Inc. previously discharged treated water from the plant wastewater treatment system to the Corpus Christi Ship Channel via Outfall 001. Outfall 001, which is a submerged pipe approximately 50 feet northeast of the storm water lagoons, is no longer discharging since the Encycle wastewater treatment plant was shut down in 2005.

The buildings and structures to be demolished are located within the existing plant storm drain system (Figure 4), with the exception of Building 5, Building 9, and the east bone yard at the east end of the site. Sheet flow over paved areas in the vicinity of Building 5 and the east boneyard gravity flows into a drain located near the northeastern corner of Building 5. This drain discharges into a vegetative area to the northeast of Building 5. A straw bale and textile inlet protection device is installed at this inlet location as shown in Figure 5.

Sheet flow in the vicinity of Building 9 flows easterly across an approximate 200 foot wide vegetative area. A silt fence is installed east of Building 9 as shown on Figure 5.

Surface water from the extreme southern end of the site, including the area around Buildings 42, and 46 through 51, flows into an earthen drainage ditch on the north side of Up River Road. Note that Buildings 42 and Buildings 46 through 51 will not be demolished during this demolition project. The southern corner of the former CP&L substation at the southeast end of the site also slopes southeasterly to the drainage ditch on the north side of Up River Road. This area is protected from potential runoff from the demolition work area by straw bales and silt fencing as well as a 50 to 100 foot wide vegetative buffer consisting of turf grasses between the edge of the pavement and Up River Road. Storm water in the drainage ditch on the north side of Up River Road flows easterly. Ms. Mai Burnell of the City of Corpus Christi stated the storm water in this portion of Up River Road flows easterly to a City of Corpus Christi 8' x 10' storm drain box located on Up River Road approximately 650 feet east of McBride Lane. Storm water entering the storm drain box then flows northward and discharges into the Corpus Christi Ship Channel, which is a non-recreational dredged industrial ship channel.

It is noted that storm water at the site may be affected by metals in surface soils at the site. Excavation of the affected surface soils is planned following building demolition activities, and is not part of this demolition project. Procedures for excavation of the affected surface soils are provided in the May 27, 2005 report entitled *"Corrective Measures Study and Corrective Measures Implementation Work Plan"* that was approved by the TCEQ.

5.3 Good Housekeeping Measures

Demolition materials will be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse materials or hazardous wastes. Practices such as trash disposal, recycling, proper material handling, and spill prevention and cleanup measures will be utilized to reduce the potential for stormwater runoff to mobilize construction site wastes and contaminate surface or ground water.

In order to eliminate the impact from potential pollutant sources the following summarizes good housekeeping practices that will be implemented at the site:

- Clean equipment and trucks prior to arriving and upon leaving the site.
- Dispose of greasy rags properly or recycle.
- Promptly transfer used fluids to the proper container.
- Inspect equipment regularly for leaks and general condition.
- Keep work areas neat and orderly.

- Keep material staging areas neat and orderly.
- Tarp roll-off containers and truck beds.

The good housekeeping measures outlined in this section of the plan are incorporated in the employee education program.

5.4 Spill Prevention and Response Measures

The project team has developed and implemented spill prevention and response measures to adequately respond to a spill. These measures include the following, as applicable:

- Identification of areas and structures where a spill could contribute pollutants to stormwater discharges;
- Implementation of procedures to minimize or prevent contamination of stormwater from spills (e.g., equipment inspections for leaks; secondary containment structures around liquid storage tanks and drums; installation of overfill prevention devices on tanks; modification of material handling techniques; and routine inspections of drums, tanks, and other storage containers);
- Clear labeling of drums, tanks, and other containers;
- Clear labeling of hazardous waste containers that require special handling, storage, use, and disposal;
- Conducting decontamination, hazardous waste removal, and ACM abatement within the confines of existing or newly constructed containment systems;
- Prompt placement of rinsate, hazardous materials, and ACM into proper storage vessels for transportation and disposal;
- Implementation of specific spill prevention and clean up techniques;
- Training on the location of material and equipment necessary for spill clean-up;
- Maintenance and inventory of spill cleanup materials and equipment; and
- Completion of regularly scheduled employee training.

The project team has prepared standard operating procedures for removal and handling of hazardous materials which are included in the Hazard Communication Plan and the Demolition Work Plan. In addition, the Asbestos Abatement Design describes removal and handling of ACM. These plans can be found on-site at the project office trailer under separate cover.

5.5 Allowable Non-Stormwater Discharge Management

Any time demolition activities that create dust are being conducted, the work area will be sufficiently wetted to prevent fugitive dust emissions. The project team has elected to re-establish utility based water service. Municipal water from the City of Corpus Christi will be utilized for dust suppression during demolition activities. Prior to use of any storm water currently stored on site, a confirmation sample of the individual liquid detention basin will be collected to ensure the water is safe to use. Sample results will be compared to the Aquatic Life Surface Water Risk-Based Exposure Limits (^{SW}RBELs) identified in Table 5.0 below.

Table 5.0 - Aquatic Life Surface Water Risk-Based Exposure Limits (ug/l)

Metal	Surface Water RBEL
Antimony	87
Arsenic	78
Barium	25,000
Cadmium	10
Chromium	103
Lead	5.3
Manganese	120
Mercury	1.1
Selenium	136
Silver	NA
Zinc	NA

5.6 Employee Education

Stormwater pollution prevention training is provided to all personnel responsible for implementation of the SWP3. The training will be conducted at the start of the project. Employees who do not have direct responsibilities for SWP3 implementation at this worksite are provided with an awareness level

stormwater pollution prevention education training. The training program familiarizes employees with the good housekeeping measures, BMPs, and goals of the current SWP3. Additionally, stormwater pollution prevention is discussed regularly (at least weekly) during daily tailgate meetings and all employees are encouraged to proactively protect stormwater runoff.

5.7 Periodic Site Inspections

The designated person identified in Section 3.0 will conduct daily inspections of the BMPs and potential sources of stormwater pollutants. The purpose of the inspections is to determine the effectiveness of the Good Housekeeping Measures, Best Management Practices, and Employee Training Program. These daily inspections are not necessarily documented. Official inspections of the BMPs and potential sources of storm water pollutants conducted will be conducted weekly and within 24 hours of a rain event and documented on an inspection form. The inspection form for use during these inspections can be found in **Appendix E**.

A set of tracking or follow-up procedures will be used to ensure that appropriate actions are taken in response to these periodic inspections. When revisions or additions to this plan are recommended as a result of inspections, a summary description of these proposed changes will be recorded in **Appendix C**.

Records

The following records will be maintained during the construction project:

- 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.

These dates will be recorded on the form found in **Appendix D** and these records will be stored with this SWP3. These records will be made readily available upon request to the parties listed in Part III.D.1 of the general permit.

5.8 Routine Maintenance

Sediment control features shall be maintained in good condition to ensure proper function. Maintenance specifications for each device are outlined below. Accumulated sediment will be placed in a lined and tarped roll off box for disposal at an authorized facility, pending collection of a representative sample of the material and receipt of analytical laboratory results.

Silt Fence

- Should the fabric of the silt fence collapse, tear, decompose or otherwise become ineffective, replace it as soon as possible.

- Remove silt deposits once they reach 30 percent the height of the fence to provide adequate storage volume for the next rain event and reduce pressure on the fence. Take care to avoid undermining the fence during cleanout. Accumulated sediment should be placed in a roll off dumpster for disposal.

- Silt fences are to be removed upon stabilization of the contributing drainage area.

Geotextile

- Should the non-woven geotextile Geotex model 311 (or equivalent) tear or otherwise become ineffective, replace it as soon as possible.

Straw bales

- Straw bales degrade, especially when exposed to moisture. Rotting bales will need to be replaced on a regular basis.

- Replace or repair damaged bales and washouts as needed.

- Sediment should be removed when the sediment accumulation reaches one-third of the barrier height. Accumulated sediment should be placed in a roll off dumpster for disposal.

Inlet Protection

- Remove accumulated sediment and restore the trap to its original dimensions when sediment has accumulated to half the design depth of the trap. Accumulated sediment will be placed in a roll off dumpster for disposal at an authorized facility, pending collection of a representative sample of the material and receipt of analytical laboratory results.

- On gravel-and-mesh devices, clean (or remove and replace) the stone filter if it becomes clogged.

Stabilized Project Entrance

- The entrance should be maintained in a condition that will prevent tracking or flow of mud or debris onto public rights-of-way. This may require periodic top dressing with additional 2 in. stone (as conditions demand) and repair or cleaning of any structures used to trap sediment.

- All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains should be removed immediately. When necessary, vehicle wheels should be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it should be done on an area stabilized with aggregate that drains into an approved sediment trap.

- Trapped sediment should be removed from the site or stabilized on site and prevented from entering storm drains, ditches, or waterways. Disturbed soil areas resulting from removal should be permanently stabilized.

- The stabilized construction entrance may be removed after final site stabilization is achieved or after the temporary BMPs are no longer needed.

Stockpile Management

- Locate stockpiles a minimum of 50 ft away from concentrated flows of storm water, drainage courses, and inlets.

- Maintain temporary perimeter sediment barriers such as berms, dikes, fiber rolls, silt fences, sandbags, vegetation buffer strips, or gravel bags.

- Implement wind erosion control practices as appropriate on all stockpiled material.

Wash Down and Decontamination Areas

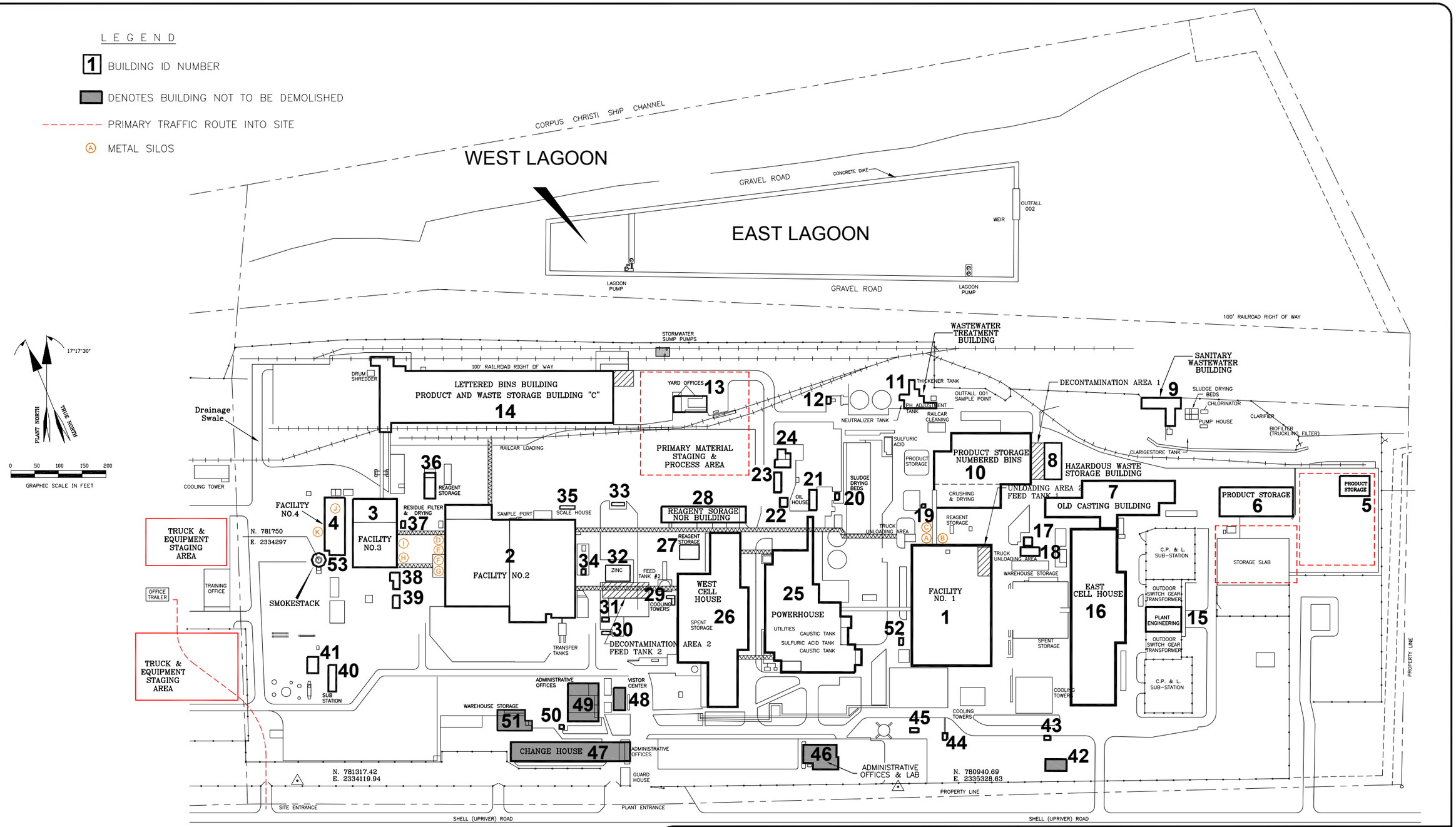
- Ensure that sufficient detention volume is maintained during wash down activities and wastewater drains into collection area for evaporation or recovery.

