CONTRIBUTING ZONE PLAN MODIFICATION FOR SINGING HILLS REGULATED ENTITY NUMBER (RN) 10609062

PREPARED FOR:

SH LAND HOLDINGS, LTD.

DATE: September 2023

PREPARED BY:



12770 Cimarron Path, Ste 100 San Antonio, TX 78249 TBPELS Firm #5297 (Engineering) Phone 210-698-5051 – Fax 210-698-5085 MTR JOB #22215

SINGING HILLS CONTRIBUTING ZONE PLAN MODIFICATION

TABLE OF CONTENTS

I. EDWARDS AQUIFER APPLICATION COVER PAGE

II. MODIFICATION OF A PREVIOUSLY APPROVED CONTRIBUTING ZONE PLAN

- a. ATTACHMENT A ORIGINAL APPROVAL LETTER AND APPROVED MODIFICATION LETTERS
- b. ATTACHMENT B NARRATIVE OF PROPOSED MODIFICATION
- c. ATTACHMENT C CURRENT SITE PLAN OF THE APPROVED PROJECT

III. CONTRIBUTING ZONE PLAN APPLICATION

- a. ATTACHMENT A: ROAD MAP
- b. ATTACHMENT B: USGS QUADRANGLE MAP
- c. ATTACHMENT C: PROJECT NARRATIVE
- d. ATTACHMENT D: FACTORS AFFECTING SURFACE WATER QUALITY
- e. ATTACHMENT E: VOLUME AND CHARACTER OF STORMWATER
- f. ATTACHMENT J: BMP'S FOR UPGRADIENT STORMWATER
- g. ATTACHMENT K: BMP'S FOR ONSITE STORMWATER
- h. ATTACHMENT L: BMP'S FOR SURFACE STREAMS
- i. CONTRIBUTING ZONE SITE PLAN
- j. ATTACHMENT M: CONSTRUCTION PLANS
 - k. ATTACHMENT N: INSPECTION, MAINTENANCE, REPAIR AND RETROFIT PLAN
- I. ATTACHMENT P: MEASURES FOR MINIMIZING SURFACE STREAM CONTAMINATION
- IV. TEMPORARY STORM WATER SECTION
 - a. ATTACHMENT A: SPILL RESPONSE ACTIONS
 - b. ATTACHMENT B: POTENTIAL SOURCES OF CONTAMINATION
 - c. ATTACHMENT C: SEQUENCE OF MAJOR ACTIVITIES
 - d. ATTACHMENT D: TEMPORARY BEST MANAGEMENT PRACTICES AND MEASURES
 - e. ATTACHMENT F: STRUCTURAL PRACTICES
 - f. ATTACHMENT G: DRAINAGE AREA MAP
 - g. ATTACHMENT I: INSPECTION AND MAINTENANCE FOR BMPS
 - h. ATTACHMENT J: SCHEDULE OF INTERIM AND PERMANENT SOIL STABILIZATION PRACTICES
- V. TPDES TXR 150000 GENERAL PERMIT
- VI. NOTICE OF INTENT (NOI)
- VII. AGENT AUTHORIZATION FORM
- VIII. CONTRIBUTING ZONE APPLICATION FEE FORM
- IX. TCEQ CORE DATA FORM

I. EDWARDS AQUIFER APPLICATION COVER PAGE

Texas Commission on Environmental Quality Edwards Aquifer Application Cover Page

Our Review of Your Application

The Edwards Aquifer Program staff conducts an administrative and technical review of all applications. The turnaround time for administrative review can be up to 30 days as outlined in 30 TAC 213.4(e). Generally administrative completeness is determined during the intake meeting or within a few days of receipt. The turnaround time for technical review of an administratively complete Edwards Aquifer application is 90 days as outlined in 30 TAC 213.4(e). Please know that the review and approval time is directly impacted by the quality and completeness of the initial application that is received. In order to conduct a timely review, it is imperative that the information provided in an Edwards Aquifer application include final plans, be accurate, complete, and in compliance with <u>30 TAC 213</u>.

Administrative Review

 <u>Edwards Aquifer applications</u> must be deemed administratively complete before a technical review can begin. To be considered administratively complete, the application must contain completed forms and attachments, provide the requested information, and meet all the site plan requirements. The submitted application and plan sheets should be final plans. Please submit one full-size set of plan sheets with the original application, and half-size sets with the additional copies.

To ensure that all applicable documents are included in the application, the program has developed tools to guide you and web pages to provide all forms, checklists, and guidance. Please visit the below website for assistance: <u>http://www.tceq.texas.gov/field/eapp</u>.

- 2. This Edwards Aquifer Application Cover Page form (certified by the applicant or agent) must be included in the application and brought to the administrative review meeting.
- 3. Administrative reviews are scheduled with program staff who will conduct the review. Applicants or their authorized agent should call the appropriate regional office, according to the county in which the project is located, to schedule a review. The average meeting time is one hour.
- 4. In the meeting, the application is examined for administrative completeness. Deficiencies will be noted by staff and emailed or faxed to the applicant and authorized agent at the end of the meeting, or shortly after. Administrative deficiencies will cause the application to be deemed incomplete and returned.

An appointment should be made to resubmit the application. The application is re-examined to ensure all deficiencies are resolved. The application will only be deemed administratively complete when all administrative deficiencies are addressed.

- 5. If an application is received by mail, courier service, or otherwise submitted without a review meeting, the administrative review will be conducted within 30 days. The applicant and agent will be contacted with the results of the administrative review. If the application is found to be administratively incomplete, it can be retrieved from the regional office or returned by regular mail. If returned by mail, the regional office may require arrangements for return shipping.
- If the geologic assessment was completed before October 1, 2004 and the site contains "possibly sensitive" features, the assessment must be updated in accordance with the *Instructions to Geologists* (TCEQ-0585 Instructions).

Technical Review

- 1. When an application is deemed administratively complete, the technical review period begins. The regional office will distribute copies of the application to the identified affected city, county, and groundwater conservation district whose jurisdiction includes the subject site. These entities and the public have 30 days to provide comments on the application to the regional office. All comments received are reviewed by TCEQ.
- 2. A site assessment is usually conducted as part of the technical review, to evaluate the geologic assessment and observe existing site conditions. The site must be accessible to our staff. The site boundaries should be

clearly marked, features identified in the geologic assessment should be flagged, roadways marked and the alignment of the Sewage Collection System and manholes should be staked at the time the application is submitted. If the site is not marked the application may be returned.

- 3. We evaluate the application for technical completeness and contact the applicant and agent via Notice of Deficiency (NOD) to request additional information and identify technical deficiencies. There are two deficiency response periods available to the applicant. There are 14 days to resolve deficiencies noted in the first NOD. If a second NOD is issued, there is an additional 14 days to resolve deficiencies. If the response to the second notice is not received, is incomplete or inadequate, or provides new information that is incomplete or inadequate, the application must be withdrawn or will be denied. Please note that because the technical review is underway, whether the application is withdrawn or denied **the application fee will be forfeited**.
- 4. The program has 90 calendar days to complete the technical review of the application. If the application is technically adequate, such that it complies with the Edwards Aquifer rules, and is protective of the Edwards Aquifer during and after construction, an approval letter will be issued. Construction or other regulated activity may not begin until an approval is issued.

Mid-Review Modifications

It is important to have final site plans prior to beginning the permitting process with TCEQ to avoid delays.

Occasionally, circumstances arise where you may have significant design and/or site plan changes after your Edwards Aquifer application has been deemed administratively complete by TCEQ. This is considered a "Mid-Review Modification". Mid-Review Modifications may require redistribution of an application that includes the proposed modifications for public comment.

If you are proposing a Mid-Review Modification, two options are available:

- If the technical review has begun your application can be denied/withdrawn, your fees will be forfeited, and the plan will have to be resubmitted.
- TCEQ can continue the technical review of the application as it was submitted, and a modification
 application can be submitted at a later time.

If the application is denied/withdrawn, the resubmitted application will be subject to the administrative and technical review processes and will be treated as a new application. The application will be redistributed to the affected jurisdictions.

Please contact the regional office if you have questions. If your project is located in Williamson, Travis, or Hays County, contact TCEQ's Austin Regional Office at 512-339-2929. If your project is in Comal, Bexar, Medina, Uvalde, or Kinney County, contact TCEQ's San Antonio Regional Office at 210-490-3096

Please fill out all required fields below and submit with your application.

1. Regulated Entity N	ame: Singin	g Hill	s		2. R	egulat	ed Entity No.	: RN106090962
3. Customer Name: S	SH Land Hol	dings,	Ltd.	22	4. Ci	ustom	er No.:	
5. Project Type: (Please circle/check one)	New	Mo	dificat	ion	Exte	nsion	Exception	
6. Plan Type: (Please circle/check one)	WPAP CZP	Scs	UST	AST	EXP	EXT	Technical Clarification	Optional Enhanced Measures
7. Land Use: (Please circle/check one)	Residential	Non-I	residen	tial		8. Si	te (acres):	Project Area = 13.36 ac. (Entire Site = 253.8 ac.)
9. Application Fee:	\$6,500	10. P	ermai	nent I	BMP(s):	2x Proposed J	ellyfish Filter
11. SCS (Linear Ft.):	N/A	12. A	ST/US	ST (N	o. Tar	ıks):	N/A	
13. County:	Comal	14. W	Vaters	hed:			Lewis Creek	

clearly marked, features identified in the geologic assessment should be flagged, roadways marked and the alignment of the Sewage Collection System and manholes should be staked at the time the application is submitted. If the site is not marked the application may be returned.

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 Please fill out all required fields below and submit with your application.

 1. Regulated Entity Name: Singing Hills

 2. Regulated Entity No.: RN10

1. Regulated Entity N	lame: Singin	g Hill	S		2. R	egulat	ed Entity No.	: RN106090962
3. Customer Name: S	SH Land Hol	dings	, Ltd.		4. Ci	ustom	er No.:	
5. Project Type: (Please circle/check one)	New	Mo	odificat	ion	Exter	nsion	Exception	
6. Plan Type: (Please circle/check one)	WPAP CZP	scs	UST	AST	EXP	EXT	Technical Clarification	Optional Enhanced Measures
7. Land Use: (Please circle/check one)	Residential	Non-	residen	tial		8. Sit	te (acres):	Project Area = 13.36 ac. (Entire Site = 253.8 ac.)
9. Application Fee:	\$6,500	10. P	ermai	nent I	BMP(s):	2x Proposed J	ellyfish Filter
11. SCS (Linear Ft.):	N/A	12. A	ST/US	ST (N	o. Tar	ıks):	N/A	
13. County:	Comal	14. W	Vaters	hed:			Lewis Creek	

Application Distribution

Instructions: Use the table below to determine the number of applications required. One original and one copy of the application, plus additional copies (as needed) for each affected incorporated city, county, and groundwater conservation district are required. Linear projects or large projects, which cross into multiple jurisdictions, can require additional copies. Refer to the "Texas Groundwater Conservation Districts within the EAPP Boundaries" map found at:

http://www.tceq.texas.gov/assets/public/compliance/field ops/eapp/EAPP%20GWCD%20map.pdf

For more detailed boundaries, please contact the conservation district directly.

	Austin	n Region	and the second
County:	Hays	Travis	Williamson
Original (1 req.)			<u> </u>
Region (1 req.)	-		-
County(ies)	1		1
Groundwater Conservation District(s)	Edwards Aquifer Authority Barton Springs/ Edwards Aquifer Hays Trinity Plum Creek	Barton Springs/ Edwards Aquifer	NA
City(ies) Jurisdiction	Austin Buda Dripping Springs Kyle Mountain City San Marcos Wimberley Woodcreek	Austin Bee Cave Pflugerville Rollingwood Round Rock Sunset Valley West Lake Hills	Austin Cedar Park Florence Georgetown Jerrell Leander Liberty Hill Pflugerville Round Rock

	5	San Antonio Region			
County:	Bexar	Comal	Kinney	Medina	Uvalde
Original (1 req.)		<u>_X</u>	1		1
Region (1 req.)	11	<u>_X</u>	112-1	_	
County(ies)		<u>_X</u>			11
Groundwater Conservation District(s)	Edwards Aquifer Authority Trinity-Glen Rose	X_Edwards Aquifer Authority	Kinney	EAA Medina	EAA Uvalde
City(ies) Jurisdiction	Castle Hills Fair Oaks Ranch Helotes Hill Country Village Hollywood Park San Antonio (SAWS) Shavano Park	<u>X</u> Bulverde Fair Oaks Ranch Garden Ridge New Braunfels Schertz	NA	San Antonio ETJ (SAWS)	NA

I certify that to the best of my knowledge, that the application is complete and accurate. This application is hereby submitted to TCEQ for administrative review and technical review.

Chris Dumas, P.E.

Print Name of Customer/Authorized Agent

9/11/23 Date

Signature of Customer/Authorized Agent

Date(s)Reviewed:	Date Ad	ministratively Complete:
Received From:	Correct	Number of Copies:
Received By:	Distribu	tion Date:
EAPP File Number:	Complex	x:
Admin. Review(s) (No.):	No. AR	Rounds:
Delinquent Fees (Y/N):	Review 7	Time Spent:
Lat./Long. Verified:	SOS Cus	stomer Verification:
Agent Authorization Complete/Notarized (Y/N):	Fee	Payable to TCEQ (Y/N):
Core Data Form Complete (Y/N):	Check:	Signed (Y/N):
Core Data Form Incomplete Nos.:		Less than 90 days old (Y/N):

II. MODIFICATION OF A PREVIOUSLY APPROVED PLAN

Modification of a Previously Approved Contributing Zone Plan

Texas Commission on Environmental Quality

for Regulated Activities on the Edwards Aquifer Recharge Zone and Transition Zone and Relating to 30 TAC 213.4(j), Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **Modification of a Previously Approved Contributing Zone Plan** is hereby submitted for TCEQ review and executive director approval. The request was prepared by:

Print Name of Customer/Agent: Chris Dumas, P.E.

Date: 9/11/23 Signature of Customer/Agent:

Project Information

 Current Regulated Entity Name: <u>Singing Hills</u> Original Regulated Entity Name: <u>Singing Hills</u> Assigned Regulated Entity Number(s) (RN): <u>106090962</u> Edwards Aquifer Protection Program ID Number(s): 2969.01

The applicant has not changed and the Customer Number (CN) is:

The applicant or Regulated Entity has changed. A new Core Data Form has been provided.