- Maintain perimeter barrier to ensure capture and sedimentation of wash water.

6.0 Post-Demolition Activities

After Demolition activities are complete and all equipment and demolition debris have been removed from the site, roads and equipment staging areas will be swept of all sediment. Silt fences, hay bales, and other sediment and erosion control devices will be removed and any accumulated sediment will be disposed of properly at an authorized facility, pending collection of a representative sample of the material and receipt of analytical laboratory results. Areas of vegetative disturbance will be seeded and restored to pre-existing condition.

Figures



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ASARCO - Encycle Facility Demolition

Site Map with Locations of Equipment & Material Staging Areas

5500 Up River Road
Corpus Christi, Texas

FIGURE

1

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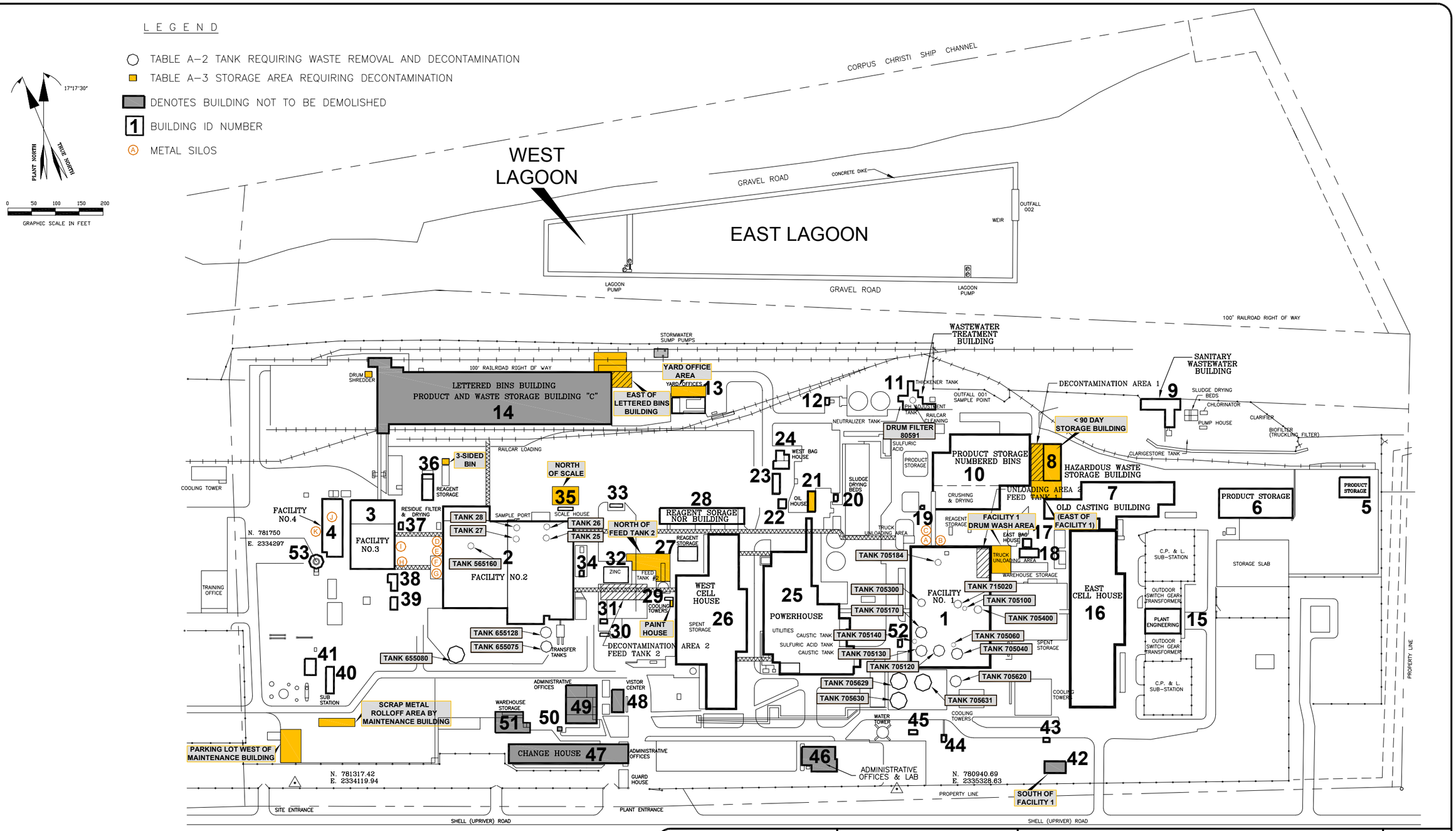

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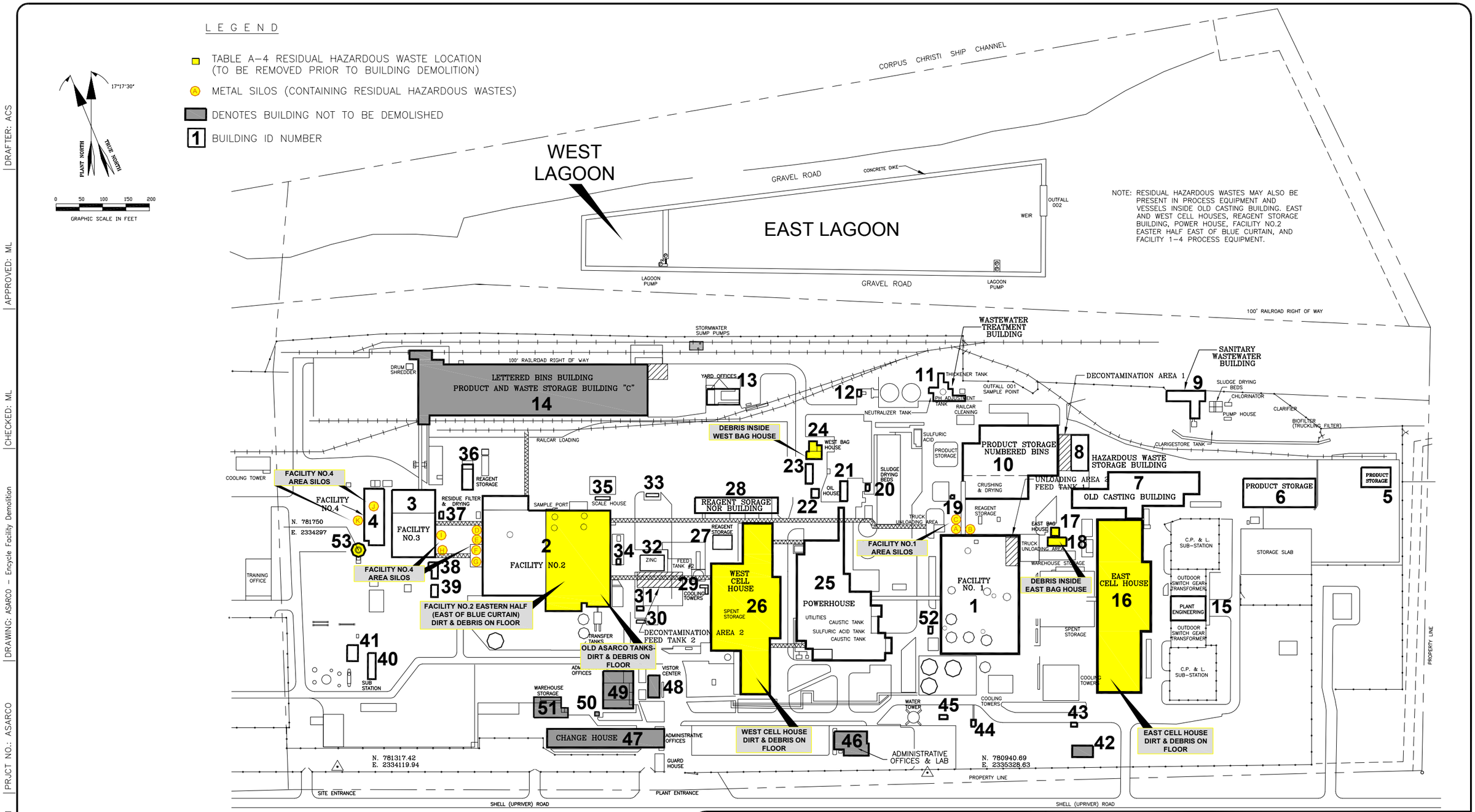
ASARCO - Encycle Facility Demolition
Tank and Waste Management Unit Location Map

5500 Up River Road
Corpus Christi, Texas

FIGURE
2



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ASARCO - Encycle Facility Demolition
Residual Hazardous Waste Locations in Buildings
5500 Up River Road
Corpus Christi, Texas