- 2. Attachment A: Original Approval Letter and Approved Modification Letters. A copy of the original approval letter and copies of any modification approval letters are attached.
- 3. A modification of a previously approved plan is requested for (check all that apply):

TCEQ-10259 (Rev. 02-11-15)

Any physical or operational modification of any best management practices or structure(s), including but not limited to temporary or permanent ponds, dams, berms, silt fences, and diversionary structures;

Any change in the nature or character of the regulated activity from that which was originally approved;

A change that would significantly impact the ability to prevent pollution of the Edwards Aquifer and hydrologically connected surface water; or

Any development of land previously identified in a contributing zone plan as undeveloped.

4. Summary of Proposed Modifications (select plan type being modified). If the approved plan has been modified more than once, copy the appropriate table below, as necessary, and complete the information for each additional modification.

CZP Modification	Approved Project	Proposed Modification
Summary		
Acres	See Attached Summary	<u>13.36</u>
Type of Development		Mixed Use
Number of Residential		Q
Lots		
Impervious Cover (acres)		<u>11.53</u>
Impervious Cover (%)		92.46
Permanent BMPs		2x Jellyfish Filters
Other		N/A
AST Modification	Approved Project	Proposed Modification
Summary		
Number of ASTs		
Other		
UST Modification	Approved Project	Proposed Modification
Summary		
Number of USTs		
Other		

5. Attachment B: Narrative of Proposed Modification. A detailed narrative description of the nature of the proposed modification is attached. It discusses what was approved,

including previous modifications, and how this proposed modification will change the approved plan.

- 6. Attachment C: Current Site Plan of the Approved Project. A current site plan showing the existing site development (i.e., current site layout) at the time this application for modification is attached. A site plan detailing the changes proposed in the submitted modification is required elsewhere.
 - The approved construction has not commenced. The original approval letter and any subsequent modification approval letters are included as Attachment A to document that the approval has not expired.
 - The approved construction has commenced and has been completed. Attachment C illustrates that the site was constructed as approved.
 - The approved construction has commenced and has been completed. Attachment C illustrates that the site was **not** constructed as approved.
 - The approved construction has commenced and has **not** been completed. Attachment C illustrates that, thus far, the site was constructed as approved.

The approved construction has commenced and has **not** been completed. Attachment C illustrates that, thus far, the site was **not** constructed as approved.

- 7. Acreage has not been added to or removed from the approved plan.
 Acreage has been added to or removed from the approved plan and is discussed in *Attachment B: Narrative of Proposed Modification*.
- 8. Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.

Attachment A: Approval Letters Bryan W. Shaw, Ph.D., *Chairman* Carlos Rubinstein, *Commissioner* Toby Baker, *Commissioner* Zak Covar, *Executive Director*



ATTACHMENT A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 2, 2012

Mr. David Keith SH-DJL Development, LLC 18615 Tuscany Stone, Suite 200 San Antonio, Texas 78258-3502

Re: Edwards Aquifer, Comal County

Name of Plan: Singing Hills; Located at northwest corner of the intersection of Highway 281 and State Highway 46; Bulverde, Texas

Type of Plan: Request for Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Edwards Aquifer Protection Program ID No. 2969.01; Investigation No. 1030114; Regulated Entity No. RN106090962

Dear Mr. Keith:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Application for the above-referenced project submitted to the San Antonio Regional Office by Moy Tarin Ramirez Engineers, LLC on behalf of DJL Ventures, Inc. and SH-DJL Development, LLC on August 27, 2012. Final review the CZP was completed after additional material was received on October 18, 2012. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.

Project Description

The legal boundary of the site where proposed regulated activities will occur is 253.8 acres. The site is located over the Edwards Aquifer Contributing Zone. The proposed mixed use development project will include:

TCEQ Region 13 • 14250 Judson Rd. • San Antonio, Texas 78233-4480 • 210-490-3096 • Fax 210-545-4329

Mr. David Keith Page 2 November 2, 2012

- approximately 90 acres of commercial development and related infrastructure at the south and east portions of the site
- a wastewater treatment plant will be constructed on the northeast portion of the site
- approximately 86 acres of mass grading activities following with the permanent stabilization measures
- 4.4 acres of demolition activities
- approximately 78 acres will remain uncleared and undisturbed
- offsite improvements consisting of pavement widening along Highway 281 and State Highway 46.

The impervious cover will be 64.2 acres of on-site impervious cover and 1.9 acres offsite impervious cover. The total impervious cover for the project is 66.1 acres (26 percent). Project wastewater will be disposed of by conveyance to the proposed Singing Hills Water Recycling Center owned by SH-DJL Development, LLC (TCEQ ID No. WQ0015038001).

Upgradient stormwater entering the site along the north and west boundaries will flow onto the site and into a proposed detention pond. Upon discharging from the pond, this water will flow off the site in a southeasterly direction and eventually reenter the site along the southern west boundary. This runoff will be intercepted by a permanent vegetative swale into a concrete lined channel and conveyed across the site.

Permanent Pollution Abatement Measures

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, two (2) sedimentation filtration basins, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), will be constructed to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 55,379 pounds of TSS generated from the 61.7 acres of impervious cover (66.1 acres proposed minus 4.4 acres of preexisting impervious cover). The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

			F	BMP Sun	imary				1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.
		Se	edimenta	ation/Fil	tration I	Basin 1			
Watershed Area	Total Area (ac)	Impervious Cover I/C (ac)	Existing I/C (ac)	Req. WQV (ft3)	Design WQV (ft3)	Req. sand filter area (ft2)	Design sand filter area (ft2)	Req. TSS removal (lb/yr)	Design TSS removal (lb/yr)
Pond 1	68.59	56.49	1.79	282,956	289,408	23,580	35,952	49,097	50,395
1		Se	dimenta	tion/Filt	ration B	asin 2			
Pond 2	6.31	5.55	0	33,566	35,508	2,797	5,792	4,983	5,115

The individual treatment measures are described below:

Mr. David Keith Page 3 November 2, 2012

			Uncaptured A	reas*	
Onsite**	177	2,2	2.4	-230	
Offsite	1:9	1.9	0.2	1,530	-
Total project	253.8	66.1	4.4	55,379	55,510

*The basin is oversized to account for the uncaptured area.

**Includes 86 acres of mass grading area, 78 acres of undisturbed/uncleared area and 13 acres within the 90 acre commercial development area. Those 13 acres will be intercepted by an underground storm drain system and discharged into the permanent concrete lined channel.

Water quality ponds 1 and 2 will utilize a concrete liner and sand filtration system consisting of 18 inch thick, ASTM C-33 sand beds and underdrain piping system covered with a minimum two inch gravel layer.

The mass grading is for future development. At this time, plans for this development have not been developed. Once those plans are finalized a modification to this CZP will be required. The mass grading will have no impervious cover and generate no wastewater. Temporary erosion and sedimentation controls will remain in place until completion of the mass grading. If the mass grading is completed before the future commercial development is presented and approved, the following permanent stabilization measures will be provided:

- The topsoil will be placed over the disturbed areas which have not already exhibited sufficient re-establishment of vegetation.
- The topsoil areas will be hydraulically mulched with grass seed to establish vegetation.
- Irrigation will be provided until sufficient vegetation has been established.

Special Conditions

- I. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested format (Deed Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.
- II. All permanent pollution abatement measures shall be operational prior to occupancy of the facility.
- III. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- IV. For any future modifications to this CZP, the summary tables in this letter must be updated and included in the application. It is the responsibility of the applicant to maintain this information and keep it current.
- V. This CZP approval letter does not include the installation of the above ground storage tank facility at any commercial developments within the site. Prior to construction of the AST

Mr. David Keith Page 4 November 2, 2012

Facility, a modification to this CZP must be submitted and received approval from the executive director.

- VI. The proposed project will include a construction of a no-discharge wastewater treatment facility. This approval letter is being issued for regulated activities (as defined in Chapter 213) and for best management practices presented in the application. This approval does not constitute a wastewater permit or authorization from the TCEQ Wastewater Program. If wastewater is to be discharges in the contributing zone, requirements under 30 TAC 213. 6(c) (relating to Wastewater Treatment and Disposal Systems) must be satisfied.
- VII. Since the project proposes mass grading activities, the applicant shall assure that any permanent soil stabilization performed is in accordance with the Technical Guidance Manual (RG-348, 2005) and shall be implemented in accordance with 30 TAC 213.24(5).

Standard Conditions

- 1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
- 2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
- In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to Commencement of Construction:

- 4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
- 5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
- 6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.
- 7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges

Mr. David Keith Page 5 November 2, 2012

from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

- 8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
- 9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
- Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- 11. The following records shall be maintained and made available to the executive director upon request: 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.
- 12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
- 13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

- 14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
- 15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director

Mr. David Keith Page 6 November 2, 2012

through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

- 16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
- 17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
- 18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Yuliya Dunaway of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-490-3096.

Sincerely,

Lynn Bumguardner, Water Section Manager San Antonio Region Office Texas Commission on Environmental Quality

LB/YD/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625A Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Duane Moy, P.E., Moy Tarin Ramirez Engineers, LLC Mr. Tom Hornseth, P.E., Comal County Mr. Roland Ruiz, Edwards Aquifer Authority The Honorable Bill Kraweitz, City of Bulverde TCEQ Central Records, Building F, MC212 Bryan W. Shaw, Ph.D., P.E., Chairman Toby Baker, Commissioner Zak Covar, Commissioner Richard A. Hyde, P.E., Executive Director



ATTACHMENT A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 13, 2015

Mr. David Keith SH-DJL Development, LLC 18615 Tuscany Stone, Suite 200 San Antonio, Texas 78258

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Singing Hills; Located on the northwest corner of U.S. Highway 281 and SH 46; Bulverde, Texas

TYPE OF PLAN: Request for Modification of an Approved Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Regulated Entity No.: RN106090962; Investigation No.: 1203582; Additional ID No.: 13-14101601

Dear Mr. Keith:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Modification for the above-referenced project submitted to the San Antonio Regional Office by Moy Tarin Ramirez Engineers, LLC on behalf of SH-DJL Development, LLC on October 16, 2014. Final review of the CZP was completed after additional material was received on December 12, 2014 and December 22, 2014, and January 12, 2015. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested*.

BACKGROUND

The original CZP was approved by letter dated November 2, 2012 to construct a mixed use development on a 253.8 acre site. The development included the construction of approximately 90 acres of commercial development on the south and east portions of the site, a wastewater treatment plant, approximately 86 acres of mass grading activities, 4.4 acres of demolition, offsite pavement widening improvements along Highway 281 and State Highway 46, and approximately 78 acres of land was designated to remain

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Mr. David Keith Page 2 January 13, 2015

undisturbed. Two sedimentation/filtration basins were constructed to provide permanent stormwater treatment. The total impervious cover for the project was 66.1 acres (26 percent).

PROJECT DESCRIPTION

The proposed mixed use, phased development will have an area of approximately 253.8 acres. The phase 1 impervious cover will be slightly reduced from 66.1 acres to 65.68 acres. Phase 2 activities will include 5 acres of commercial development, 13 acres of multi-family structures, offsite road improvements, construction of a lift station, two additional sedimentation/filtration basins, and 118 acres of single family residential development (352 lots). The total onsite impervious cover will be 128.83 acres (50.76 percent). An additional 1.62 acres of offsite road improvements will also occur. Project wastewater will be disposed of by conveyance to the proposed Singing Hills Wastewater Treatment Plant.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, two sedimentation/sand filtration basins, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), will be constructed to treat stormwater runoff. Two existing sedimentation/sand filtration basins will continue to provide treatment for the phase 1 development. The required total suspended solids (TSS) treatment for this project is 112,857 pounds of TSS generated from the 130.45 acres of impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The individual treatment measures will consist of two new partial sedimentation/filtration basins and two existing partial sedimentation/filtration basins. All four basins will be concrete lined with a 4 inch perforated PVC underdrain system that will be covered with at least 6 inches of gravel. Geotextile fabric will be placed over the gravel layer and topped with at least 18 inches of sand (ASTM C-33 compliant).

Basin #1 will be designed with a water quality volume of 289,408 cubic feet (282,530 cubic feet required), and a sand filter area of 35,952 square feet (23,544 square feet required). This basin is designed to remove 50,890 pounds of TSS (50,212 pounds required).

Basin #2 will be designed with a water quality volume of 35,508 cubic feet (33,566 cubic feet required), and a sand filter area of 5,792 square feet (2,797 square feet required). This basin is designed to remove 5,115 pounds of TSS (4,983 pounds required).

Basin #3 will be designed with a water quality volume of 309,104 cubic feet (289,672 cubic feet required), and a sand filter area of 41,214 square feet (24,071 square feet required). This basin is designed to remove 33,525 pounds of TSS (29,083 pounds required).

Basin #4 will be designed with a water quality volume of 214,992 cubic feet (197,320 cubic feet required), and a sand filter area of 26,874 square feet (16,392 square feet required). This basin is designed to remove 24,200 pounds of TSS (21,749 pounds required).

*Basins 1 and 2 have been oversized to account for 2.410 acres of uncaptured impervious cover (2,163 pounds of TSS) within the phase 1 development.

*Basins 3 and 4 have been oversized to account for 5.199 acres of uncaptured impervious cover (4,667 pounds of TSS) within the phase 2 development

Mr. David Keith Page 3 January 13, 2015

SPECIAL CONDITIONS

- I. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested format (Deed Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.
- II. This modification is subject to all Special and Standard Conditions listed in the CZP approval letter dated November 2, 2012.
- III. All permanent pollution abatement measures shall be operational prior to first occupancy of any structure within each drainage area.
- IV. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.

STANDARD CONDITIONS

- 1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
- 2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
- 3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to Commencement of Construction:

- 4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
- 5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
- 6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.
- 7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S

Mr. David Keith Page 4 January 13, 2015

control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

- 8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
- 9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
- 10. Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- 11. The following records shall be maintained and made available to the executive director upon request: 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.
- 12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
- 13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

- 14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
- 15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
- 16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be

Mr. David Keith Page 5 January 13, 2015

submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.

- 17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
- 18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Mr. Alex Grant of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-403-4035.

Sincerely,

Lynn Bumguardner, Water Section Manager San Antonio Region Office Texas Commission on Environmental Quality

LB/AG/eg

- Enclosure: Deed Recordation Affidavit, Form TCEQ-0625A Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263
- cc: Mr. Duane Moy, P.E., Moy Tarin Ramirez Engineers, LLC Mr. Thomas Hornseth, P.E., Comal County Mr. Roland Ruiz, Edwards Aquifer Authority The Honorable Bill Kraweitz, City of Bulverde TCEQ Central Records, Building F, MC212

ATTACHMENT A

Bryan W. Shaw, Ph.D., P.E., Chairman Toby Baker, Commissioner Jon Niermann, Commissioner Richard A. Hyde, P.E., Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 30, 2017

Mr. David Keith SH-DJL Development, LLC 18615 Tuscany Stone, Suite 200 San Antonio, Texas 78258

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Singing Hills; Located approximately 1400 feet west of the US Highway 281 and Harmony Hills intersection; Bulverde, Texas

TYPE OF PLAN: Request for Modification of an Approved Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Regulated Entity No.: RN106090962; Additional ID No.: 13000394

Dear Mr. Keith:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Modification for the above-referenced project submitted to the San Antonio Regional Office by Moy Tarin Ramircz Engineers, LLC on behalf of SH-DJL Development, LLC on April 26, 2017, Final review of the CZP was completed after additional material was received on June 16, 2017. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.

BACKGROUND

The original CZP was approved by letter dated November 2, 2012 to construct a mixed use development on a 253.8 acre site. The development included the construction of approximately 90 acres of commercial development on the south and east portions of the site, a wastewater treatment plant, approximately 86 acres of mass grading activities, 4.4 acres of demolition, offsite pavement widening improvements along Highway 281 and State Highway 46, and approximately 78 acres of land was designated to remain undisturbed. Two sedimentation/filtration basins were constructed to

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provide permanent stormwater treatment. The total impervious cover for the project was 66.1 acres (26 percent).

A CZP modification was approved by letter dated January 13, 2015 and it proposed to construct a mixed use, phased development on an area of approximately 253.8 acres. The Phase 1 impervious cover will be slightly reduced from 66.1 acres to 65.68 acres. Phase 2 activities will include 5 acres of commercial development, 13 acres of multi-family structures, offsite road improvements, construction of a lift station, two additional sedimentation/filtration basins, and 118 acres of single family residential development (352 lots). The total onsite impervious cover was approved to be 128.83 acres (50.76 percent). An additional 1.62 acres of offsite road improvements was also approved with the modification. Project wastewater was to be disposed of by conveyance to the proposed Singing Hills Wastewater Treatment Plant.

The second modification was approved on December 30, 2015 to construct nine aboveground storage tanks with a total volume of 3,900 gallons located at the Jiffy Lube retail store. The tanks were to be located within a containment area with greater than 150 percent of the total storage capacity of the tank system.

PROJECT DESCRIPTION

The proposed CZP modification covers the Phase 2 mixed use development and will have an area of approximately 136,73 acres. The Phase 1 impervious cover will remain unchanged. Phase 2 activities will include increasing the single-family residential lot total from 318 to 352 single-family residential lots, the construction of a multi-family development, two commercial/office lots, and an entertainment/movie theatre development. Additionally, sedimentation/filtration Basin #3 will be expanded. The total onsite impervious cover will be 67.46 acres (49 percent). Project wastewater will be disposed of by conveyance to the proposed Singing Hills Wastewater Treatment Plant.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, four existing sedimentation/sand filtration basins, designed using the TCEQ technical guidance document, <u>Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005)</u>, will be utilized to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 58,938 pounds of TSS generated from 67.46 acres of impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The individual treatment measures will consist of the existing four water quality basins that will be concrete lined, a 4 inch perforated PVC underdrain system that will be covered with at least 6 inches of gravel. Geotextile fabric will be placed over the gravel layer and topped with at least 18 inches of sand (ASTM C-33 compliant).

			Ta	ble 1: BMP S	Summary				
Drainage Area	Total On- Site Area (ac)	Impervi ous Cover I/C (ac)	Existing 1/C (ac)	Reg. Water Quality Volume (ft ²)	Design Water Quality Volume (ft ³)	Req. Sand Filter Area (ft ²)	Design Sand Filter Area (ft ²)	Reg. TSS Removal (lbs.)	Design TSS Removal (lbs.)
Basin 1	68.59	56.49	1.79	282,530	289,408	23,544	35,952	50,212	50,890
Basin 2	6.31	5.55	0	33,566	35,508	2,797	5,792	4.983	5,115
Basin 3	58.31*	37.14	1.40	319,174	329,712	26,596	41,214	32,078	36,525

The individual treatment measures are described below.

Basin 4	46.34	24.82	0.40	213,608	214,992	17,801	26,874	21,919	24,500
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* Includes 0.09 acres of offsite drainage area.

**Basin 1 and 2 have been oversized to account for 2.410 acres of uncaptured impervious cover within the Phase 1 development. There are 39.76 undisturbed acres remaining.

***Basin 3 and 4 have been oversized to account for 5.502 acres of uncaptured impervious cover within the Phase 2 development. There are 20.08 undisturbed acres remaining.

SPECIAL CONDITIONS

- I. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested format (Deed Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.
- This modification is subject to all Special and Standard Conditions listed in the CZP approval letter dated November 2, 2012, and January 13, 2015.
 - III. The permanent pollution abatement measures shall be operational prior to first occupancy or use of a facility within the measure's respective drainage area.
 - IV. All sediment and/or media removed from the water quality basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.

STANDARD CONDITIONS

- 1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
- 2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
- In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to Commencement of Construction:

- 4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
- 5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
- 6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity.

the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.

7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

- 8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
- 9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
- 10. Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- 11. The following records shall be maintained and made available to the executive director upon request: 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.
- 12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
- 13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

- 14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
- 15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility

must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

- 16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
- 17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
- 18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Ms. Monica Reyes of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-403-4012.

Sincerely,

Lynn Bumguardner, Water Section Manager San Antonio Region Texas Commission on Environmental Quality

LB/MR/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625A Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Ms. Ana-Maria E. Morales, P.E., Moy Tarin Ramirez Engineers, LLC Mr. Thomas Hornseth, P.E., Comal County Mr. Roland Ruiz, Edwards Aquifer Authority The Honorable Bill Kraweitz, City of Bulverde Mr. H.L. Saur, Comal Trinity Groundwater Conservation District Jon Niermann, *Chairman* Emily Lindley, *Commissioner* Bobby Janecka, *Commissioner* Toby Baker, *Executive Director*



ATTACHMENT A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 13, 2020

Mr. David Keith SH-DJL Development, LLC 18615 Tuscany Stone, Suite 200 San Antonio, Texas 78258-3502

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Singing Hills; Located 0.96 miles northwest of the intersection of US Hwy 281 and Hwy 46; Bulverde, Texas

TYPE OF PLAN: Request for Modification of an Approved Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Regulated Entity No. RN106090962; Additional ID No. 13001164

Dear Mr. Keith:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Modification for the above-referenced project submitted to the San Antonio Regional Office by Moy Tarin Ramirez Engineering, LLC on behalf of SH-DJL Development, LLC on June 23, 2020. Final review of the CZP Modification was completed after additional material was received on July 28, 2020 and August 4, 2020. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.

BACKGROUND

The Singing Hills CZP was approved by letter dated November 2, 2012 for a 253.8-acre mixed use development with 64.2 acres (25.29 percent) impervious cover. Permanent BMPs included two sedimentation filtration basins (Basin #1 and Basin #2).

The Singing Hills CZP Modification was approved by letter dated January 13, 2015 for Phase 1 mixed used development to include a lift station and two additional sedimentation filtration basins (Basin #3 and Basin #4) with impervious cover totaling 128.83 acres (50.76 percent).

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Mr. David Keith August 13, 2020 Page 2

The Singing Hills CZP Modification approved by letter dated June 30, 2017 was for Phase 2 development with an area of approximately 136.73 acres. This modification included additional mixed use development. Impervious cover for Phase 2 development totaled 64.46 acres (47.14 percent). Permanent BMPs included the four existing sedimentation filtration basins.

PROJECT DESCRIPTION

This modification proposes the expansion of Unit 5 which is defined as a 18.25-acre site with 5.93 acres (32.49 percent) of impervious cover. Unit 5 is within the Phase 2 development. The addition of 13 residential lots and associated streets is proposed. Project wastewater will be disposed of by conveyance to the Singing Hills Wastewater Treatment Plant owned and operated by the City of Bulverde.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, an existing sedimentation filtration basin #4 (13-14101601) and a JellyFish system, designed using the TCEQ technical guidance document, <u>Complying with the Edwards Aquifer Rules: Technical Guidance on Best</u> <u>Management Practices (2005)</u>, will be utilized to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 5,323 pounds of TSS generated from 5.93 acres of impervious cover. The approved measure meets the required 80 percent removal of the increased load in TSS caused by the project.

SPECIAL CONDITIONS

- This modification is subject to all Special and Standard Conditions listed in the CZP approval letter dated November 2, 2012, and subsequent modifications dated January 13, 2015 and June 30, 2017.
- The permanent pollution abatement measures shall be operational prior to occupancy of the facilities within their respective drainage areas.
- III. All sediment and/or media removed from the permanent pollution abatement measures during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.

STANDARD CONDITIONS

- Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
- 2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
- In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to Commencement of Construction:

4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.

Mr. David Keith August 13, 2020 Page 3

- 5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
- 6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.
- 7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

- 8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
- 9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
- Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- 11. The following records shall be maintained and made available to the executive director upon request: 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.
- 12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
- 13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

Mr. David Keith August 13, 2020 Page 4

After Completion of Construction:

- 14. Owners of permanent BMPs and measures must ensure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
- 15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
- 16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
- 17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
- 18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Dianne Pavlicek-Mesa, P.G. of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-403-4074.

Sincerely.

Robert Sadlier, Section Manager Edwards Aquifer Protection Program Texas Commission on Environmental Quality

RCS/dpm

Enclosures: Change in Responsibility for Maintenance of Permanent BMPs, Form TCEO-10263

cc: Mr. Brad Seay, P.E., Moy Tarin Ramirez Engineering, LLC Mr. Thomas Hornseth, P.E., Comal County Engineer Mr. Roland Ruiz, Edwards Aquifer Authority Mr. H. L. Saur, Comal Trinity Groundwater Conservation District The Honorable Bill Krawietz, City of Bulverde

Change in Responsibility for Maintenance on Permanent Best Management Practices and Measures

The applicant is no longer responsible for maintaining the permanent best management practice (BMP) and other measures. The project information and the new entity responsible for maintenance is listed below.

Customer:				_	
Regulated Entity Name	·				_
Site Address:					-
City, Texas, Zip:					
County:					
Approval Letter Date:					
BMPs for the project:					
New Responsible Party					
Name of contact:					
Mailing Address:					
City, State:				Zip:	
Telephone:		_	FAX:		
		5			
Signature of New Respo	onsible Party	Date			

I acknowledge and understand that I am assuming full responsibility for maintaining all permanent best management practices and measures approved by the TCEQ for the site, until another entity assumes such obligations in writing or ownership is transferred.

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282

TCEQ-10263 (10/01/04)

SUMMARY OF PROPOSED MODIFICATIONS @ SINGING HILLS

CZP Modification Summary	Approved Project	Approved Modification #1	Approved Modification #2	Approved Modification #3	Proposed Modification #4
Acres	253.8	253.8	136.73 ac. (portion of 253.8 ac. Site)	18.25 ac. (portion of 253.8 ac. Site)	13.36 ac. (portion of 253.8 ac. Site)
Type of Development	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Number of Residential Lots	0	352	318	53 @ Unit 5 (331 overall)	0
Impervious Cover (acres)	66.10 ac.	130.45 ac. (128.83 ac. on-site; 1.62 ac. off-site road improvements)	67.46 ac. (Site total = 133.14 ac)	5,93 ac. in Unit 5 (Site total = 134.76 ac)	11.53 ac. (Site total = 13.36 ac)
Impervious Cover (%)	26.0%	50.76% (51.04%)	49.34% (52.46% of site)	32.49% (53.10% of site)	92,46%
Permanent BMPs	2x Sedimentation/ Filtration Basins	4x Sedimentation/ Filtration Basins	4x Sedimentation/ Filtration Basins	4x Sedimentation/ Filtration Basins 1x Jellyfish Filter	4x Sedimentation/ Filtration Basins 1x Jellyfish Filter 2x Jellyfish Filters
Other	N/A	N/A	N/A	N/A	N/A
Date	November 2, 2012	January 13, 2015	June 30, 2017	August 13, 2020	

Table from TCEQ-0590 Item 4 Attachment B: Narrative of Proposed Modification
ATTACHMENT B

NARRATIVE OF PROPOSED MODIFICATION

This CZP Modification is in regards to the addition of parking lot, building and other impervious improvements for a commercial tract within approximate 12.5-acre tract within the Singing Hills development previously approved for mass grading and the addition of some impervious cover for driveway improvements. This modification addresses the need for the installation of two new BMPs to treat the proposed impervious cover on the 12.5-acre tract.

A Contributing Zone Plan (CZP) for the site was approved on November 2, 2012 for the installation of 66.1 acres of impervious cover (64.2 ac on-site & 1.9 ac off-site) associated with the 253.8-acre tract. As part of this approval, two (2) partial sedimentation filtration basins were constructed to treat stormwater runoff. The required TSS treatment for this project was 55,379 lbs of TSS. The Design TSS Removal for the two basins was 55,510 lbs, 131 lbs/yr above minimum requirements.

CZP Modification #1 for the site was approved on January 13, 2015. The modification decreased the Phase 1 impervious cover from 66.1 acres to 65.68 acres. It also included the installation of 130.45 acres of impervious cover (128.83 ac on-site & 1.62 ac off-site) & two (2) additional partial sedimentation filtration basins to treat the increase in stormwater runoff. The required TSS treatment for this project was 112,857 lbs of TSS. The Design TSS Removal for all four basins was 113,730 lbs, 873 lbs/yr above minimum requirements.

CZP Modification #2 for the site was approved on June 30, 2017. The modification covered a Phase 2 area of 136.73 acres & included, among other things, increasing the number of residential lots from 318 to 352 and expanding Basin #3. The required TSS treatment for this project is 116,022 lbs of TSS. The Design TSS Removal for all four basins is 117,030 lbs. This is an extra 1,008 lbs/yr of TSS removed by the Basins.

CZP Modification #3 for the site was approved on August 13, 2020. The modification covered the Unit 5 residential area (18.25-acres) within the Phase 2 development. Included was the addition of 13 residential lots and roadway improvements. The required TSS treatment for this project is 5,323 lbs which was achieved through the use of Basin #4 and a Jellyfish filtration system.

The proposed modification to the CZP are as follows:

This CZP proposes to provide two (2) new Jellyfish filtration systems to treat proposed building, parking lot and other impervious improvements proposed on an approximate 13.4-acres tract. Driveway improvements located within the 13.4-acre tract previously identified as going to Basin #1 in the original CZP will be treated by the easternmost Jellyfish (Jellyfish "A") filtration unit thereby reducing the TSS load to Basin #1. The two Jellyfish filtration systems will treat the impervious cover routed to the system and overtreat for areas that cannot be routed to and bypass the filtration units. For additional information regarding the proposed Jellyfish filtration systems, see Attachment K – BMPs for On-Site Water in Section III (Contributing Zone Plan Application) of this report.