FIGURE
3

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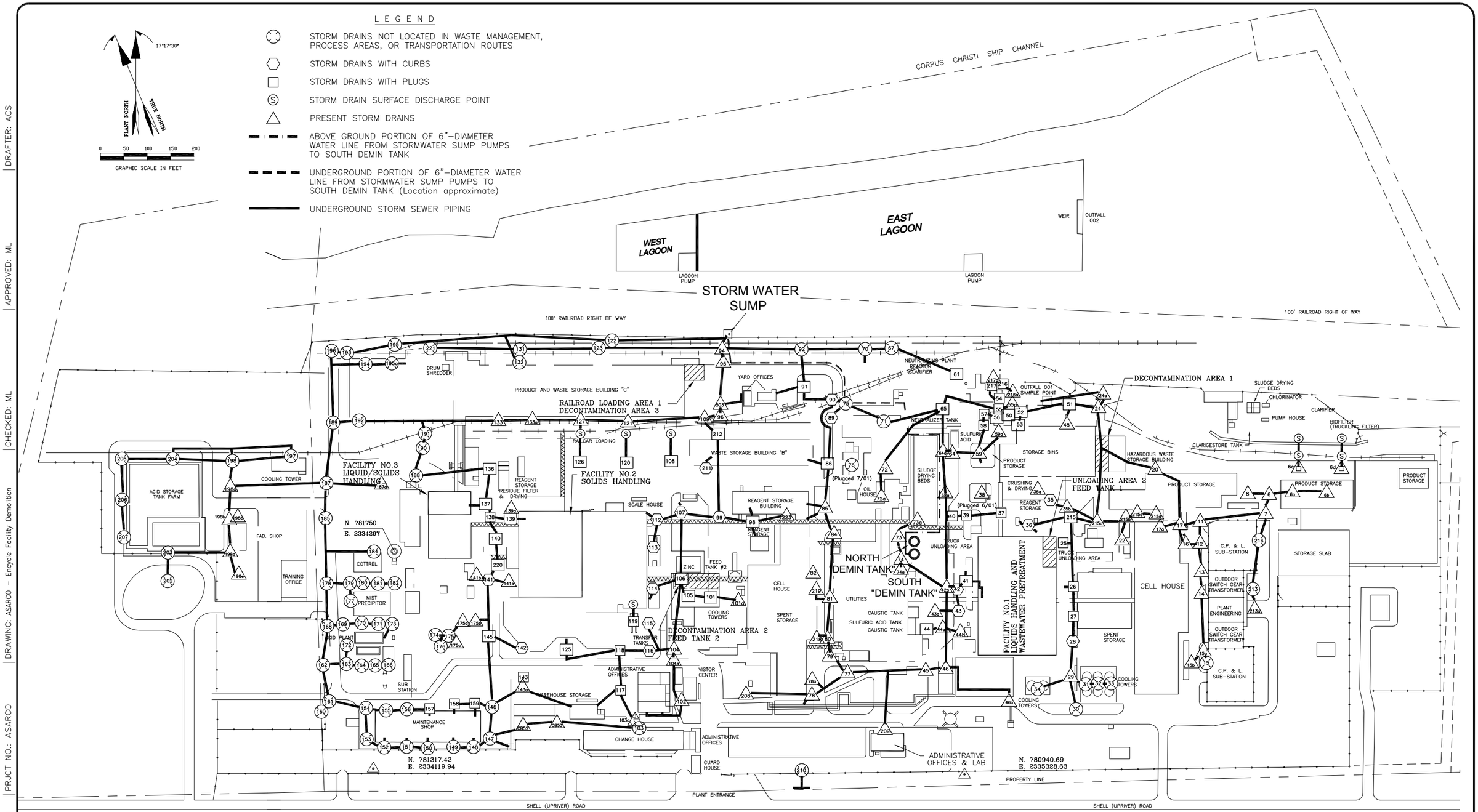


NOTE:

1. STORM WATER FROM THE SITE ENTERS THE SUMP NEAR THE RAILROAD TRACKS AT THE NORTH CENTER END OF THE FACILITY AND GRAVITY FLOWS VIA BURIED PIPE FROM THE SUMP INTO THE WEST LAGOON LOCATED NORTH OF THE RAILROAD TRACKS. WHEN THE WEST LAGOON IS FULL, STORM WATER FLOWS INTO THE EAST LAGOON. WHEN THE EAST LAGOON IS FULL STORM WATER DISCHARGES FROM OUTFALL 002 AND INTO THE CORPUS CHRISTI SHIP CHANNEL. TOTAL DETENTION CAPACITY OF THE WEST AND EAST LAGOONS IS 6,000,000 GALLONS.
2. OUTFALL 001 IS NO LONGER DISCHARGING SINCE THE ENCYCLE WASTEWATER TREATMENT PLANT WAS SHUT DOWN IN APPROXIMATELY 2005. IT PREVIOUSLY DISCHARGED INTO THE CORPUS CHRISTI SHIP CHANNEL NORTH OF THE STORM WATER LAGOON.

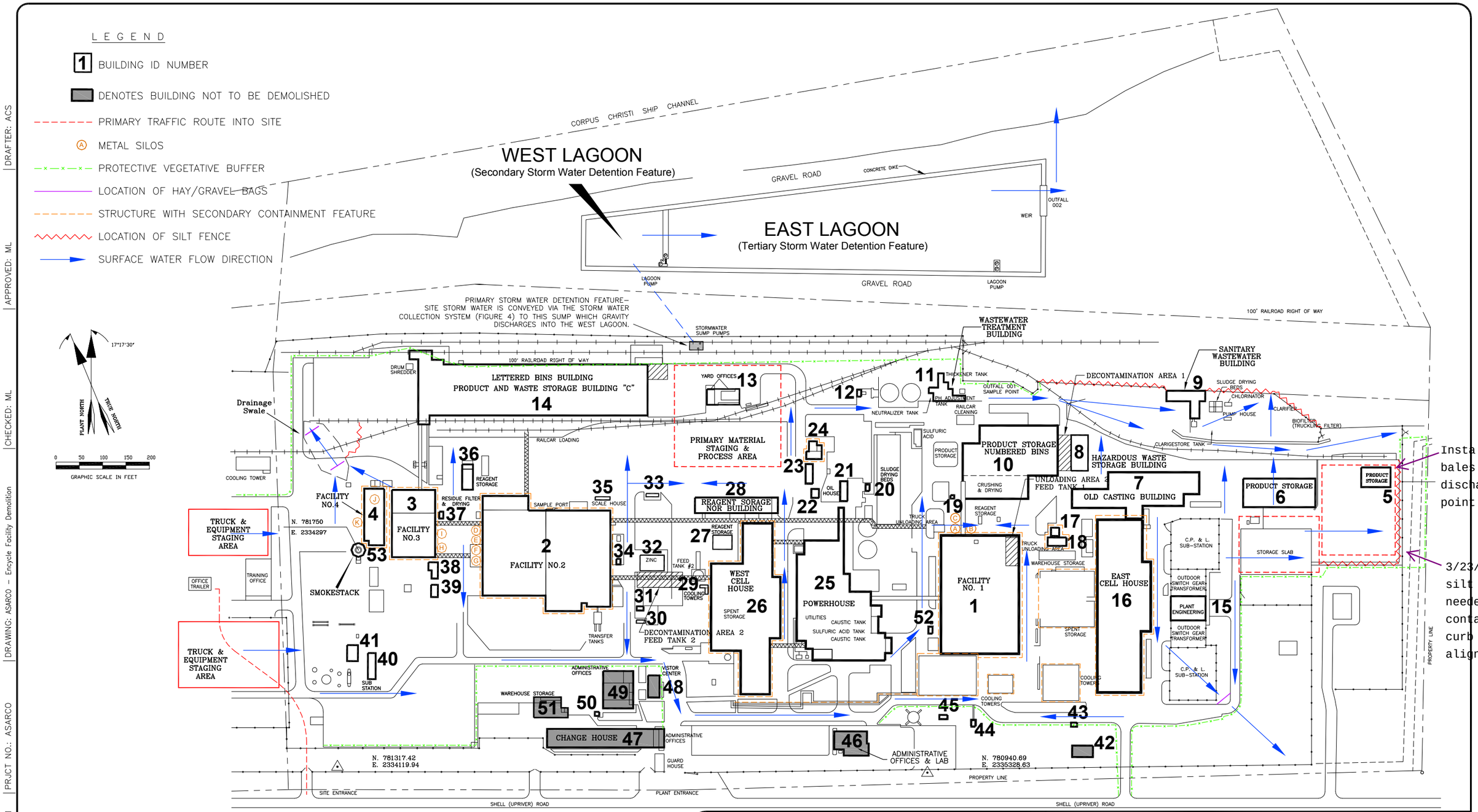
Energy Renewal PARTNERS, LLC

ASARCO - Encycle Facility Demolition
Storm Sewer System Map
(Updated October 2001)

5500 Up River Road
Corpus Christi, Texas

FIGURE
4

DRAFTER: ACS | APPROVED: ML | CHECKED: ML | DRAWING: ASARCO – Encycle Facility Demolition | PRJCT NO.: ASARCO | DWG DATE: 01/06/11



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ASARCO - Encycle Facility Demolition

Site Map with Surface Water Flow Direction and Location of Runoff Control Features

5500 Up River Road
Corpus Christi, Texas

FIGURE
5

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Appendix A

General Permit

TCEQ Docket No. 2007-1588-WQ
TPDES General Permit No. TXR150000

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
Austin, TX 78711-3087

This is a renewal of TPDES General Permit No. TXR150000, issued March 5, 2003.

GENERAL PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Construction sites that discharge storm water associated with construction activity

located in the state of Texas

may discharge to surface water in the state

only according to effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders 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 storm water and certain non-storm water discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this 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 permit and the authorization contained herein shall expire at midnight on March 5, 2013.

EFFECTIVE DATE: March 5, 2008

ISSUED DATE: FEB 15 2008

Buddy Garcia
For the Commission

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

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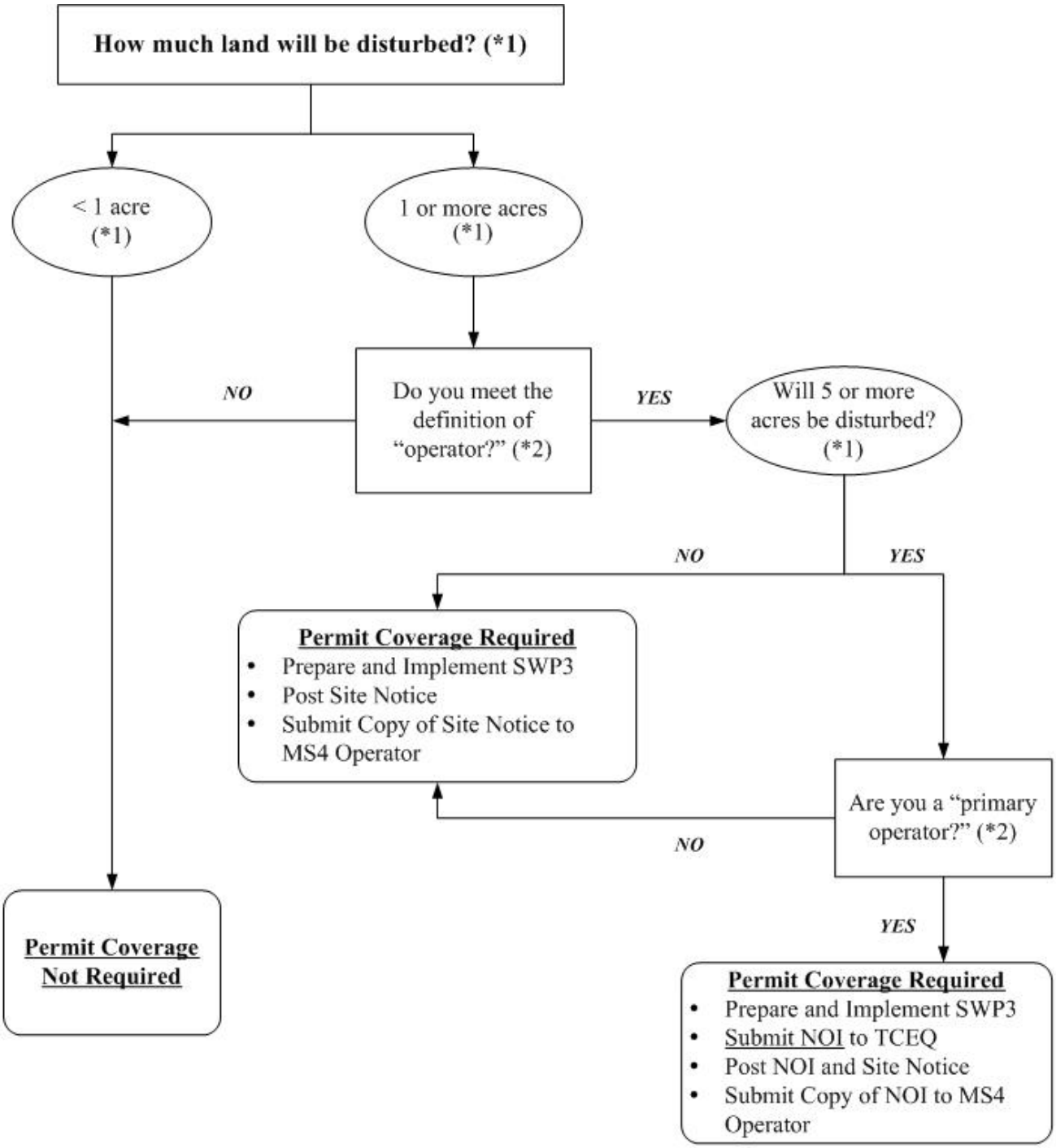
Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required



(*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 "larger 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.