Attachment C: Current Site Plan of the Approved Project



Singing Hills (46 @ 281)\2011 Singing Hills\Residentia\\CZP Modification #3\DWGs\18084_CZP_SITEPLAN.dwg 2020/07/27 2:28pm bsec

III. CONTRIBUTING ZONE PLAN APPLICATION

Contributing Zone Plan Application

Texas Commission on Environmental Quality

for Regulated Activities on the Contributing Zone to the Edwards Aquifer and Relating to 30 TAC §213.24(1), Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This Contributing Zone Plan Application is hereby submitted for TCEQ review and Executive Director approval. The application was prepared by:

Print Name of Customer/Agent: Chris Dumas, P.E.

Date: 9/11/23

Signature of Customer/Agent:

Regulated Entity Name: Singing Hills

Project Information

- 1. County: Comal
- 2. Stream Basin: Lewis Creek
- 3. Groundwater Conservation District (if applicable): Comal Trinity
- 4. Customer (Applicant):

Contact Person: Todd A. Gold Entity: SH Land Holdings, Ltd. Mailing Address: 8023 Vantage Dr. Suite 1200 City, State: San Antonio, Texas Telephone: (210) 524-4000 Fax: Email Address: tgold@reocsanantonio.com

Zip: 78230

5. Agent/Representative (If any):

Contact Person: Chris Dumas, P.E.Entity: Moy Tarin Ramirez Engineers, LLCMailing Address: 12770 Cimarron Path, Suite 1000City, State: San Antonio, TexasZip: 78249-3415Telephone: (210) 698-5051Fax: (210) 698-5085Email Address: cdumas@mtrengineers.comFax: (210) 698-5085

6. Project Location:

The project site is located inside the city limits of <u>Bulverde</u>.

- The project site is located outside the city limits but inside the ETJ (extra-territorial jurisdiction) of _____.
- The project site is not located within any city's limits or ETJ.
- 7. The location of the project site is described below. Sufficient detail and clarity has been provided so that the TCEQ's Regional staff can easily locate the project and site boundaries for a field investigation.

Northwest corner of Melody Hills and Singing Oaks

- 8. Attachment A Road Map. A road map showing directions to and the location of the project site is attached. The map clearly shows the boundary of the project site.
- Attachment B USGS Quadrangle Map. A copy of the official 7 ½ minute USGS Quadrangle Map (Scale: 1" = 2000') is attached. The map(s) clearly show:



USGS Quadrangle Name(s).

10. Attachment C - Project Narrative. A detailed narrative description of the proposed project is attached. The project description is consistent throughout the application and contains, at a minimum, the following details:

Area of the site
Offsite areas
Impervious cover
Permanent BMP(s)
Proposed site use
Site history
Previous development
Area(s) to be demolished

- 11. Existing project site conditions are noted below:
 - Existing commercial site
 - Existing industrial site
 - Existing residential site

Existing paved and/or unpaved roads

Undeveloped (Cleared)

Undeveloped (Undisturbed/Not cleared)

- Other:
- 12. The type of project is:
 - Residential: # of Lots:
 - Residential: # of Living Unit Equivalents: _____
 - Commercial
 - Industrial
 - Other: <u>Mixed Use Development</u>
- 13. Total project area (size of site): 253.8 acres (Project site = 13.36 ac) Acres

Total disturbed area: 13.36 Acres

- 14. Estimated projected population: 50
- 15. The amount and type of impervious cover expected after construction is complete is shown below:

Table 1 - Impervious Cover

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	132,793	÷ 43,560 =	3.05
Parking	332,363	÷ 43,560 =	7.63
Other paved surfaces	37,090	÷ 43,560 =	0.85
Total Impervious Cover	502,246	÷ 43,560 =	11.53

Total Impervious Cover 11.53 + Total Acreage 13.36 X 100 = 86% Impervious Cover

- 16. Attachment D Factors Affecting Surface Water Quality. A detailed description of all factors that could affect surface water quality is attached. If applicable, this includes the location and description of any discharge associated with industrial activity other than construction.
- 17. 🛛 Only inert materials as defined by 30 TAC 330.2 will be used as fill material.

For Road Projects Only

Complete questions 18 - 23 if this application is exclusively for a road project.

N/A

18.	Type	of	pro	ject:
-----	------	----	-----	-------

TXDOT road project.

County road or roads built to county specifications.

City thoroughfare or roads to be dedicated to a municipality.

Street or road providing access to private driveways.

19. Type of pavement or road surface to be used:

Concrete
Asphaltic concrete pavemen
Other:

20. Right of Way (R.O.W.):

Length of R.O.W.: _____ feet. Width of R.O.W.: _____ feet. L x W = _____ $Ft^2 \div 43,560 Ft^2/Acre = _____ acres.$

21. Pavement Area:

Length of pavement area: _____ feet.Width of pavement area: _____ feet.L x W = ____ $Ft^2 \div 43,560 Ft^2/Acre = ____ acres.Pavement area _____ acres ÷ R.O.W. area ____ acres x 100 = ____% impervious cover.$

22. A rest stop will be included in this project.

A rest stop will not be included in this project.

23. Maintenance and repair of existing roadways that do not require approval from the TCEQ Executive Director. Modifications to existing roadways such as widening roads/adding shoulders totaling more than one-half (1/2) the width of one (1) existing lane require prior approval from the TCEQ.

Stormwater to be generated by the Proposed Project

24. Attachment E - Volume and Character of Stormwater. A detailed description of the volume (quantity) and character (quality) of the stormwater runoff which is expected to occur from the proposed project is attached. The estimates of stormwater runoff quality and quantity are based on area and type of impervious cover. Include the runoff coefficient of the site for both pre-construction and post-construction conditions.

Wastewater to be generated by the Proposed Project

25. Wastewater is to be discharged in the contributing zone. Requirements under 30 TAC §213.6(c) relating to Wastewater Treatment and Disposal Systems have been satisfied.

N/A

26. Wastewater will be disposed of by:

On-Site Sewage Facility (OSSF/Septic Tank):

Attachment F - Suitability Letter from Authorized Agent. An on-site sewage facility will be used to treat and dispose of the wastewater from this site. The appropriate licensing authority's (authorized agent) written approval is attached. It states that the land is suitable for the use of private sewage facilities and will meet or exceed the requirements for on-site sewage facilities as specified under 30 TAC Chapter 285 relating to On-site Sewage Facilities.

Each lot in this project/development is at least one (1) acre (43,560 square feet) in size. The system will be designed by a licensed professional engineer or registered sanitarian and installed by a licensed installer in compliance with 30 TAC Chapter 285.

Sewage Collection System (Sewer Lines):

The sewage collection system will convey the wastewater to the Singing Hills Wastewater (name) Treatment Plant. The treatment facility is:

\boxtimes	Existing.
	Proposed.
DN/	A

Permanent Aboveground Storage Tanks(ASTs) ≥ 500 Gallons

Complete questions 27 - 33 if this project includes the installation of AST(s) with volume(s) greater than or equal to 500 gallons.

XIN/A

27. Tanks and substance stored:

Table 2 - Tanks and Substance Storage

AST Number	Size (Gallons)	Substance to be Stored	Tank Material
1			
2			
3			
4			
5			
5			1

28. The AST will be placed within a containment structure that is sized to capture one and one-half (1 1/2) times the storage capacity of the system. For facilities with more than

5 of 11

one tank system, the containment structure is sized to capture one and one-half (1 1/2) times the cumulative storage capacity of all systems.

Attachment G - Alternative Secondary Containment Methods. Alternative methods for providing secondary containment are proposed. Specifications showing equivalent protection for the Edwards Aquifer are attached.

29. Inside dimensions and capacity of containment structure(s):

Table 3 - Secondary Containment

Length (L)(Ft.)	Width(W)(Ft.)	Height (H)(Ft.)	L x W x H = (Ft3)	Gallons
				1.0

Total: ____ Gallons

30. Piping:

All piping, hoses, and dispensers will be located inside the containment structure.

Some of the piping to dispensers or equipment will extend outside the containment structure.

The piping will be aboveground

The piping will be underground

- 31. The containment area must be constructed of and in a material impervious to the substance(s) being stored. The proposed containment structure will be constructed of:
- 32. Attachment H AST Containment Structure Drawings. A scaled drawing of the containment structure is attached that shows the following:

Interior dimensions (length, width, depth and wall and floor thickness).

Internal drainage to a point convenient for the collection of any spillage.

Tanks clearly labeled

Piping clearly labeled

Dispenser clearly labeled

33. Any spills must be directed to a point convenient for collection and recovery. Spills from storage tank facilities must be removed from the controlled drainage area for disposal within 24 hours of the spill.

] In the event of a spill, any spillage will be removed from the containment structure within 24 hours of the spill and disposed of properly.

In the event of a spill, any spillage will be drained from the containment structure through a drain and valve within 24 hours of the spill and disposed of properly. The drain and valve system are shown in detail on the scaled drawing.

Site Plan Requirements

Items 34 - 46 must be included on the Site Plan.

34. 🔀 The Site Plan must have a minimum scale of 1" = 400'.

Site Plan Scale: 1'' = 40'.

35. 100-year floodplain boundaries:

Some part(s) of the project site is located within the 100-year floodplain. The floodplain is shown and labeled.

No part of the project site is located within the 100-year floodplain.

The 100-year floodplain boundaries are based on the following specific (including date of material) sources(s): <u>FEMA Map Number 48091C0220F</u>.

36. The layout of the development is shown with existing and finished contours at appropriate, but not greater than ten-foot contour intervals. Lots, recreation centers, buildings, roads, etc. are shown on the site plan.

The layout of the development is shown with existing contours at appropriate, but not greater than ten-foot contour intervals. Finished topographic contours will not differ from the existing topographic configuration and are not shown. Lots, recreation centers, buildings, roads, etc. are shown on the site plan.

- 37. 🔀 A drainage plan showing all paths of drainage from the site to surface streams.
- 38. 🔀 The drainage patterns and approximate slopes anticipated after major grading activities.
- 39. 🛛 Areas of soil disturbance and areas which will not be disturbed.
- 40. Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
- 41. 🛛 Locations where soil stabilization practices are expected to occur.
- 42. Surface waters (including wetlands).
 - N/A
- 43. Locations where stormwater discharges to surface water.

There will be no discharges to surface water.

44. Temporary aboveground storage tank facilities.

Temporary aboveground storage tank facilities will not be located on this site.

45. Permanent aboveground storage tank facilities.

Permanent aboveground storage tank facilities will not be located on this site.

46. 🛛 Legal boundaries of the site are shown.

Permanent Best Management Practices (BMPs)

Practices and measures that will be used during and after construction is completed.

47. Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.

N/A

48. These practices and measures have been designed, and will be constructed, operated, and maintained to insure that 80% of the incremental increase in the annual mass loading of total suspended solids (TSS) from the site caused by the regulated activity is removed. These quantities have been calculated in accordance with technical guidance prepared or accepted by the executive director.

The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.

A technical guidance other than the TCEQ TGM was used to design permanent BMPs and measures for this site. The complete citation for the technical guidance that was used is: _____.

N/A

49. Owners must insure that permanent BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.

N/A

50. Where a site is used for low density single-family residential development and has 20 % or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.

The site will be used for low density single-family residential development and has 20% or less impervious cover.

The site will be used for low density single-family residential development but has more than 20% impervious cover.

The site will not be used for low density single-family residential development.

51.	The executive director may waive the requirement for other permanent BMPs for multi-
	family residential developments, schools, or small business sites where 20% or less
	impervious cover is used at the site. This exemption from permanent BMPs must be
	recorded in the county deed records, with a notice that if the percent impervious cover
	increases above 20% or land use changes, the exemption for the whole site as described in
	the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing
	and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.
	-O

Attachment I - 20% or Less Impervious Cover Waiver. The site will be used for
multi-family residential developments, schools, or small business sites and has 20%
or less impervious cover. A request to waive the requirements for other permanent
BMPs and measures is attached.

X	The site will be used for multi-family residential developments, schools, or small	
	business sites but has more than 20% impervious cover.	

The site will not be used for multi-family residential developments, schools, or small business sites.

52. Attachment J - BMPs for Upgradient Stormwater.

X	A description of the BMPs and measures that will be used to prevent pollution of
	surface water, groundwater, or stormwater that originates upgradient from the site
	and flows across the site is attached.

No surface water, groundwater or stormwater originates upgradient from the site and flows across the site, and an explanation is attached.

Permanent BMPs or measures are not required to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site, and an explanation is attached.

53. Attachment K - BMPs for On-site Stormwater.

A description of the BMPs and measures that will be used to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site is attached.

Permanent BMPs or measures are not required to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff, and an explanation is attached.

- 54. Attachment L BMPs for Surface Streams. A description of the BMPs and measures that prevent pollutants from entering surface streams is attached.
 - N/A
- 55. Attachment M Construction Plans. Construction plans and design calculations for the proposed permanent BMPs and measures have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer, and are signed, sealed, and dated. Construction plans for the proposed permanent BMPs and measures are

attached and include: Design calculations, TCEQ Construction Notes, all proposed structural plans and specifications, and appropriate details.

N/A

- 56. Attachment N Inspection, Maintenance, Repair and Retrofit Plan. A site and BMP specific plan for the inspection, maintenance, repair, and, if necessary, retrofit of the permanent BMPs and measures is attached. The plan fulfills all of the following:
 - Prepared and certified by the engineer designing the permanent BMPs and measures
 - Signed by the owner or responsible party
 - Outlines specific procedures for documenting inspections, maintenance, repairs, and, if necessary, retrofit.
 - Contains a discussion of record keeping procedures
 - N/A
- 57. Attachment O Pilot-Scale Field Testing Plan. Pilot studies for BMPs that are not recognized by the Executive Director require prior approval from the TCEQ. A plan for pilot-scale field testing is attached.

N/A

58. Attachment P - Measures for Minimizing Surface Stream Contamination. A description of the measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development is attached. The measures address increased stream flashing, the creation of stronger flows and in-stream velocities, and other in-stream effects caused by the regulated activity, which increase erosion that result in water quality degradation.

□ N/A

Responsibility for Maintenance of Permanent BMPs and Measures after Construction is Complete.