Discharge – For the purposes of this permit, the drainage, release, or disposal of pollutants in storm water and certain non-storm water 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 washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

Edwards Aquifer - As defined under Texas Administrative Code § 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 and the

appropriate regional office. The Edwards Aquifer Map Viewer, located at http://www.tceq.state.tx.us/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 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 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 1216 of the Brazos River Basin. The contributing zone is illustrated on the Edwards Aquifer map viewer at http://www.tceq.state.tx.us/compliance/field_ops/eapp/mapdisclaimer.html.

Facility or Activity – For the purpose of this permit, a construction site or construction support activity that is regulated under this general permit, including all contiguous land and fixtures (e.g., ponds and materials stockpiles), structures, or appurtances used at a construction site or industrial site described by this general permit.

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 (i.e., 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 other best management practices, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization.

(c) For construction activities on land used for agricultural purposes (e.g. 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 (e.g., 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 percent 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.

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

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

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 (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.)

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, storm water, 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 a 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 a large or small construction activity that meets either of the following two criteria:

(a) the person or persons have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; 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 (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Secondary Operator – The person whose operational control is limited to the employment of other operators or to the ability to approve or disapprove changes to plans and specifications. A secondary operator is also defined as a primary operator and must comply with the permit requirements for primary operators if there are no other operators at the construction site.

Outfall - For the purpose of this permit, a point source at the point where storm water 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 storm water runoff and certain non-storm water discharges.

Point Source – (from 40 CFR §122.2) 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 storm water runoff.

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 - (from Texas Water Code §26.001(14)) 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.

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).

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 storm water; 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 (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.)

Storm Water (or Storm Water Runoff) - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Associated with Construction Activity - Storm water runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of one (1) or more acres of total land area, or are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water 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 nonnavigable, 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.

Waters of the United States - (from 40 CFR, Part122, Section 2) 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 (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States 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 Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Storm Water Associated with Construction Activity

Discharges of storm water runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Storm Water Associated with Construction Support Activities

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

(a) the activities are located within one (1)-mile from the boundary of the permitted construction site and directly support the construction activity;

(b) a storm water pollution prevention plan is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the construction support activities; and

(c) the construction support activities either do not operate beyond the completion date of the construction activity or are authorized under separate TPDES authorization. Separate TPDES authorization may include the TPDES Multi Sector General Permit, TXR050000 (related to storm water discharges associated with industrial activity), separate authorization under this general permit if applicable, coverage under an alternative general permit if available, or authorization under an individual water quality permit.

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:

(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, and 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 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;

(d) uncontaminated water used to control dust;

(e) 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);

(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 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 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 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) for the construction activity.

2. Prohibition of Non-Storm Water Discharges

Except as otherwise provided in Part II.A. of this general permit, only discharges that are composed entirely of storm water 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 or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses 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 from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use. The executive director may also require an application for an individual permit considering factors described in Part II.H.2. of this general permit.

4. Discharges to Water Quality-Impaired Receiving Waters.

New sources or new discharges of the constituents 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 standards and are listed on the EPA approved Clean Water Act Section 303(d) list. Constituents of concern are those for which the water body is listed as impaired.

Discharges of the constituents of concern to impaired water bodies for which there is a total maximum daily load (TMDL) are not eligible for this permit unless they are consistent with the approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their storm water pollution prevention plan in order to be eligible for coverage under this general permit.

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges cannot be authorized by this general permit where prohibited by 30 Texas Administrative Code (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 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, 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 under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural storm water 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 storm water runoff are in addition to the requirements in this general permit for this pollutant.

For discharges from large construction activities located on the Edwards Aquifer recharge zone or the Edwards Aquifer contributing zone, applicants must submit a copy of the NOI to the appropriate TCEQ regional office. For discharges from small construction activities located on the Edwards Aquifer recharge zone or the Edwards Aquifer contributing zone, and for discharges from large construction activities by operators not required to submit an NOI under this general permit, applicants must submit a copy of the construction site notice to the appropriate TCEQ regional office where required by the Edwards Aquifer Rules at 30 TAC Chapter 213:

Counties: Contact:

Comal, Bexar, Medina, Uvalde, and Kinney	TCEQ Water Program Manager San Antonio Regional Office 14250 Judson Rd. San Antonio, Texas (210) 490-3096
Williamson, Travis, and Hays	TCEQ Water Program Manager Austin Regional Office 2800 South IH 35, Suite 100 Austin, Texas 78704-5712 (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

Storm water 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 storm water require authorization under federal National Pollutant Discharge Elimination System (NPDES) regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Oil and Gas Production

Storm water 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. If discharges of storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.

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. 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 storm water runoff associated with the construction of facilities that are subject to TPDES regulations, such as the construction of confined animal feeding operations, would be point sources regulated under this general permit.

11. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert the 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 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 TPDES general permit TXR150000 (issued March 5, 2003), must submit an NOI to renew authorization under this general 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 previous TPDES permit.

2. Small Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction 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 would not meet the conditions to qualify for termination of this permit as described in Part II.E. 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 previous TPDES permit.

Section E. Obtaining Authorization to Discharge

1. Automatic Authorization for Small Construction Activities With Low Potential for Erosion:

If all of the following conditions are met, then a small construction activity is determined to occur during periods of low potential for erosion, and a site operator may be automatically authorized under this general permit without being required to develop a storm water pollution prevention plan or submit a notice of intent (NOI):

(a) the construction activity occurs in a county 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 construction site notice (Attachment 1 of this general permit), including the certification statement;

(e) a signed copy of the construction site notice 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;

(f) a copy of the signed and certified construction site notice is provided to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least two days prior to commencement of construction activities;

(g) any supporting concrete batch plant or asphalt batch plant is separately authorized for discharges of storm water runoff or other non-storm water discharges under an individual TPDES permit, another TPDES general permit, or under an individual TCEQ permit where storm water and non-storm water is disposed of by evaporation or irrigation (discharges are adjacent to water in the state); and

(h) any non-storm water discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

Part II.G. of this general permit describes how an operator may apply for and obtain a waiver from permitting, for certain small construction activities that occur during a period with a low potential for erosion, where automatic authorization under this section is not available.

2. Automatic Authorization For All Other Small Construction Activities:

Operators of small construction activities not described in Part II.E.1. above may be automatically authorized under this general permit, and operators of these sites shall not be required to submit an NOI, 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 that plan prior to commencing construction activities;

(b) sign and certify a completed construction site notice (Attachment 2 of this general permit), post the notice 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, prior to commencing construction, 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); and

(c) provide a copy of the signed and certified construction site notice to the operator of any municipal separate storm sewer system receiving the discharge at least two days prior to commencement of construction activities.

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

As described in Part I (Definitions) 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 for which the applicant is the operator, and implement that plan prior to commencing construction activities;

(b) primary operators must submit a Notice of Intent (NOI), using a form provided by the executive director, at least seven (7) days prior to commencing construction activities, or if utilizing electronic submittal, prior to commencing construction activities. If an additional primary operator is added after the initial NOI is submitted, the new primary operator must submit an NOI at least seven (7) days before assuming operational control, or if utilizing electronic NOI submittal, prior to assuming operational control. If the primary operator changes after the initial NOI is submitted, the new primary operator must submit a paper NOI or an electronic NOI at least ten (10) days before assuming operational control;

(c) all primary operators must also post a copy of the signed NOI 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 must maintain the NOI in that location until completion of the construction activity;

(d) 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, 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); and

(e) all primary operators must provide a copy of the signed NOI to the operator of any municipal separate storm sewer system (MS4) receiving the discharge and to any secondary operator, at least seven (7) days prior to commencing construction activities, and must list in the SWP3 the names and addresses of all MS4 operators receiving a copy.

(f) All persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that another operator(s) at the site has submitted an NOI, or 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.

4. Waivers for Small Construction Activities:

Part II.G. describes how operators of certain small construction activities may obtain a waiver from coverage.

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 are provisionally authorized seven (7) days from the date that a completed NOI is

postmarked for delivery to the TCEQ, unless otherwise notified by the executive director. If electronic submission of the NOI is provided, and unless otherwise notified by the executive director, primary operators are authorized immediately following confirmation of receipt of the NOI by the TCEQ. Authorization is non-provisional when the executive director finds the NOI is administratively complete and an authorization number is issued for the activity. 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.

(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 actions for any unpermitted activities that may have occurred between the time construction commenced and authorization was obtained.

6. Notice of Change (NOC)

If relevant information provided in the NOI changes, an NOC must be submitted at least 14 days before the change occurs, if possible. Where 14-day advance notice is not possible, the operator must submit an NOC 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 provided to the executive director 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 must also be provided to the operator of any MS4 receiving the discharge, and a list must be included in the SWP3 that includes the names and addresses of all MS4 operators receiving a copy.

Information that may be included on an NOC includes, but is not limited to, the following: the description of the construction project, an increase in the number of acres disturbed (for increases of one or more acres), or the operator name. A transfer of operational control from one operator to another, including a transfer of the ownership of a company, may not be included in an NOC. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing 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 storm water pollution prevention plan (SWP3) and retained on site.

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, that it will be implemented prior to construction, and that it is compliant with any applicable local sediment and erosion control plans;

(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.

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

Each operator that has submitted an NOI for authorization under this general permit must apply to terminate that authorization following the conditions described in this section of the general permit. Authorization must be terminated by submitting a Notice of Termination (NOT) on a form supplied by the executive director. Authorization to discharge under this general permit terminates at midnight on the day the NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit is required until an NOT is submitted.