- 59. The applicant is responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.
- 60. A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer if the site is for use as a multiple single-family residential development, a multi-family residential development,

or a non-residential development such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

Administrative Information

- 61. Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions.
- 62. Any modification of this Contributing Zone Plan may require TCEQ review and Executive Director approval prior to construction, and may require submission of a revised application, with appropriate fees.
- 63. The site description, controls, maintenance, and inspection requirements for the storm water pollution prevention plan (SWPPP) developed under the EPA NPDES general permits for stormwater discharges have been submitted to fulfill paragraphs 30 TAC §213.24(1-5) of the technical report. All requirements of 30 TAC §213.24(1-5) have been met by the SWPPP document.

The Temporary Stormwater Section (TCEQ-0602) is included with the application.





(ANHALT QUADRANGLE)

ATTACHMENT B

PROJ. #: 22241

· Surveyors

Planners

Moy Tarin Ramirez Engineers, LLC

 TBPELS:
 ENGINEERING
 F-5297/SURVEYING:
 F-10131500

 12770
 CIMARRON PATH, SUITE 100
 TEL:
 (210)
 698-5051

 SAN ANTONIO,
 TEXAS
 78249
 FAX:
 (210)
 698-5065

DATE: SEPTEMBER 2023

ATTACHMENT C

PROJECT DESCRIPTION

Singing Hills is an approximate 254 acre mixed use development located on the northwest corner of U.S. Highway 281 and State Highway 46 intersection. The existing site consisted of the remnants of residential homes and related improvements, an abandoned EMS building with parking lot, an abandoned library with parking lot, a detention basin, and undeveloped areas. The Singing Hills development is located within the city limits of the City of Bulverde and within Bulverde's Extra Territorial Jurisdiction (ETJ). The 13.4-acre project site for this modification is situated within the City of Bulverde.

The original Contributing Zone Plan (CZP) application for Singing Hills was approved by the Texas Commission on Environmental Quality (TCEQ) on November 2, 2012. That CZP application addressed the onsite and offsite improvements associated with the initial phase of the Singing Hills development which included: approximately 90 acres of commercial development and related infrastructure at the south and east portions of the site; a wastewater treatment plant on the northeast end of the site; a storm water detention pond on the west end of the site; and improvements to U.S. Highway 281 and State Highway 46.

The first CZP Modification was approved January 13, 2015, addressing the construction of two (2) super street U-turns with deceleration lanes on U.S. Highway 281 and the second phase of this development. The second phase of development consisted of 352 single-family residential lots approximately 118 acres, a multi-family development approximately 13 acres and a commercial/office development approximately 5 acres. Permanent water quality treatment for the second phase was to provided by two (2) sand filtration ponds located within the multi-family project site and near the northeast corner of the existing detention basin. The sand filtration ponds were designed in accordance with the TCEQ Technical Guidance Manual to remove at least 80% of the total suspended solids generated by the total increase of impervious cover, including the additional offsite impervious cover.

The second CZP Modification was approved June 30, 2017 and addressed the second phase of the Singing Hills project, which comprises approximately 137 acres. The second phase of the singing Hills development is located within the City of Bulverde's Extraterritorial Jurisdiction (ETJ) and includes approximately 6.5 acres of commercial/office development, 15 acres of a multi-family development, 7 acres of an entertainment/movie theatre development and 108 acres of single-family residential development. The single-family residential development consist of 318 lots in which 211 lots being on 60' lots with 4,000 square feet of impervious cover, 106 lots being on 50' lots with 3,550 square feet of impervious cover and one lot being for the lift station with an approximately 4,000 square feet of impervious cover.

The third CZP Modification Application was approved on August 13, 2020 and addressed the expansion of Unit 5 north and south by adding 13 residential lots and associated Right-Of-Way improvements. Unit 5 is part of Phase 2 referenced in previous applications & associated approval letters. Unit 5 previously consisted of 40 residential lots. The third Modification included five (5) additional residential lots constructed at the NW end of Unit 5, which the associated impervious cover drains to Basin #4. An additional five (5) residential lots

constructed at the NE end of Unit 5, it's associated impervious cover bypasses treatment, however treatment is provided at Basin #4 to compensate for the bypassed stormwater. The remaining three (3) additional residential lots are at the SW end of Unit 5, for a total of 53 residential lots in the third Modification. Previously, the fifteen (15) residential lots & associated improvements in the southern end of Unit 5 bypassed treatment and were accounted for via excess treatment in Basin #4. In the proposed layout, eleven (11) of the southern lots & associated Right-Of-Way improvements will drain to the proposed Jellyfish Filter associated with the third Modification Application. The remaining seven (7) southern lots will continue to bypass treatment and be accounted for via excess treatment in Basin #4.

This CZP modification proposes to provide two (2) new Jellyfish filtration systems to treat proposed building, parking lot and other impervious improvements proposed on an approximate 13.4-acres tract previously approved for clearing and grading activities. Driveway improvements located within the 13.4-acre tract previously identified as going to Basin #1 in the original CZP will be treated by the easternmost Jellyfish (Jellyfish "A") filtration unit thereby reducing the TSS load to Basin #1. The two Jellyfish filtration systems will treat the impervious cover routed to the system and overtreat for areas that cannot be routed to and bypass the filtration units. Offsite area draining toward the 13.4-acre project site is from the north. This offsite area will be collected prior to entering the project site by storm drain facilities. No existing demolition is proposed within the project area. For additional information regarding the proposed Jellyfish filtration systems, see Attachment K – BMPs for On-Site Water in Section III (Contributing Zone Plan Application) of this report. The Project Area associated with this portion of work is 13.4 acres and is delineated on the CZP Site Plan, sheet SPO.

During construction, temporary BMP's will be utilized to control erosion and sediment runoff. Temporary BMP's will consist of silt fences, a rock berm, bagged gravel inlet filters, concrete washout pits, stabilized construction entrance/exit and other temporary BMP's identified on sheet SWO.

Other notable project characteristics include the following:

- Project Area: 13.36 Acres
- Onsite Bypass Area: 0.284 Acres
- Total Impervious Cover in Project Area: 11.53 Acres
- Impervious Cover in Proposed Jellyfish "A" Catchment Area: 5.762 Acres
- Impervious Cover in Proposed Jellyfish "B" Catchment Area: 5.480 Acres
- Proposed Site Use: Mixed Use (Commercial retail, Entertainment, Restaurant)

ATTACHMENT D

FACTORS AFFECTING SURFACE WATER QUALITY

The proposed ultimate land use for Singing Hills, Commercial development of 13.36 acres is expected to be approximately mixed-use commercial retail/entertainment/restaurant.

Factors impacting surface water quality include: fertilizers, pesticides from landscaping, sediment from soil disturbances, organic matter from clearing activities, small amounts of oil grease from vehicular traffic, and suspended solids from the proposed impervious cover areas. These factors may cause suspended solids to enter into the storm water runoff and subsequently affect the surface water. However, temporary and permanent BMP's consisting of silt fences, rock berms, bagged gravel inlet filters, stabilized construction entrance/exit, sand filtration ponds and Jellyfish filtration systems have been designed on the basis of the Technical Guidance Manual to treat the required amount of storm water runoff as to not adversely affect water quality entering into any surface water or groundwater.

ATTACHMENT E

VOLUME AND CHARACTER OF STORM WATER

Volume of Storm Water

The existing regional storm water detention pond for the overall Singing Hills development is designed to decrease the post development peak runoff rate to less than the existing peak runoff rate for the overall development in accordance with City of Bulverde and Comal County requirements. This regional pond is located in the southwestern portion of the residential area of the Singing Hills development.

EXISTING CONDITIONS:

Entire Site
Area: 253.51 ac
Runoff Coefficient: 0.50
$T_c = 40 \text{ min.; } I = 4.47 \text{ in/hr}$
Q ₂₅ = 567 cfs

Project Area Area: 13.36 ac Runoff Coefficient: 0.50 $T_c = 20$ min.; I = 6.39 in/hr $Q_{25} = 43$ cfs

PROPOSED CONDITIONS FOR ENTIRE SITE

Entire Site	
Area: 253.51 ac	
Runoff Coefficie	nt: 0.70
Tc = 25 min.; I =	5.70 in/hr
$Q_{25} = 1.012 \text{ cfs}$	

Project Area

Area: 13.36 ac Runoff Coefficient: 0.90 $T_c = 10$ min.; I = 8.44 in/hr $Q_{25} = 101$ cfs $\Delta = 58$ cfs

Character of Storm Water

 $\Delta = 445 \text{ cfs}$

Storm water runoff generated from the site during construction will be typical of a commercial construction project. The runoff will consist of small amounts of suspended solids created by construction activities which may include sediments from disturbed soils, construction dust, sawdust and hydrocarbons from construction equipment. Temporary BMP's have been designed on the basis of the Technical Guidance Manual to treat the required volume and character of storm water runoff to remove the increased total suspended solids (TSS) due to the proposed construction activities. Permanent stabilization of areas where soil is disturbed by construction activities will be accomplished by installing new vegetation, mulch and impervious cover in those areas.

Storm water runoff generated after construction is complete will be typical of commercial developments. The runoff will contain sediments from rooftops, driveways, parking lots, sidewalks, landscape areas, and other miscellaneous impervious areas from the site. The runoff may contain small amounts of oil, grease, suspended solids, fertilizers and pesticides. The post construction runoff for the entire site will be treated through two (2) Jellyfish Filter designed in accordance with the Technical Guidance Manual to remove 80% of the total increase in TSS caused by the proposed impervious cover.

CONTRIBUTING ZONE SITE PLAN & DETAILS



	"Internet			REVISIONS	
	* HRI	· Engineers	NO. DATE	DESCRIPTION	ВҮ
	STOL	· Surveyors			
	OF PHEF 0923 CENSONA	· · Planners			
	TEL RB.D	Moy Tarin Ramirez Engineers, LLC			
OVERALL CZD SITE DLAN	UMAS	TBPELS: ENGINEERING F-5297 SURVEYING F-10131500 12770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051			
	E. 23	SAN ANTONIO, TEXAS 78249 FAX: (210) 698–5085		PROJ. # DGN. BY: DWN. BY: CHKD. BY	Y: DATE:







LEGEND		
SILT FENCE	1	
TEMPORARY CONSTRUCTION ENTRANCE/EXIT	2	
BAGGED GRAVEL INLET FILTER AND/OR APPROPRIATE SUBSTITUTE	3	00000
ROCK BERM	4	
CONCRETE WASHOUT PIT	5	CWP
NO SOIL DISTURBANCE		NSD
SOIL DISTURBANCE		SD
EXISTING CONTOURS		900
PROPOSED CONTOURS		900
PERMANENT INTERCEPTOR CHANNEL		
SHEET FLOW DIRECTION AND SLOPE		5%
CONCENTRATED FLOW DIRECTION		\longrightarrow
CONSTRUCTION STAGING AREA		(CSA)
MODIFICATION AREA		
DIVERSION DIKE		





ATTACHMENT J

BMPS FOR UPGRADIENT STORMWATER

Upgradient stormwater enters the 13.4-acre project site along the north boundary. Offsite area draining toward the 13.4-acre project site is from the north. This offsite area will be collected prior to entering the project site by storm drain facilities such that offsite storm water from this area will not flow across the surface of the 13.4-acre project site.

During construction, temporary BMPs consisting of silt fences, rock berms, bagged gravel inlet filters, diversion dikes, stabilized construction entrance/exit and other temporary BMPs as identified on sheet SPO will be utilized to alleviate sediment from the leaving the site. During and after construction, the upgradient water will not flow into the permanent BMP catchment areas.

ATTACHMENT K

BMP'S FOR ON-SITE STORM WATER

During construction, temporary BMP's consisting of silt fences, rock berms, bagged gravel inlet filters, stabilized construction entrance/exit and other temporary BMPs shown on sheet SPO will be utilized to alleviate sediment from leaving the site.

The commercial development of 13.36-acre project site will be divided into two (2) areas, each with its own proposed Jellyfish Filter system. The total impervious cover onsite for the proposed commercial development is 11.53 acres. Removal of the required TSS pollutants from the runoff generated by the 0.284 acres of onsite impervious cover that bypasses the two (2) Jellyfish filtration systems is accomplished through over treatment of the impervious cover. The required removal of total suspended solids (TSS) for the 11.53 impervious acres is 9405 lbs.

Jellyfish Filters: The commercial development of 13.36 acres will be treated for the required TSS pollutant removal by means of a Contech Jellyfish Filter System. The amount of impervious cover draining to each Jellyfish in total is 11.53 acres from the 13.36-acre site, which generates 9405 lbs of TSS to be removed (minimum). The two (2) units will be placed within each designated drainage area.

There is a total of 0.284 acres of uncaptured impervious cover within the 13.36-acres commercial development that creates a total of 232 lbs. of TSS to be removed. The Jellyfish have been oversized to account for this additional TSS removal. The impervious cover will be divided into two (2) sections, with each its own proposed Jellyfish filter system.

ATTACHMENT L

BMP's FOR SURFACE STREAMS

Surface streams do not exist on the site that would require protective measures. Permanent and temporary BMP's, as shown on the CZP Site Plan, shall be used to minimize pollutants draining to offsite surface streams, both during and after construction.

ATTACHMENT M

CONSTRUCTION PLANS



1. Second S	Project Na Date Prepar	me: <mark>Singing Hills</mark> red: 9/11/2023	
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ATTACHMENT N

INSPECTION, MAINTENANCE, REPAIR, & RETROFIT PLAN

JELLYFISH® FILTER

Jellyfish cartridges are passively backwashed automatically after each storm event, which removes accumulated sediment from the membranes and significantly extends the service life of the cartridges and the maintenance interval. If required, the cartridges can be easily manually backwashed without removing the cartridges. Additionally, the lightweight cartridges can be removed by hand and externally rinsed, and rinsed cartridges then re-installed. These simple maintenance options allow for cartridge regeneration, thereby minimizing cartridge replacement costs and life-cycle treatment costs while ensuring long-term treatment performance.

Regular inspection and maintenance are proven, cost-effective ways to maximize water resource protection for all stormwater pollution control practices, and are required to insure proper functioning of the Jellyfish[®] Filter. Inspection of the Jellyfish[®] Filter is performed from the surface, while proper maintenance requires a combination of procedures conducted from the surface and with worker entry into the structure. Please refer to the following information and guidelines before conducting inspection and maintenance activities:

When is inspection needed?

- Post-construction inspection is required prior to putting the Jellyfish Filter into service.
- Routine inspections are recommended quarterly during the first year of operation to
 accurately assess the sediment and floatable pollutant accumulation, and to ensure that
 the automatic backwash feature is functioning properly.
- Inspection frequency in subsequent years is based on the maintenance plan developed in the first year, but must occur annually at a minimum.
- Inspections should also be performed immediately after oil, fuel or other chemical spill.

When is maintenance service needed?

- The unit must be cleaned annually. This cleaning includes removal and appropriate disposal of all water, sediment, oil and grease, and debris that has accumulated within the unit. The Jellyfish Filter is inspected and maintained by professional vacuum cleaning service providers with experience in the maintenance of underground tanks, sewers and catch basins. Since some of the maintenance procedures require manned entry into the Jellyfish structure, only professional maintenance service providers trained in confined space entry procedures should enter the vessel. Service provider companies typically have personnel who are trained and certified in confined space entry procedures according to local, state, and federal standards.
- Filter cartridges should be tested for adequate flow rate, every 12 months and cleaned and re-commissioned, or replaced if necessary. A manual backflush must be performed on a single draindown cartridge using a Jellyfish Cartridge Backflush Pipe (described in the Jellyfish® Filter Owner's Manual). If the time required to drain 14 gallons of backflush water from the Backflush Pipe (from top of pipe to the top of the open flapper

valve) exceeds 15 seconds, it is recommended to perform a manual backflush on each of the cartridges. After the manual backflush, the draindown test should be repeated on a single cartridge to determine if the cartridge can drain 14 gallons of water in 15 seconds. If the cartridge still does not achieve the design flow rate, it must be replaced.

The unit should be cleaned out immediately after an oil, fuel or chemical spill.

External Rinsing

 This cartridge cleaning procedure is performed by removing the cartridge from the cartridge deck and externally rinsing the filtration tentacles using a low-pressure water sprayer, as described in the Jellyfish® Filter Owner's Manual. If this procedure is performed within the structure, the cartridge or individual filtration tentacles should be rinsed while safely suspended over the maintenance access wall opening in the cartridge deck, such that rinsate flows into the lower chamber of the Jellyfish® Filter. If the rinsing procedure is performed outside the structure, the cartridge or individual filtration tentacles should be rinsed in a suitable basin such as a plastic barrel or tub, and rinsate subsequently poured into the maintenance access wall opening in the cartridge deck. Sediment is subsequently removed from the lower chamber by standard vacuum service.

RECORD KEEPING

Maintenance and inspection records should be kept on file by the Owner of the permanent BMPs for a period of at least three (3) years. Repair and retrofit records should be kept on file by the Owner of the permanent BMPs for a period of at least five (5) years. The attached Operation and Maintenance Checklist shall be completed for each inspection performed.

Todd A. Gold, Vice President – SH-Land Holdings, Ltd., LLC Print Name of Applicant/Owner

Applicant's Signature

Date

ATTACHMENT P

MEASURES FOR MINIMIZING SURFACE STREAM CONTAMINATION

Both permanent and temporary BMP's, as shown on the CZP Site Plan, shall be used to minimize contamination to offsite surface streams, both during and after construction. During construction, temporary BMP's will consist of silt fences, rock berms, bagged gravel inlet filters, stabilized construction entrance/exit and other measures as shown on sheet SPO. After construction, the permanent BMP's will consist of two (2) new Jellyfish filtration systems. There is no change to the manner in which storm water enters or discharges from the existing basins and storm drain facilities, thus minimizing the potential for contamination of offsite surface streams.

IV. TEMPORARY STORM WATER SECTION

Temporary Stormwater Section

Texas Commission on Environmental Quality

for Regulated Activities on the Edwards Aquifer Recharge Zone and Relating to 30 TAC §213.5(b)(4)(A), (B), (D)(I) and (G); Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **Temporary Stormwater Section** is hereby submitted for TCEQ review and executive director approval. The application was prepared by:

Print Name of Customer/Agent: Chris Dumas, P.E.

Date: 9/11/23

Signature of Customer/Agent:

Regulated Entity Name: Singing Hills

Project Information

Potential Sources of Contamination

Examples: Fuel storage and use, chemical storage and use, use of asphaltic products, construction vehicles tracking onto public roads, and existing solid waste.

1. Fuels for construction equipment and hazardous substances which will be used during construction:

The following fuels and/or hazardous substances will be stored on the site:

These fuels and/or hazardous substances will be stored in:

Aboveground storage tanks with a cumulative storage capacity of less than 250 gallons will be stored on the site for less than one (1) year.

Aboveground storage tanks with a cumulative storage capacity between 250 gallons and 499 gallons will be stored on the site for less than one (1) year.

Aboveground storage tanks with a cumulative storage capacity of 500 gallons or more will be stored on the site. An Aboveground Storage Tank Facility Plan application must be submitted to the appropriate regional office of the TCEQ prior to moving the tanks onto the project.

Fuels and hazardous substances will not be stored on the site.

- 2. Attachment A Spill Response Actions. A site specific description of the measures to be taken to contain any spill of hydrocarbons or hazardous substances is attached.
- 3. Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.
- Attachment B Potential Sources of Contamination. A description of any activities or processes which may be a potential source of contamination affecting surface water quality is attached.

Sequence of Construction

- 5. Attachment C Sequence of Major Activities. A description of the sequence of major activities which will disturb soils for major portions of the site (grubbing, excavation, grading, utilities, and infrastructure installation) is attached.
 - For each activity described, an estimate (in acres) of the total area of the site to be disturbed by each activity is given.
 - For each activity described, include a description of appropriate temporary control measures and the general timing (or sequence) during the construction process that the measures will be implemented.
- 6. Name the receiving water(s) at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project: <u>Lewis Creek</u>

Temporary Best Management Practices (TBMPs)

Erosion control examples: tree protection, interceptor swales, level spreaders, outlet stabilization, blankets or matting, mulch, and sod. Sediment control examples: stabilized construction exit, silt fence, filter dikes, rock berms, buffer strips, sediment traps, and sediment basins. Please refer to the Technical Guidance Manual for guidelines and specifications. All structural BMPs must be shown on the site plan.

7. Attachment D – Temporary Best Management Practices and Measures. TBMPs and measures will prevent pollution of surface water, groundwater, and stormwater. The construction-phase BMPs for erosion and sediment controls have been designed to retain sediment on site to the extent practicable. The following information is attached:
| | A description of how BMPs and measures will prevent pollution of surface water, groundwater or stormwater that originates upgradient from the site and flows across the site |
|-----|---|
| | A description of how BMPs and measures will prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site. |
| | A description of how BMPs and measures will prevent pollutants from entering
surface streams, sensitive features, or the aquifer. |
| | A description of how, to the maximum extent practicable, BMPs and measures will
maintain flow to naturally-occurring sensitive features identified in either the
geologic assessment, TCEQ inspections, or during excavation, blasting, or
construction. |
| 8. | The temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided. |
| | Attachment E - Request to Temporarily Seal a Feature. A request to temporarily seal a feature is attached. The request includes justification as to why no reasonable and practicable alternative exists for each feature. There will be no temporary sealing of naturally-occurring sensitive features on the site. |
| 9. | Attachment F - Structural Practices. A description of the structural practices that will be used to divert flows away from exposed soils, to store flows, or to otherwise limit runoff discharge of pollutants from exposed areas of the site is attached. Placement of structural practices in floodplains has been avoided. |
| 10. | Attachment G - Drainage Area Map. A drainage area map supporting the following
requirements is attached: |
| | For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin will be provided. For areas that will have more than 10 acres within a common drainage area disturbed at one time, a smaller sediment basin and/or sediment trap(s) will be |
| | used.
For areas that will have more than 10 acres within a common drainage area
disturbed at one time, a sediment basin or other equivalent controls are not
attainable, but other TBMPs and measures will be used in combination to protect
down slope and side slope boundaries of the construction area |
| | There are no areas greater than 10 acres within a common drainage area that will be disturbed at one time. A smaller sediment basin and/or sediment trap(s) will be used in combination with other erosion and sediment controls within each disturbed |

drainage area.

There are no areas greater than 10 acres within a common drainage area that will be disturbed at one time. Erosion and sediment controls other than sediment basins or sediment traps within each disturbed drainage area will be used.

- 11. Attachment H Temporary Sediment Pond(s) Plans and Calculations. Temporary sediment pond or basin construction plans and design calculations for a proposed temporary BMP or measure have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information must be signed, sealed, and dated by the Texas Licensed Professional Engineer. Construction plans for the proposed temporary BMPs and measures are attached.
 - N/A
- 12. Attachment I Inspection and Maintenance for BMPs. A plan for the inspection of each temporary BMP(s) and measure(s) and for their timely maintenance, repairs, and, if necessary, retrofit is attached. A description of the documentation procedures, recordkeeping practices, and inspection frequency are included in the plan and are specific to the site and/or BMP.
- 13. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicate a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.
- 14. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain).
- 15. Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%. A permanent stake will be provided that can indicate when the sediment occupies 50% of the basin volume.
- 16. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).

Soil Stabilization Practices

Examples: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, or preservation of mature vegetation.

17. Attachment J - Schedule of Interim and Permanent Soil Stabilization Practices. A schedule of the interim and permanent soil stabilization practices for the site is attached.

- 18. Records must be kept at the site of 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.
- 19. Stabilization practices must be initiated as soon as practicable where construction activities have temporarily or permanently ceased.

Administrative Information

- 20. All structural controls will be inspected and maintained according to the submitted and approved operation and maintenance plan for the project.
- 21. If any geologic or manmade features, such as caves, faults, sinkholes, etc., are discovered, all regulated activities near the feature will be immediately suspended. The appropriate TCEQ Regional Office shall be immediately notified. Regulated activities must cease and not continue until the TCEQ has reviewed and approved the methods proposed to protect the aquifer from any adverse impacts.
- 22. Silt fences, diversion berms, and other temporary erosion and sediment controls will be constructed and maintained as appropriate to prevent pollutants from entering sensitive features discovered during construction.

ATTACHMENT A

SPILL RESPONSE ACTIONS

1. Housekeeping

- A. Minimize materials: An effort will be made to store only enough materials required to do the job.
- B. Storage: All materials stored on site will be stored in a neat, orderly manner in their appropriate containers in a covered area. If storage in a covered area is not feasible, then the materials will be covered with polyethylene or polypropylene sheeting to protect them from the elements.
- C. Labeling: Products will be kept in their original containers with the original manufacturer's label affixed to each container.
- D. Mixing: Substances will not be mixed with one another unless this is recommended by the manufacturer.
- E. Disposal: Whenever possible, all of a product will be used prior to disposal of the container.
 Manufacturer's recommendations will be followed for proper use and disposal of materials on site.
- F. Inspections: The site superintendent will inspect the site daily to ensure proper use and disposal of materials on site.
- G. Spoil Materials: Any excavated earth that will not be used for fill material and all demolished pavement will be hauled off site immediately and will be disposed of properly, in accordance with all applicable state/local regulations.
- 2. Product Specific Practices
 - A. Petroleum Products: All on site vehicles will be monitored for leaks and will receive regular preventive maintenance to reduce the chance of leakage. If petroleum products will be present at the site, then they will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used on site will be applied according to the manufacturer's recommendations.
 - B. Concrete Trucks: Ready/Transit Mix Trucks will not be allowed to wash out or discharge surplus concrete or drum wash water except in the designated location on site as shown on the SWPPP site plan.
 - C. Paints: All containers will be tightly sealed and stored when not required for use. Excess paint will not be poured into storm sewer system or drainage channels, but will be properly disposed of according to manufacturers' instructions or state/local regulations.

- D. Fertilizers: Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. The fertilizer will be stored in a covered area, and any partially used bags will be transferred to a sealable plastic bin to avoid spills.
- 3. Spill Control and Response Measures

A spill prevention and response team will be designated by the site superintendent. In addition, the following practices will be followed for spill cleanup:

- A. Information: Manufacturers' recommended methods for spill cleanup will be clearly posted, and site personnel will be made aware of the procedures and location of the information and cleanup supplies.
- B. Equipment: Materials and equipment necessary for spill cleanup will be present on the site at all times. Equipment and materials will include, but not be limited to brooms, shovels, rags, gloves, goggles, absorbent materials (sand, sawdust, etc.) and plastic or metal trash containers specifically designed for this purpose. The materials and equipment necessary for spill cleanup will be dependent upon the nature and quantity of the material stored on site.

C. Response: All spills will be cleaned up immediately upon discovery.

Cleanup

- (1) Clean up leaks and spills immediately
- (2) Use a rag for small spills on paved surfaces, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then the used cleanup materials are also hazardous and must be disposed of as hazardous waste.
- (3) Never hose down or bury dry material spills. Clean up as much of the material as possible and dispose of properly. See the waste management BMPs in TCEQ Technical Guidance Manual RG-348 for specific information.

Minor Spills

- (1) Minor spills typically involve small quantities of oil, gasoline, paint, etc. which can be controlled by the first responder at the discovery of the spill.
- (2) Use absorbent materials on small spills rather than hosing down or burying the spill.
- (3) Absorbent materials should be promptly removed and disposed of properly.
- (4) Follow the practice below for a minor spill:
- (5) Contain the spread of the spill.
- (6) Recover spilled materials.
- (7) Clean the contaminated area and properly dispose of contaminated materials.

Semi-Significant Spills

Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.

Spills should be cleaned up immediately:

(1) Contain spread of the spill.

- (2) Notify the project foreman immediately.
- (3) If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
- (4) If the spill occurs in dirt areas, immediately contain the spill by constructing an earthen dike. Dig up and properly dispose of contaminated soil.
- (5) If the spill occurs during rain, cover the spill with tarps or other material to prevent contaminating runoff.