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 permittee;

(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 was granted following submission of an NOI, the permittee's site-specific TPDES authorization number for the construction site;

(b) an indication of whether the construction activity is completed 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 latitude/longitude of the construction project or site; and

(e) a signed certification that either all storm water discharges requiring authorization under this general permit will no longer occur, or that the applicant to terminate coverage 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

Each operator that has obtained automatic authorization and has not been required to submit an NOI must remove the site notice upon meeting any of the conditions listed below, complete the applicable portion of the site notice related to removal of the site notice, and 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), within 30 days of meeting any of the following conditions:

(a) final stabilization has been achieved on all portions of the site that are the responsibility of the permittee;

(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 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 Operational Control

Coverage under this general permit is not transferable. A transfer of operational control includes 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.

When the primary operator of a large construction activity changes or operational control is transferred, the original operator must submit a Notice of Termination (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 (a) or (b) below. A copy of the NOT must be provided to the operator of any MS4 receiving the discharge in accordance with Section II.F.1. above.

Operators of regulated construction activities who are not required to submit an NOI 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 condition (a) or (b) below. A copy of the completed site notice must be provided to the operator of any MS4 receiving the discharge, in accordance with Section II.F.3. above.

A transfer of operational control occurs when either of the following criteria is met:

(a) Another operator has assumed control over all areas of the site that have not been finally stabilized; and 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 permitted operator has attempted to notify the new operator in writing of the requirement to obtain permit coverage. Record of this notification (or attempt at notification) shall be retained by the 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.

(b) 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 listed above, including the development of a SWP3 if necessary. Under these circumstances, the homebuilder is only responsible for compliance with the general permit requirements as they apply to lot(s) it has operational control over, 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 storm water 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, where all of the following conditions are met. This waiver from coverage does not apply to non-storm water discharges. The operator must insure that any non-storm water discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

(a) the calculated rainfall erosivity (R) factor for the entire period of the construction project is less than five (5);

(b) the operator submits to the TCEQ a signed waiver certification form, supplied by the executive director, certifying that the construction activity will commence and be completed within a period when the value of the calculated rainfall erosivity R factor is less than five (5); and

(c) the waiver certification form is postmarked for delivery to the TCEQ at least two (2) days before construction activity begins.

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.

The waiver certification form is not required to be posted at the small construction site.

3. Effective Date of Waiver

Operators of small construction activities are provisionally waived from the otherwise applicable requirements of this general permit two (2) days from the date that a completed waiver certification form is postmarked for delivery to TCEQ.

4. Activities Extending Beyond the Waiver 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 rainfall erosivity (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 delineated in either Part II.E.2. or Part II.E.3. at least two (2) days before the end of the approved waiver period.

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). Applications for individual permit coverage should be submitted at least three hundred and thirty (330) days prior to commencement of construction activities to ensure timely issuance.

2. Individual Permit Required

The executive director may suspend an authorization or deny an NOI in accordance with the procedures set forth in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), including the requirement that the executive director provide written notice to the permittee. 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 total maximum daily load (TMDL) limitation or TMDL implementation plan on the receiving stream;

(b) the activity being determined to cause a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state: and

(c) any other consideration defined in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges) including 30 TAC §205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger "has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director."

Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit, relating to 30 TAC §60.3 (Use of Compliance History). Denial of authorization to discharge under this general permit or suspension of a permittee's authorization under this general permit shall be done according to commission rules in 30 TAC, Chapter 205 (relating to General Permits for Waste Discharges).

3. 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 issued 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.

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. Storm Water Pollution Prevention Plans (SWP3)

Storm water pollution prevention plans must be prepared to address discharges authorized under Parts II.E.2. and II.E.3. that will reach Waters of the United States, including discharges to MS4s and privately owned

separate storm sewer systems that drain to Waters of the United States, to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the construction site, including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used solely by the permitted project. The SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in storm water associated with construction activity and non-storm water discharges described in Part II.A.3., in compliance with the terms and conditions of this permit.

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, permittees 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.

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 must independently obtain authorization, but may work together to prepare and implement a single, comprehensive SWP3 for the entire construction site.

1. The SWP3 must clearly list the name and, for large construction activities, the general permit authorization numbers, for each operator that participates in the shared SWP3. Until the TCEQ responds to receipt of the NOI with a general permit authorization number, the SWP3 must specify the date that the NOI was submitted to TCEQ by each operator. Each operator participating in the shared plan must also sign the 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.

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 must:

   (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 all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their best management practices 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 numbers for permittees 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.

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 best management practices (BMPs) described in the SWP3;

(c) indicates areas of the project where they have operational control over day-to-day activities; and

(d) includes, for areas where they have operational control over day-to-day activities, the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications.

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

2. In addition to the requirement to post the NOI, a primary operator of a large construction activity must post the site notice provided in Attachment 4 of this permit near the main entrance of the construction site. An operator of a small construction activity seeking authorization under this general permit and a secondary operator of a large construction activity must post the site notice required in Part II.E.1., 2., or 3. of this permit in order to obtain authorization (see Attachments 1, 2, and 3). If the construction project is a linear construction project (e.g. pipeline or highway), the notices must be placed in a publicly accessible location near where construction is actively underway. Notices for these linear sites may be relocated, as necessary, along the length of the project. The notices must be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:

   (a) the site-specific TPDES authorization number for the project if assigned;

   (b) the operator name, contact name, and contact phone number;

   (c) a brief description of the project; and

   (d) 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 whenever 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 site operators, 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 include, at a minimum, the information described in this section.

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;

(d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas that are authorized under the permittee's NOI;

(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 major structural controls 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 off-site activities, that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;

(vi) surface waters (including wetlands) either at, adjacent, or in close proximity to the site;

(vii) locations where storm water discharges from the site directly to a surface water body or a municipal separate storm sewer system; and

(viii) vehicle wash areas.

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, and

(k) the notice of intent (NOI) and acknowledgement certificate for primary operators of large construction sites, and the site notice for small construction sites and for secondary operators of large construction sites.

2. A description of the best management practices (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 site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation 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 as soon as practicable in portions of the site where construction activities have temporarily ceased. Stabilization measures that provide a protective cover must be initiated as soon as practicable in portions of the site where construction activities have permanently ceased. Except as provided in (A) through (D) below, these measures must be initiated no more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased:

(A) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(B) Where construction activity on a portion of the site has temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary erosion control and stabilization measures are not required on that portion of site.

(C) In arid areas, semiarid areas, and areas experiencing droughts where the initiation of stabilization measures by the 14th day 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 install non-vegetative erosion controls. If non-vegetative controls are not feasible, the operator shall install temporary sediment controls as required in Paragraph (D) below.

(D) In areas where temporary stabilization measures 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 frequency established in Section III.F.7.(a) for unstabilized sites.

(iv) Final stabilization must be achieved prior to termination of permit coverage.

(c) Sediment Control Practices

The SWP3 must include a description of any sediment control practices used to remove eroded soils from storm water 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.

(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 storm water 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.

3. A Description of Permanent Storm Water Controls

A description of any measures that will be installed during the construction process to control pollutants in storm water discharges that may occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site or 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 from areas other than construction (such as storm water discharges from dedicated asphalt plants and dedicated concrete batch plants), 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.

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 storm water 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 storm water 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 Water Pollution Abatement Plan 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, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of storm water 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 must 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 must to 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 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. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the 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 sediment tracking. Inspections 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.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid or semi-arid 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.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, 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 on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.8.(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and 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, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.8.(a) above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, 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 on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(c) 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.

(d) 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.

(e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The 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.

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 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 for the permittee may be documented once in the SWP3 rather than being included in each report.

8. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-storm water 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.

Part IV. Storm Water Runoff from Concrete Batch Plants

Discharges of storm water runoff from concrete batch plants at regulated construction sites 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. If discharges of storm water runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or individual permit. 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 must sample the storm water 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:

Benchmark Parameter	**Benchmark Value**	**Sampling Frequency**	**Sample Type**
Oil and Grease	15 mg/L	1/quarter (*1)(*2)	Grab (*3)
Total Suspended Solids	100 mg/L	1/quarter (*1)(*2)	Grab (*3)
pH	6.0 - 9.0 Standard Units	1/quarter (*1)(*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter(*1)(*2)	Grab (*3)

(*1) 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.

(*2) 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 storm water 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 storm water 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.

(*3) A grab sample shall be collected from the storm water 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 storm water runon to the permitted facility, by laboratory analyses of samples of storm water 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 Storm Water Pollution Prevention Plan (SWP3) Requirements – The following are required in addition to other SWP3 requirements listed in this general permit (including, but not limited to Part III.F.7. of this permit):

1. Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of storm water discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with 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:

      (1) the location of all outfalls for storm water discharges associated with concrete batch plants that are authorized under this permit;

      (2) a depiction of the drainage area and the direction of flow to the outfall(s);

      (3) structural controls used within the drainage area(s);

      (4) 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

(5) 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 storm water and that have a potential to affect the quality of storm water 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 storm water and that drain to storm water outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

(d) Sampling Data - A summary of existing storm water 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.(a) 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.

(1) 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 storm water. 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.

(2) Operators must prevent the exposure of fine granular solids, such as cement, to storm water. 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 storm water 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. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to storm water 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 storm water 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 storm water 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 storm water 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 Section 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 washout 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 wash out of concrete trucks at construction sites regulated under Sections II.E.1., 2., and 3. of this general 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.

1. Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

2. Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

3. 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 shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

4. The discharge of wash out water shall not cause or contribute to groundwater contamination.

5. If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated 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 by Part II.E.3. 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:

1. A copy of the SWP3;

2. All reports and actions required by this permit, including a copy of the construction site notice;

3. All data used to complete the NOI, if an NOI is required for coverage under this general permit; and

4. 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. 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, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.

2. Authorization under this 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. 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 revoking, suspending, or terminating authorization under this permit. 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.

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.

Part VIII. Fees

1. A fee of must be submitted along with the NOI:

   a. $325 if submitting a paper NOI, or
   b. $225 if submitting a NOI electronically.

2. 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.