Significant/Hazardous Spills

For significant or hazardous spills that are in reportable quantities:

- (1) Notify the TCEQ by telephone as soon as possible and within 24 hours at 512-339-2929 (Austin) or 210-490-3096 (San Antonio) between 8 AM and 5 PM. After hours, contact the Environmental Release Hotline at 1-800-832-8224. It is the contractor's responsibility to have all emergency phone numbers at the construction site.
- (2) For spills of federal reportable quantities, in conformance with the requirements in 40 CFR parts 110, 119, and 302, the contractor should notify the National Response Center at 1-800-424-8802.
- (3) Notification should first be made by telephone and followed up with a written report.
- (4) The services of a spills contractor or a Haz-Mat team should be obtained immediately. Construction personnel should not attempt to clean up until the appropriate and qualified staffs have arrived at the job site.
- (5) Other agencies which may need to be consulted include, but are not limited to, the City Police Department, County Sheriff Office, Fire Departments, etc.
- D. Vehicle and Equipment Maintenance
 - If maintenance must occur onsite, use a designated area and a secondary containment, located away from drainage courses, to prevent the run-on of storm water and the runoff of spills.
 - (2) Regularly inspect onsite vehicles and equipment for leaks and repair immediately.
 - (3) Check incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) for leaking oil and fluids. Do not allow leaking vehicles or equipment onsite.
 - (4) Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.
 - (5) Place drip pans or absorbent materials under paving equipment when not in use.
 - (6) Use absorbent materials on small spills rather than hosing down or burying the spill. Remove the absorbent materials promptly and dispose of properly.
 - (7) Promptly transfer used fluids to the proper waste or recycling drums. Don't leave full drip pans or other open containers lying around.
 - (8) Oil filters disposed of in trash cans or dumpsters can leak oil and pollute storm water. Place the oil filter in a funnel over a waste oil-recycling drum to drain excess oil before disposal. Oil filters can be recycled. Ask the oil supplier or recycler about recycling oil filters.
 - (9) Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

- E. Vehicle and Equipment Fueling
 - (1) If fueling must occur onsite, use designated areas, located away from drainage courses, to prevent the run-on of storm water and the runoff of spills.
 - (2) Discourage "topping off" of fuel tanks.
 - (3) Always use secondary containment, such as a drain pan, when fueling to catch spills/leaks.
- F. Safety: The spill area will be kept well ventilated, and personnel will wear appropriate protective clothing to prevent injury from contact with hazardous substances.
- G. Reporting: Spills of toxic or hazardous material (if present on site) will be reported to the appropriate state or local government agency, regardless of the spill's size.
- H. Record Keeping: The spill prevention plan will be modified to include measures to prevent this type of spill from recurring as well as improved methods for cleaning up any future spills. A description of each spill, what caused it, and the cleanup measures used will be kept with this plan.

ATTACHMENT B

POTENTIAL SOURCES OF CONTAMINATION

Potential Source	Oil, grease, fuel and hydraulic fluid contamination from construction equipment and vehicle drippings.
Preventive Measure	Vehicle maintenance when possible will be performed within a construction staging area specified by the General Contractor.
Potential Source Preventive Measure	Miscellaneous trash and litter from construction workers and material wrappings. Trash containers will be placed throughout the site to encourage proper trash disposal.
Potential Source Preventive Measure	Construction and demolition debris. Construction and demolition debris will be monitored daily by contractor. Debris will be collected weekly and placed in disposal bins. Situations requiring immediate attention will be addressed on a case by case basis.
Potential Source	Storm water contamination from excess application of fertilizers, herbicides and pesticides.
Preventive Measure	Fertilizers, herbicides and pesticides will be applied only when necessary and in accordance with manufacturers directions.
Potential Source	Soil and mud from construction vehicle tires as they leave the site.
Preventive Measure	A stabilized construction exit/entrance shall be utilized as vehicles leave the site. Any soil, mud, etc. carried from the project onto public roads shall be cleaned up within 24 hours.
Potential Source Preventive Measure	Sediment from soil, sand, gravel and excavated materials stockpiled on site. Silt fence shall be installed on the downgradient side of all stockpiled materials. Reinforced rock berms shall be installed at all downstream discharge locations.
Potential Source	Portable toilet spillage.
Preventive Measure	Portable toilets will be set within an area specified by the General Contractor. Spillage will be contained to prevent the spill from spreading and cleaned up immediately by the General Contractor. Disposal of spillage will be performed in accordance with governing regulations. Portable toilets will not be connected to existing sewer lines.

ATTACHMENT C

SEQUENCE OF MAJOR ACTIVITIES

Construction Sequencing

- A. Installation of Temporary BMP's as shown on the CZP Site Plan. Silt fence will be placed along the down gradient boundary and as shown on the CZP site Plan. Rock berms will be utilized to reduce concentrated sediment transport. (1 acre disturbed)
- B. Clearing & Grading (13.3 acres disturbed)
- C. Construction of drainage structures and underground utilities. These areas will have been disturbed by the clearing and grading of the site.
- D. Construction of Permanent BMP's. These areas will have been disturbed by the clearing and grading of the site.
- E. Construction of building foundations and vertical construction. These areas will have been disturbed by the clearing and grading of the site.
 - F. Construction of parking and driveway pavement. These areas will have been disturbed by the clearing and grading of the site.
 - G. Construction of concrete sidewalks, installation of surface utilities and miscellaneous site work. These areas will have been disturbed by the clearing and grading of the site.
 - H. Installation of topsoil and permanent vegetation for stabilization. (1.5 acres)
- I. Removal of temporary BMP's and Site clean-up.

ATTACHMENT D

TEMPORARY BEST MANAGEMENT PRACTICES AND MEASURES

Description of Temporary Best Management Practices:

- Silt Fence (Item 1) A barrier consisting of geotextile fabric supported by metal posts to prevent soil and sediment loss from a site. Silt fences shall be installed on the downgradient side of the proposed areas to be disturbed that have a drainage area of 2 or less acres.
- 2. Temporary Construction Entrance/Exit (Item 2) A stabilized pad of crushed stone located at any point where traffic will be entering or leaving the construction site from a public R.O.W., street, alley, sidewalk or parking area. It shall be a minimum of 50 feet long, 12 feet wide and 8 inches thick. The rock shall be 4" to 8" in size.
- 3. Bagged Gravel Inlet Filter (Item 3) A sediment trap consisting of ¾" gravel wrapped in polypropylene, polyethylene, polyamide or cotton burlap woven fabric. The bag length should be 24 inches, width should be 18 inches and thickness should be 6 inches. The gravel bags should be stacked to form a continuous barrier around the inlets. The bags should be tightly abutted against each other to prevent runoff from flowing between the bags.
- 4. Rock Berm (Item 4) A sediment trap consisting of 3" to 5" diameter rock wrapped in woven wire sheathing. The berm shall have a minimum height of 18" and a minimum top width of 2 feet. A rock berm shall be placed at locations of concentrated flows where the drainage area is between 2 and 5 acres.
- Temporary Seeding Temporary seeding of disturbed areas shall be performed if disturbed areas are expected to have no construction activity for a period of at least 21 days.
- Concrete Washout Pits and Equipment Staging Areas (Items 5 concrete washout pit) These areas have been identified on the CZP Site Plan. Reference TCEQ Technical Guidance Manual June 2005 sections 1.4.16 and 1.4.18 for descriptions.

Sequence of installation during construction process for each phase of construction:

- The Temporary Construction Entrance/Exit (Item 2) shall be installed prior to disturbing any soil except at the location of the Temporary Construction Entrance/Exit. It shall stay in place and be maintained until the onsite pavement is in place.
 - 2. Silt Fence (Item 1) shall be installed along the down gradient sides of the site as indicated on the CZP Site Plan prior to any disturbance of the site.

- 3. Rock Berms (Item 4) shall be installed at concentrated storm water discharge locations as indicated on the CZP Site Plan prior to any disturbance of the site.
- 4. Bagged Gravel Inlet Filters (Item 3) shall be installed immediately after installation at each drainage inlet that they are intended to protect.
- Concrete washout pits (Item 5) shall be installed prior to installation of any concrete. Equipment staging areas shall be identified and established prior to beginning construction.

Up gradient storm water flowing across the site:

Upgradient storm water enters the Project Area along the north and west boundaries. Proposed permanent interceptor channels will collect the upgradient flow as it enters the site and convey it downstream into an existing detention pond. Upon discharging from the pond, this water will flow off the site in a southeasterly direction across Windmill Ranch Subdivision and eventually converge with an adjacent watershed flowing in the natural low that enters the site along the southwest boundary. Along this southwest boundary, the runoff is intercepted and conveyed across the site in a concrete lined channel. Upgradient flow entering the site will be intercepted and routed around the proposed improvements and therefore no upgradient stormwater will traverse proposed impervious cover.

During construction, temporary BMP's consisting of silt fences, rock berms, bagged gravel inlet filters and stabilized construction entrance/exit will be utilized to alleviate sediment from leaving the site. During construction, the upgradient water will not flow into the Sand Filtration Pond catchment areas. After construction, only some of the upgradient flow will enter the Sand Filtration Pond; see the CZP drainage area map to see the upgradient areas that will enter into the Sand Filtration Ponds.

Onsite storm water flowing across and off the site:

The storm water originating onsite and flowing off the site will be treated through temporary BMPs. Rock berms will be installed at the concentrated discharge locations to create sediment traps and help prevent sediment, silt, and, and debris from leaving the site. Silt fences will be installed at all locations where non-concentrated storm water exits the site. Theses temporary BMPs will filter the storm water prior to it leaving the site.

Prevention of pollutants from entering surface streams, sensitive features and the aquifer:

The storm water originating onsite and flowing off the site will be treated using temporary BMPs prior to it entering surface streams, sensitive features and the aquifer. Silt fences will be installed at all locations where non-concentrated storm water may leave the site. These silt fences should filter the storm water prior to it leaving the site.

Maintaining flow to naturally-occurring sensitive features:

The storm water originating onsite and flowing off the site will continue to flow into the down gradient receiving waters. Any sensitive features downstream will continue to receive flow originating on the site. Prior to the flow leaving the site, it will be treated through temporary BMPs. These temporary BMPs should remove sediment, pollutants and debris if installed and maintained properly.

ATTACHMENT F

STRUCTURAL PRACTICES

Runoff discharge of pollutants from exposed areas of the site will be limited through the utilization of temporary BMPs. Prior to leaving the site, flows containing pollutant discharges will be treated by silt fence, stabilized construction entrance/exit, gravel filter bags and rock berms which will limit the amount of pollutants leaving the site. Concrete washout pits and staging areas for construction equipment have been identified to help control/minimize the amount of pollutants leaving the site.

These structural measures will be installed prior to the initiation of site preparation and earth moving activities. All temporary BMPs shall be installed and maintained in accordance with TCEQ RG-348 July 2005.

Location of the BMP's are shown on the CZP Site Plan.

ATTACHMENT G

DRAINAGE AREA MAP

There are NO areas greater and 10 acres with a common drainage area that will be disturbed at one time. See the CZP Site Plan (SPO) for locations of temporary sediment and erosion controls. See the Permanent BMP Catchment Areas exhibit for delineation of the on-site drainage areas.







LEGEND

JELLYFISH A CATCHMENT AREA

JELLYFISH B CATCHMENT AREA

BASIN BYPASS AREAS

EXISITING IMPERVIOUS COVER



Project Name:	Singing Hills			
Engineer:	MTR			
County:	Bexar			
Drainage Area	Total Area (ac)	Post-development Impervious (ac)	Desired Lm Basin (lbs)	
A	6.119	5.762	4702	
В	6.348	5.48	4472	
A Uncaptured	0.051	0.051	42	
B Uncaptured	0.233	0.233	190	
			9405	



ATTACHMENT I

INSPECTION AND MAINTENANCE FOR BMPS

Silt Fence

- 1. Inspect all fencing weekly, and after any rainfall.
- Remove sediment when buildup reaches 6 inches, or install a second line of fencing parallel to the old fence.
- 3. Replace any torn fabric or install a second line of fencing parallel to the torn section.
- Replace or repair any sections crushed or collapsed in the course of construction activity.

Rock Berm

- 1. Inspections should be made weekly and after each rainfall by the responsible party.
- 2. Remove sediment and other debris when buildup reaches 6 inches and dispose of the accumulated silt in an approved manner.
- 3. Repair any loose wire sheathing.
- 4. The berm should be reshaped as needed during inspection.
- 5. The berm should be replaced when the structure ceases to function as intended due to silt accumulation among the rocks, washout, construction traffic damage, etc.
- 6. The rock berm should be left in place until all upstream areas are stabilized and accumulated silt removed.

Temporary Construction Entrance and Exits

- The entrance should be maintained in a condition, which will prevent tracking or following of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment.
- All sediment spilled, dropped, washed or tracked on to public rights-of-ways should be removed immediately by contractor.
- When necessary, wheels should be cleaned to remove sediment prior to entrance onto public right-of-way.
- 4. When washing is required, it should be done on an area stabilized with crushed stone that drains into an approved sediment trap or sediment basin.
- 5. All sediment should be prevented from entering any storm drain, ditch, or water course by using approved methods.

Bagged Gravel Inlet Filter

- 1. Inspections should be made weekly and after each rainfall. Repair or replacement should be made promptly as needed by contractor.
- 2. Remove sediment when buildup reaches a depth of 3 inches. Removed sediment should be deposited in a suitable area and in such a manner that it will not erode.
- 3. Check placement of device to prevent gaps between device and curb.
- 4. Inspect filter fabric and patch or replace if torn or missing.
- Structures should be removed and the area stabilized only after the remaining drainage area has been properly stabilized.

Singing Hills, Retail 6 Inspection Report

Pollution Prevention Measure		Corrective Ac		tion	
		Inspecte	Description	Date Completed	
	Inspections				
nce	Fencing				
t Fe	Sediment Removal				
Sil	Torn Fabric				
	Crushed/Collapsed Fencing				
	Inspections				
erm	Remove sediment and Debris	i			
k B	Repair any loose wire sheathing				
Roc	Reshaping				
	Replaced				
ed t rs	Inspections				
agg	Replaced/Reshaped				
MO H	Silt Removed	1			
ion Exit	Inspections				
ruct 1ce/]	Additional top Dressing	· · · · · · · · · · · · · · · · · · ·			
onst	Repair/Cleanout				
Co En	Sediment removed immediately				
t i	Inspections				
pora	Remove sediment and Debris				
em] Sedi	Mow vegetation				
H Y	Repair any erosion				

Inspector's Name

Inspector's Signature

Name of Owner/Operator

Date

Note: Inspector is to attach a brief statement of his qualifications to this report.

ATTACHMENT J

SCHEDULE OF INTERIM AND PERMANENT SOIL STABILIZATION PRACTICES

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures has temporarily or permanently ceased is precluded by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

Temporary stabilization shall consist of temporary seeding of disturbed areas that are denuded beyond 14 days without construction restart within 21 days.

As pad sites (buildings, sidewalks and pavement) are completed, permanent landscaping and sod shall be planted and irrigated. Overland and underground drainage systems will direct runoff into the permanent water quality basin.

Temporary vegetation stabilization techniques shall be in accordance with the TCEQ Technical Guidance Manual RG-248 (*Complying with the Edwards Aquifer Rules – Technical Guidance on Best Management Practices*), Chapter 1 Temporary Best Management Practices, Section 1.3.8 Temporary Vegetation, as follows:

Temporary Vegetation

Vegetation is used as a temporary or permanent stabilization technique for areas disturbed by construction, but not covered by pavement, buildings, or other structures. As a temporary control, vegetation can be used to stabilize stockpiles and barren areas that are inactive for long periods of time.

Vegetative techniques can and should apply to every construction project with few exceptions. Vegetation effectively reduces erosion in swales, stockpiles, berms, mild to medium slopes, and along roadways.