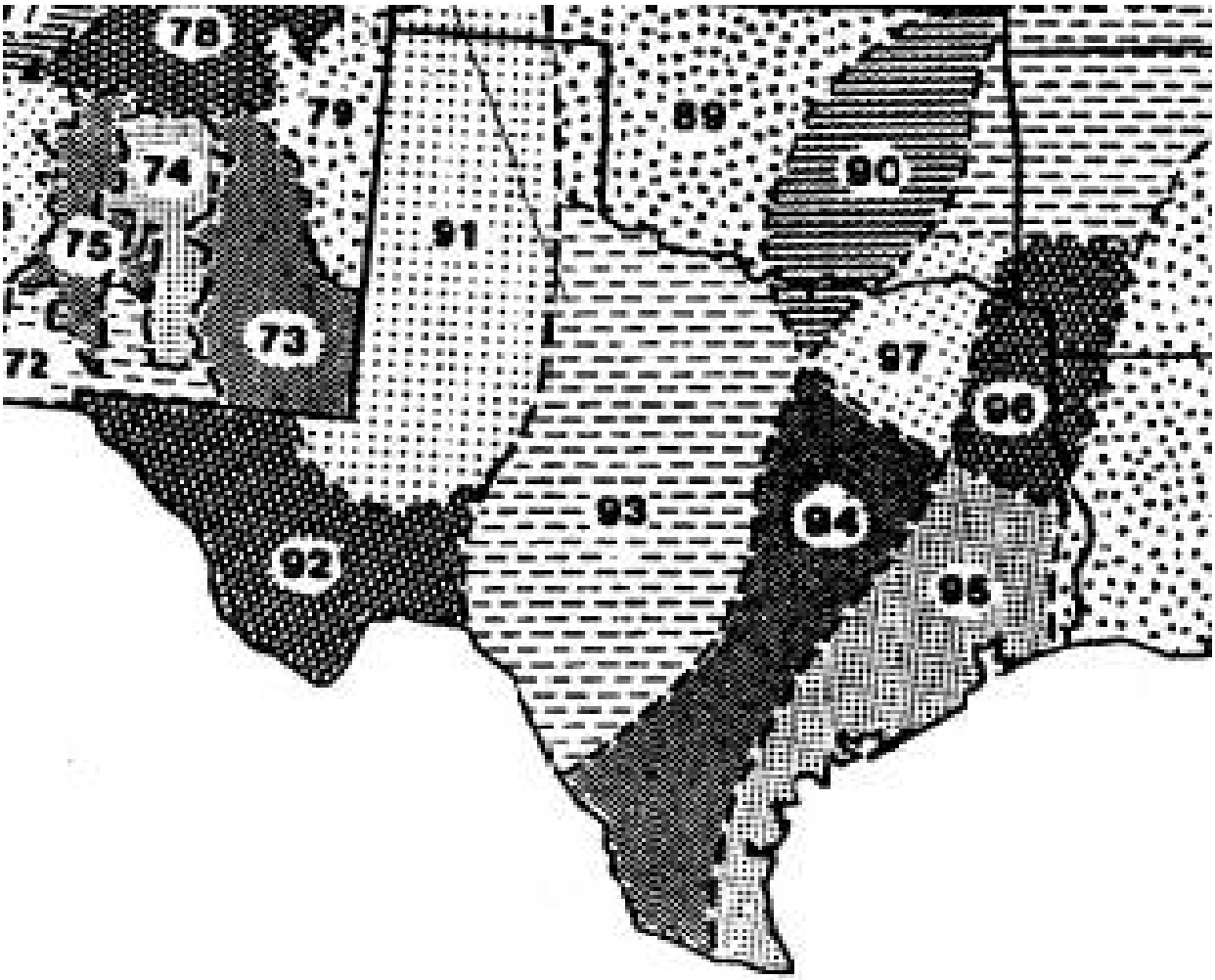
3. No separate annual fees will be assessed. The Water Quality Annual fee has been incorporated into the NOI fees as described above.

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30
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

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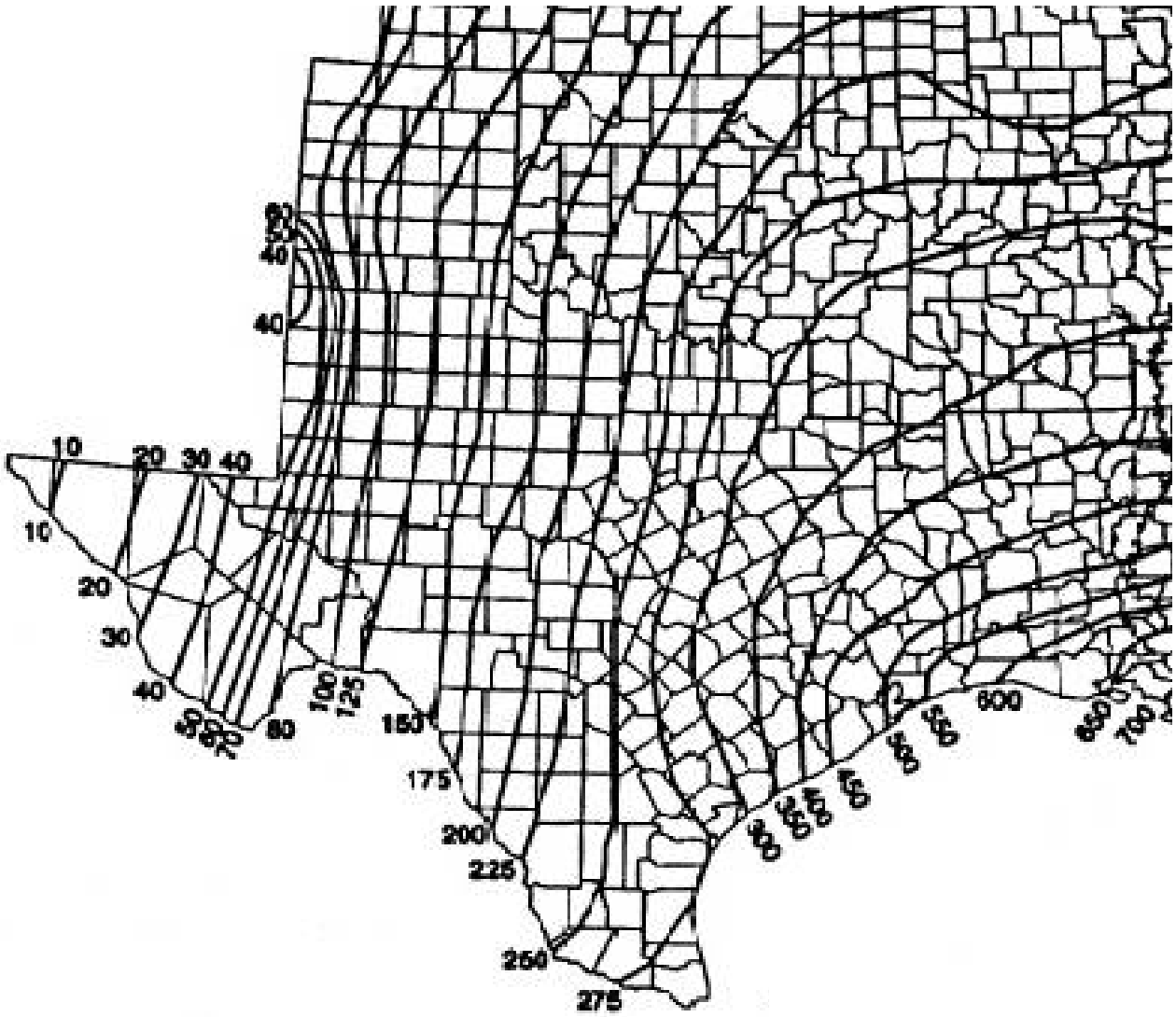


Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix D: Erosivity Indices for EI Zones in Texas

Periods:

EI#:	1/1	1/15	2/1	2/15	3/1	3/15	4/1	4/15	5/1	5/15	6/1	6/15	7/1	7/15	8/1	8/15	9/1	9/15	10/1	10/15	11/1	11/15	12/1	12/15
89	0	0	1	1	2	3	4	7	12	18	27	38	48	55	62	69	76	83	90	94	97	98	99	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
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
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
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
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
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
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
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
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

* 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 15 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

Attachment 1

SMALL CONSTRUCTION SITE NOTICE: LOW POTENTIAL FOR EROSION

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.E.1.** of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from small construction sites automatically authorized based on low rainfall erosivity. Additional information regarding the TCEQ storm water permit program may be found on the internet at:
http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Operator Name:	
Contact Name and Phone Number:	
Project Description: (Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized)	

For Small Construction Sites Authorized Under Part II.E.1., the following certification must be completed:

I _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an automatic authorization based on low rainfall erosivity under Part II.E.1. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. Construction activities at this site shall occur within a time period listed in Appendix A of the TPDES general permit for this county, that period beginning on _____and ending on _____. I understand that if construction activities continue past this period, all storm water runoff must be authorized under a separate provision of the general permit. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title _____ Date_____

_____*Date Notice Removed*
____*MS4 operator notified per Part II.F.3.*

SMALL CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from small construction sites. Additional information regarding the TCEQ storm water permit program may be found on the internet at:
http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Operator Name:	
Contact Name and Phone Number:	
Project Description: *Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized*	
Location of Storm Water Pollution Prevention Plan:	

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

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

Signature and Title_____ Date _____

_____*Date Notice Removed*
____*MS4 operator notified per Part II.F.3.*

Attachment 3

LARGE CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program

TPDES GENERAL PERMIT TXR150000

"SECONDARY OPERATOR" NOTICE

This notice applies to secondary operators of construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of storm water 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.E.2. of the general permit. Additional information regarding the TCEQ storm water permit program may be found on the internet at: http://www.tceq.state.tx.us/nav/permits/sw_permits.html

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
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.*	
Location of Storm Water Pollution Prevention Plan (SWP3):	

For Large Construction Activities Authorized Under Part II.E.3. (Obtaining Authorization to Discharge) the following certification must be completed:

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

Signature and Title_____ Date _____

_____*Date Notice Removed*
____*MS4 operator notified per Part II.F.3.*

Appendix B

Site Notice

Attachment 4

LARGE CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water 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 storm water 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.E.2. of the general permit. This notice shall be posted along with a copy of the signed Notice of Intent (NOI), as applicable. Additional information regarding the TCEQ storm water permit program may be found on the internet at: http://www.tceq.state.tx.us/nav/permits/sw_permits.html

Site-Specific TPDES Authorization Number:	TXR15RS30
Operator Name:	Specialized Industrial Services, Inc
Contact Name and Phone Number:	Ed Ramirez, 562-254-0647
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.*	555 Up River Road, Corpus Christi TX, 78407 Start Date: April 6, 2011 End Date: December 15, 2011
Location of Storm Water Pollution Prevention Plan:	SIS Project Office Trailer - Located at the west end of the Site.

Appendix C

Record of SWP3 Changes

Record of SWP3 Changes

Date of Change	Page or Section Affected	Nature of Change	Change Authorized By
3-23-11	Figure 5	Removed placement of silt fence in bone yard due to presence of containment curb. Modified to include placement of straw bales at discharge point of containment	MHL
4-29-11	Page 6 and 7	Update Plan with more site specific BMP measures	MHL
4-29-11	Page 8 and 9	Update Plan with additional runoff information	MHL
4-29-11	Page 11	Update Plan with additional metals data	MHL
4-29-11	Page 11	Update Plan with dust suppression water supply source	MHL
4-29-11	Page 12 and 13	Add additional BMP maintenance and sediment management information	MHL
4-29-11	Appendix F	Add updated straw bale and geotextile installation diagrams	MHL

Appendix D

Record of Major Construction Events

Record of Major Construction Events

Use this table to document dates of major grading, dates when construction temporarily or permanently cease on a portion of the site and the dates when stabilization measures are initiated.

Date of Event	Nature of Event	Event Authorized By
4-6-11	Initiate work activities and deploy BMP's	ER

Appendix E

Inspection Report

BEST MANAGEMENT PRACTICE (BMP)
INSPECTION REPORT

Inspection Type: ☐Routine Daily ☐Routine Weekly

☐Pre-Rain ☐During Rain ☐Post Rain

Date: _____ For Week Ending (for routine inspections): _____

Weather: _____ Date of Last Storm:_____

Inspected By: _____ _____

Print Name Title

_____

Signature

General BMP and Site Conditions

Check "Yes" "No" or "N/A" if not applicable.

No.	Description	Yes	No*	N/A
1	Are the project SWPPP and BMP plan up to date, available on-site and being properly implemented?			
2	Are BMPs being maintained properly?			
3	Are sediment controls in place at downstream locations and storm drain inlets, including offsite tracking controls?			
4	Are all discharge points free of any noticeable pollutant discharges?			
5	Is sediment, debris, or mud being cleaned from public roads where they intersect with site access roads?			
6	Are all temporary stockpiles or construction materials located in approved areas and protected from erosion?			
7	Are dust control measures being appropriately implemented?			
8	Are all materials and equipment properly covered?			
9	Are all material handling and storage areas clean and free of spills, leaks, or other deleterious materials?			
10	Are hazardous materials and wastes properly stored, including being covered and stored within berms to provide secondary containment?			
11	Are all equipment storage and maintenance areas clean and free of spills, leaks, or any other deleterious materials?			
12	Are all on-site traffic routes, parking, and storage of equipment and supplies restricted to designated areas?			
13	Are all sediment barriers, clean and functioning properly?			
14	Are all erosion control devices in-place and functioning in accordance with the erosion control plan?			
15	Are all exposed slopes protected from erosion through the implementation of acceptable soil stabilization practices?			
16	Are any non-storm water discharges being properly controlled and monitored?			

*If any answer is "no", describe needed correction(s) on a separate page. Indicated location of needed correction(s) along with the date corrections are made.

Inspector:
Date:

Individual BMP Inspection Record

BMP you are inspecting:_____

Condition of the BMP:_____

What maintenance or repairs need to be performed on the BMP?_____

_____

When will repair or maintenance of this BMP be complete?_____

_____

Other comments: _____

_____

BMP you are inspecting:_____

Condition of the BMP:_____

What maintenance or repairs need to be performed on the BMP?_____

_____

When will repair or maintenance of this BMP be complete?_____

_____

Other comments: _____

_____

BMP you are inspecting:_____

Condition of the BMP:_____

What maintenance or repairs need to be performed on the BMP?_____

_____

When will repair or maintenance of this BMP be complete?_____

Copy this page as needed for additional BMPs

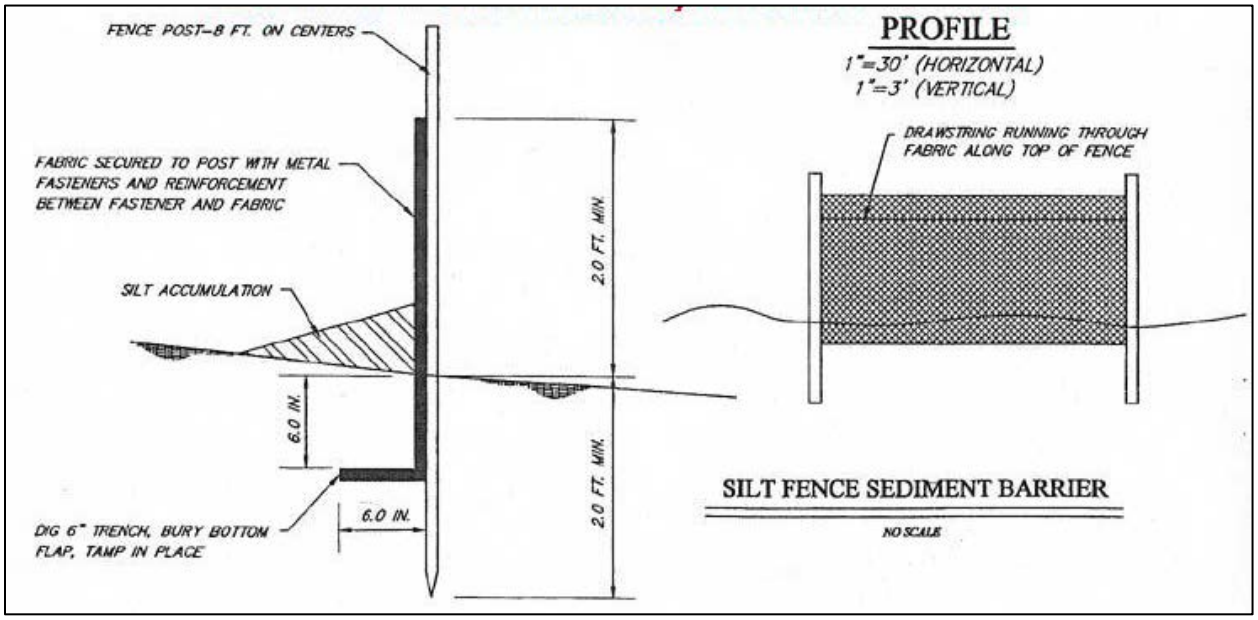
Inspector:
Date:

Other comments: _____

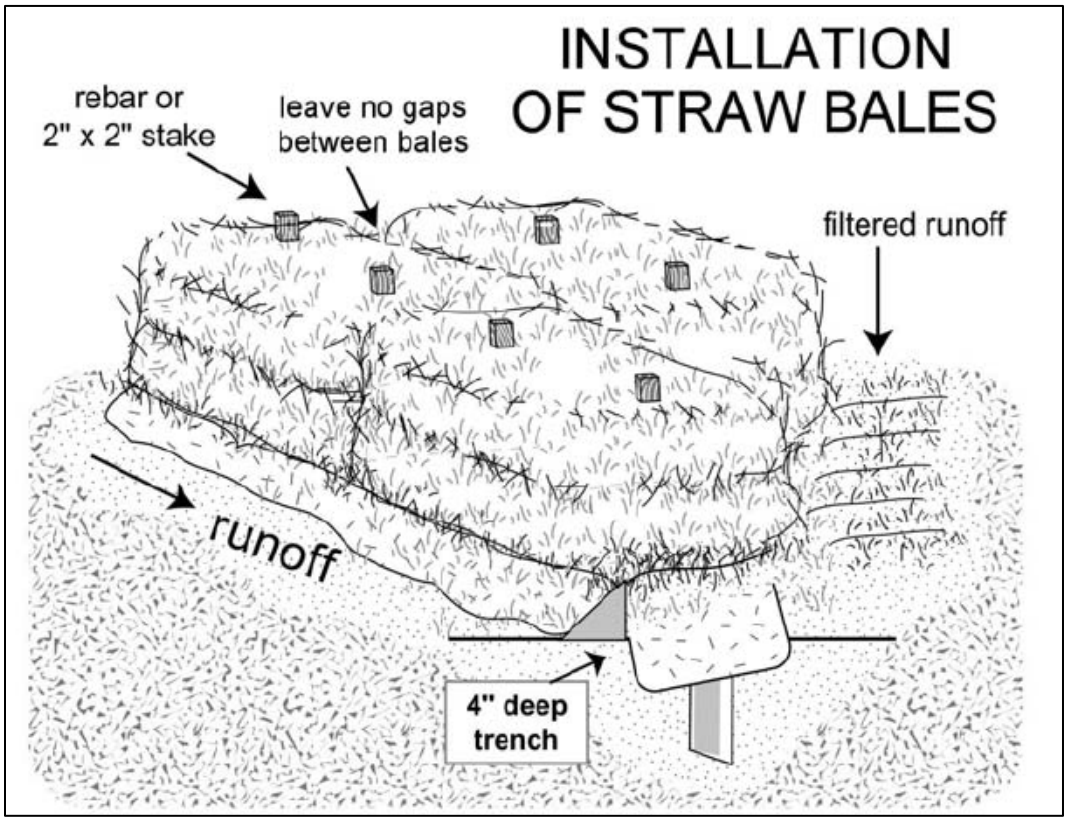
Appendix F

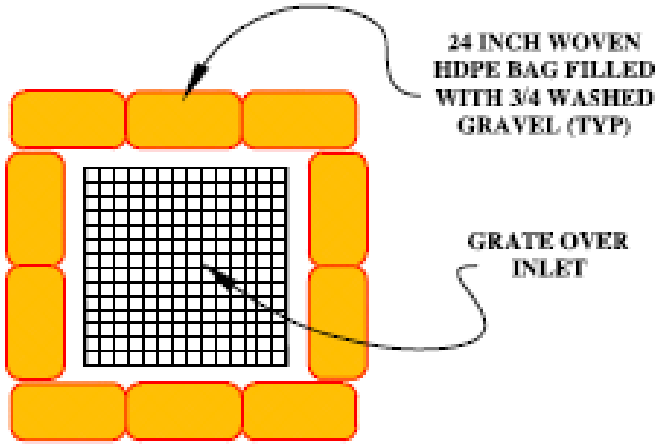
BMP Installation Diagrams

Proper Installation of a Silt Fence



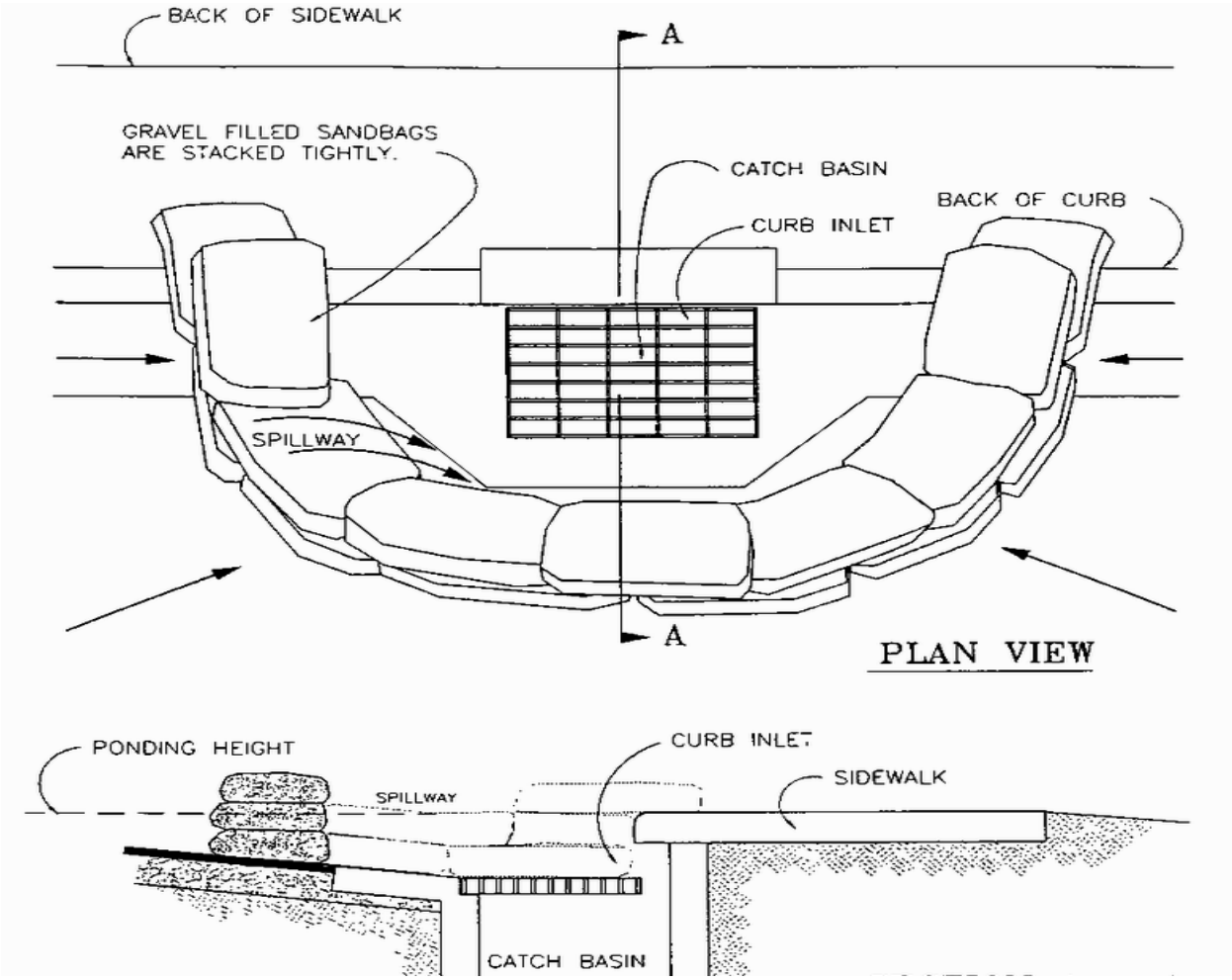
Proper Installation of Straw Bale Barrier

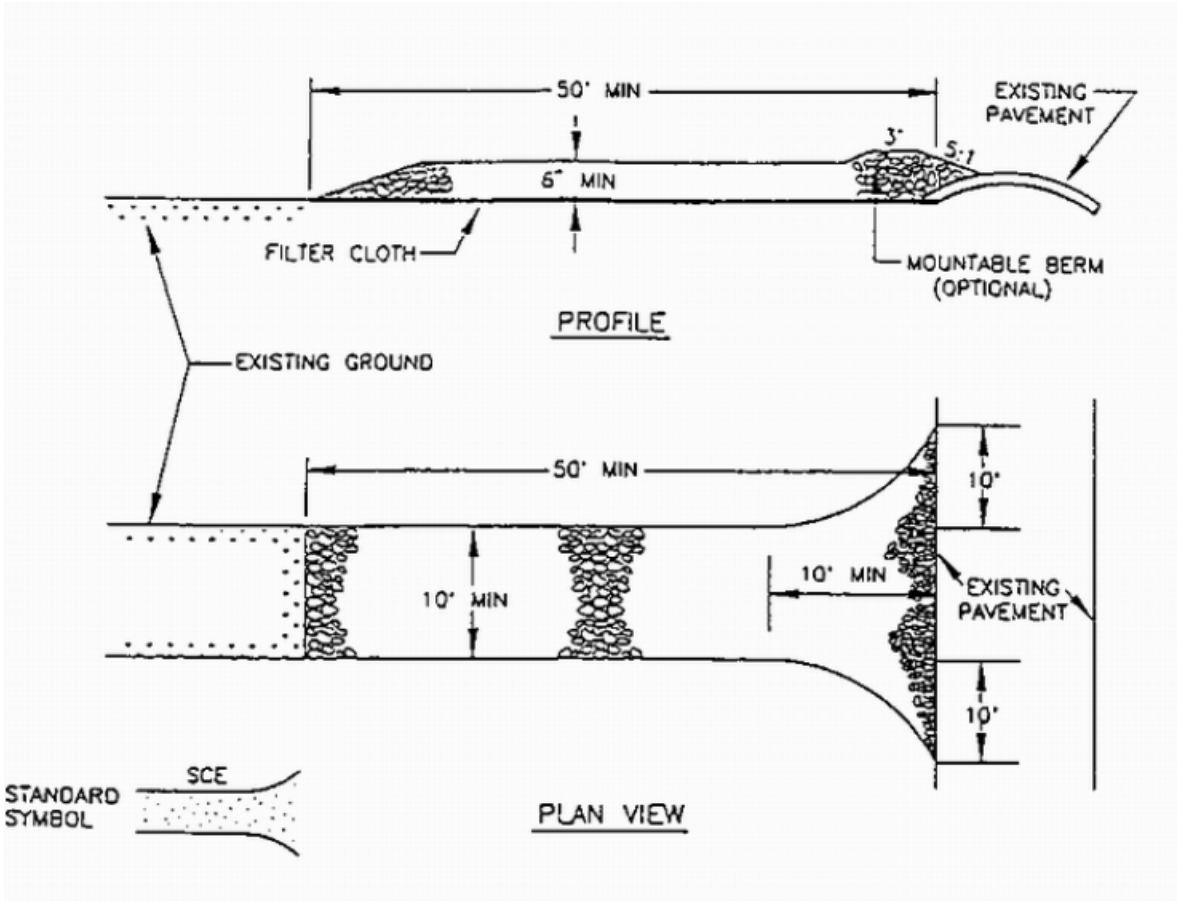




CATCH BASIN PROTECTION
PLAN VIEW

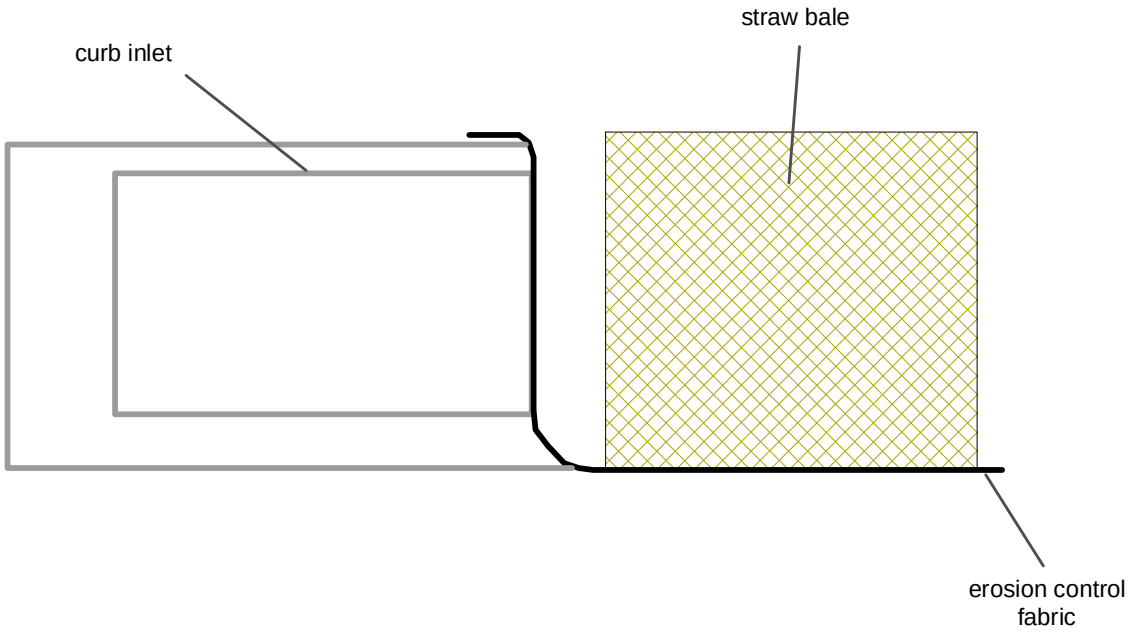
Installation of Inlet Protection Devices





Installation of Stabilized Project Entrance

CURB INLET



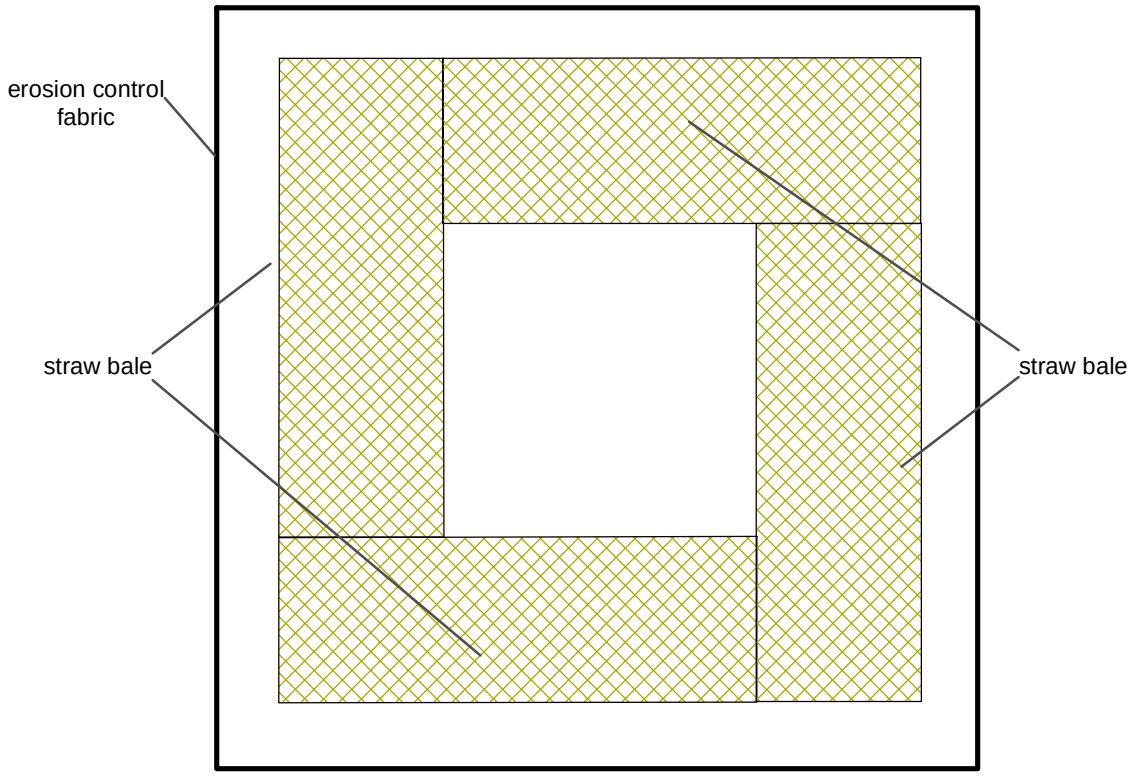
Energy Renewal
PARTNERS, LLC

EROSION CONTROL DETAIL

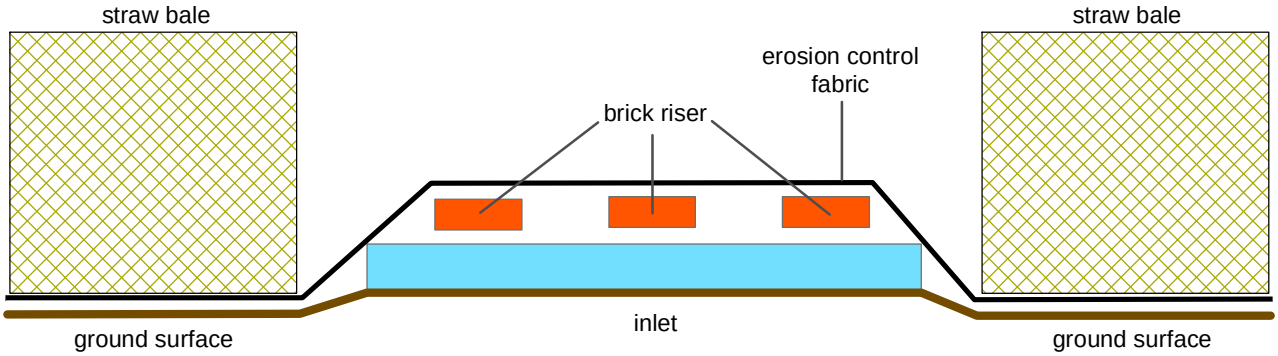
ASARCO-ENCYCLE FACILITY
DEMOLITION

Up River Road - Corpus Christi - Nueces County, TX

INLET PROTECTION
PLAN VIEW



INLET PROTECTION
CROSS-SECTION



Energy Renewal
PARTNERS, LLC

AMENDED INLET PROTECTION

ASARCO-ENCYCLE FACILITY
DEMOLITION

Up River Road - Corpus Christi - Nueces County, TX