Other techniques may be required to assist in the establishment of vegetation. These other techniques include erosion control matting, mulches, surface roughening, swales and dikes to direct runoff around newly seeded areas, and proper grading to limit runoff velocities during construction. (NCTCOG, 1993b)

Materials:

The type of temporary vegetation used on a site is a function of the season and the availability of water for irrigation. For areas that are not irrigated, the year can be divided into two temporary planting seasons and one season for planting of permanent warm weather

groundcovers. These periods are shown in Figure 1-19 for Bexar, Comal, Kinney, Medina, and Uvalde Counties. Appropriate temporary vegetation for these areas are shown in Table 1-4.

Other vegetation may perform as well as the recommended varieties, especially where irrigation is available. County agricultural extension agents are a good source for suggestions for other types of temporary vegetation. All seed should be high quality, U.S. Dept. of Agriculture certified seed.

Installation:

(1) Interim or final grading must be completed prior to seeding, minimizing all steep slopes. In addition, all necessary erosion structures such as dikes, swales, and diversions, should also be installed.

(2) Seedbed should be well pulverized, loose, and uniform.

(3) Fertilizer should be applied at the rate of 40 pounds of nitrogen and 40 pounds of phosphorus per acre, which is equivalent to about 1.0 pounds of nitrogen and phosphorus per 1000 square feet. Compost can be used instead of fertilizer and applied at the same time as the seed.



Figure 1-19 Planting Dates for Bexar, Comal, Kinney, Medina, and Uvalde Counties (Northcutt, 1993)

Dates	Climate	Species (Ib/ac)	
Sept 1 to Nov 30	Temporary Cool Season	Tall Fescue	4.0
		Oats	21.0
		Wheat (Red, Winter)	30.0
		Total	55.0
Sept 1 to Nov 30	Cool Season Legume	Hairy Vetch	8.0
May 1 to Aug 31	Temporary Warm Season	Foxtail Millet	30.0

Table 1-4 Temporary Seeding for Bexar, Comal, Kinney, Medina, and Uvalde Counties (Northcutt, 1993)

(4) Seeding rates should be as shown in Table 1-4 or as recommended by the county agricultural extension agent.

(5) The seed should be applied uniformly with a cyclone seeder, drill, cultipacker seeder or hydroseeder (slurry includes seed, fertilizer and binder).

(6) Slopes that are steeper than 3:1 should be covered with appropriate soil stabilization matting as described in the following section to prevent loss of soil and seed.

Irrigation

Temporary irrigation should be provided according to the schedule described below, or to replace moisture loss to evapotranspiration (ET), whichever is greater. Significant rainfall (onsite rainfall of ½" or greater) may allow watering to be postponed until the next scheduled irrigation.

Time Period	Irrigation Amount and Frequency
Within 2 hours of installation	Irrigate entire root depth, or to germinate seed
During the next 10 business days	Irrigate entire root depth every Monday, Wednesday, and Friday
During the next 30 business days or until Substantial Completion	Irrigate entire root depth a minimum of once per week, or as necessary to ensure vigorous growth
During the next 4 months or until Final Acceptance of the Project	Irrigate entire root depth once every two weeks, or as necessary to ensure vigorous growth

If cool weather induces plant dormancy, water only as necessary to maintain plant health. Irrigate in a manner that will not erode the topsoil but will sufficiently soak the entire depth of roots.

Inspection and Maintenance Guidelines:

(1) Temporary vegetation should be inspected weekly and after each rain event to locate and repair any erosion.

(2) Erosion from storms or other damage should be repaired as soon as practical by regrading the area and applying new seed.

(3) If the vegetated cover is less than 80%, the area should be reseeded.

V. TPDES TXR 150000 GENERAL PERMIT

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

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

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

EFFECTIVE DATE: March 5, 2023

ISSUED DATE: February 27, 2023

For the Commission

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

Table o	f Con	tents	
Part I.	Flow	Chart and Definitions	5
Sectio	n A.	Flow Chart to Determine Whether Coverage is Required	5
Sectio	n B.	Definitions	6
Part II.	Perm	it Applicability and Coverage	12
Sectio	n A.	Discharges Eligible for Authorization	12
1.	Storn	nwater Associated with Construction Activity	12
2.	Disch	narges of Stormwater Associated with Construction Support Activities	12
3.	Non-	Stormwater Discharges	12
4.	Other	r Permitted Discharges	13
Sectio	n B.	Concrete Truck Wash Out	13
Sectio	n C.	Limitations on Permit Coverage	13
1.	Post	Construction Discharges	13
2.	Prohi	ibition of Non-Stormwater Discharges	13
3.	Comp	pliance with Water Quality Standards	14
4.	Impa	ired Receiving Waters and Total Maximum Daily Load (TMDL) Requiren	nents 14
5.	Disch	narges to the Edwards Aquifer Recharge or Contributing Zone	14
6.	Disch	narges to Specific Watersheds and Water Quality Areas	15
7.	Prote	ection of Streams and Watersheds by Other Governmental Entities	15
8.	India	n Country Lands	15
9.	Exem	npt Oil and Gas Activities	15
10.	Storn	nwater Discharges from Agricultural Activities	16
11.	Enda	ngered Species Act	16
12.	Stora	ge of High-Level Radioactive Waste	16
13.	Other	٢	17
Sectio	n D.	Deadlines for Obtaining Authorization to Discharge	17
1.	Large	e Construction Activities	17
2.	Smal	I Construction Activities	17
Sectio	n E.	Obtaining Authorization to Discharge	17
1.	Autor Erosi	matic Authorization for Small Construction Activities with Low Potential on	for 17
2.	Autor	matic Authorization for Small Construction Activities	18

3.	Autho	prization for Large Construction Activities	19
4.	Waive	ers for Small Construction Activities:	21
5.	Effect	ive Date of Coverage	21
6.	Conte	nts of the NOI	22
7.	Notice	e of Change (NOC)	22
8.	Signa [.] Site N	tory Requirement for NOI Forms, NOT Forms, NOC Forms, and Constru lotices	uction 23
Sectio	n F.	Terminating Coverage	24
1.	Notice	e of Termination (NOT) Required	24
2.	Minin	num Contents of the NOT	24
3.	Termi at Lar	ination of Coverage for Small Construction Sites and for Secondary Oper ge Construction Sites	ators 25
4.	Trans	fer of Day-to-Day Operational Control	25
Sectio	n G.	Waivers from Coverage	26
1.	Waive	er Applicability and Coverage	26
2.	Steps	to Obtaining a Waiver	27
3.	Effect	ive Date of an LREW	27
4.	Activi	ties Extending Beyond the LREW Period	28
Sectio	n H.	Alternative TPDES Permit Coverage	28
1.	Indivi	dual Permit Alternative	28
2.	Gener	al Permit Alternative	28
3.	Indivi	dual Permit Required	28
Sectio	n I.	Permit Expiration	29
Part III.	Storm	water Pollution Prevention Plans (SWP3)	29
Sectio	n A.	Shared SWP3 Development	30
Sectio	n B.	Responsibilities of Operators	30
1.	Secon and S	dary Operators and Primary Operators with Control Over Construction I pecifications	Plans 30
2.	Prima	ary Operators with Day-to-Day Operational Control	31
Sectio	n C.	Deadlines for SWP3 Preparation, Implementation, and Compliance	31
Sectio	n D.	Plan Review and Making Plans Available	31
Sectio	n E.	Revisions and Updates to SWP3s	32
Sectio	n F.	Contents of SWP3	32
Part IV.	Erosic	on and Sediment Control Requirements Applicable to All Sites	43
Sectio	n A.	Erosion and Sediment Controls	43
Sectio	n B.	Soil Stabilization	44
Sectio	n C.	Dewatering	44

Section D.	Pollution Prevention Measures	44
Section E.	Prohibited Discharges	45
Section F.	Surface Outlets	45
Part V. Storm	water Runoff from Concrete Batch Plants	45
Section A.	Benchmark Sampling Requirements	46
Section B.	Best Management Practices (BMPs) and SWP3 Requirements	47
Section C.	Prohibition of Wastewater Discharges	50
Part VI. Concr	ete Truck Wash Out Requirements	50
Part VII. Reten	tion of Records	50
Part VIII. Stand	dard Permit Conditions	51
Part IX. Fees		52
Appendix A: Au	Itomatic Authorization	53
Appendix B: St	orm Erosivity (EI) Zones in Texas	55
Appendix C: Iso	perodent Map	56
Appendix D: Er	osivity Indices for EI Zones in Texas	

Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required

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



- (*1) To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., "Definitions," for an explanation of "common plan of development or sale"). Refer to the definitions for "operator," "primary operator," and "secondary operator" in Part I.,
- (*2)Section B. of this permit.

Section B. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

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

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

3. Non-Stormwater Discharges

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

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

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

Section B. Concrete Truck Wash Out

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

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

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

2. Prohibition of Non-Stormwater Discharges

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

3. Compliance with Water Quality Standards

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

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

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

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

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

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

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

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

- (b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.
- (c) For discharges located within ten (10) stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.
- Counties: Comal, Bexar, Medina, Uvalde, and Kinney
- Contact: TCEQ Water Program Manager San Antonio Regional Office 14250 Judson Road San Antonio, Texas 78233-4480 (210) 490-3096
- Counties: Williamson, Travis, and Hays
- Contact: TCEQ Water Program Manager Austin Regional Office 12100 Park 35 Circle Room 179, Building A Austin, Texas 78753 (512) 339-2929
- 6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Other Governmental Entities

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

8. Indian Country Lands

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

9. Exempt Oil and Gas Activities

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

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

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

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

10. Stormwater Discharges from Agricultural Activities

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

11. Endangered Species Act

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

12. Storage of High-Level Radioactive Waste

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

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

13. Other

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

Section D. Deadlines for Obtaining Authorization to Discharge

- 1. Large Construction Activities
 - (a) New Construction Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
 - (b) Ongoing Construction Operators of large construction activities continuing to operate after the effective date of this permit, and authorized under the TPDES Construction General Permit (CGP) TXR150000 (effective on March 5, 2018, and amended on January 28, 2022), must submit an NOI to renew authorization or an NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim or grace period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the issued and amended 2018 TPDES CGP.
- 2. Small Construction Activities
 - (a) New Construction Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
 - (b) Ongoing Construction Discharges from ongoing small construction activities that commenced prior to the effective date of this general permit, and that do not meet the conditions to qualify for termination of this permit as described in Part II.F. of this general permit, must meet the requirements to be authorized, either under this general permit or a separate TPDES permit, within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the issued and amended 2018 TPDES CGP.

Section E. Obtaining Authorization to Discharge

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

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

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

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

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

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

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

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

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

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

2. Automatic Authorization for Small Construction Activities

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

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

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

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

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

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

3. Authorization for Large Construction Activities

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

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

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

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

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

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

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

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

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

4. Waivers for Small Construction Activities:

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

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

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

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

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

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

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

- (a) the TPDES CGP authorization number for existing authorizations under this general permit, where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;
- (b) the name, address, and telephone number of the operator filing the NOI for permit coverage;
- (c) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;
- (d) the number of acres that will be disturbed by the applicant;
- (e) the estimated construction project start date and end date;
- (f) confirmation that the project or site will not be located on Indian Country lands;
- (g) confirmation if the construction activity is associated with an oil and gas exploration, production, processing, or treatment, or transmission facility (see Part II.C.9.)
- (h) confirmation that the construction activities are not associated with the construction of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 CFR Part 72 (see Part II.C.12.);
- (i) confirmation that a SWP3 has been developed in accordance with all conditions of this general permit, that it will be implemented prior to commencement of construction activities, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;
- (j) name of the receiving water(s);
- (k) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and
- (I) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters or *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* as not meeting applicable state water quality standards.
- 7. Notice of Change (NOC)
 - (a) If relevant information provided in the NOI changes, the operator that has submitted the NOI must submit an NOC to TCEQ at least fourteen (14) days before the change occurs. Where a 14-day advance notice is not possible, the operator must submit an NOC to TCEQ within fourteen (14) days of discovery of the change. If the operator becomes aware that it failed to submit any relevant facts or submitted

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

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

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

(d) Paper NOC.

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

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

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

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

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

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

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

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

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

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

2. Minimum Contents of the NOT

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

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

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

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

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

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

Section G. Waivers from Coverage

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

1. Waiver Applicability and Coverage

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

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

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

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

2. Steps to Obtaining a Waiver

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

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

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

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

3. Effective Date of an LREW

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

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

4. Activities Extending Beyond the LREW Period

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

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

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

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

2. General Permit Alternative

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

3. Individual Permit Required

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

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

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

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

Section I. Permit Expiration

- This general permit is effective for a term not to exceed five (5) years. All active discharge authorizations expire on the date provided on page one (1) of this permit. Following public notice and comment, as provided by 30 TAC § 205.3 (relating to Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit. All authorizations that are active at the time the permit term expires will be administratively continued as indicated in Part II.1.2. below and in Part II.D.1.(b) and D.2.(b) of this permit.
- 2. If the executive director publishes a notice of the intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.
- 3. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit. No new NOIs will be accepted nor new authorizations honored under the general permit after the expiration date.

Part III. Stormwater Pollution Prevention Plans (SWP3)

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

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

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

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

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

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

Section A. Shared SWP3 Development

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

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

Section B. Responsibilities of Operators

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

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

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

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

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

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

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

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

Section D. Plan Review and Making Plans Available

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

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

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

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

Section E. Revisions and Updates to SWP3s

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

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

Section F. Contents of SWP3

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

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

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

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

- viii. locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
- ix. vehicle wash areas; and
- x. designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).

Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.

- (h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;
- (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;
- (j) a copy of this TPDES general permit (an electronic copy of this TPDES general permit or a current link to this TPDES general permit on the TCEQ webpage is acceptable);
- (k) the NOI and the acknowledgement of provisional and non-provisional authorization for primary operators of large construction sites, and the TCEQ site notice for small construction sites and for secondary operators of large construction sites;
- (I) if signatory authority is delegated by an authorized representative, then a copy of the formal notification to TCEQ, as required by 30 TAC 305.128 relating to Signatories to Reports must be filed in the SWP3 and made available for review upon request by TCEQ or local MS4 Operator. For primary operators of large construction activities, the formal notification to TCEQ must be submitted either electronically through

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

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

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

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

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

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

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

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

(c) Sediment Control Practices

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

- i. Sites With Drainage Areas of Ten (10) or More Acres
 - (A) Sedimentation Basin(s) or Impoundments
 - (1) A sedimentation basin or similar impoundment is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin or impoundment may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 2year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone permanent stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin or similar impoundment. Capacity calculations shall be included in the SWP3. Sedimentation basins must be designed for and appropriate for controlling runoff at the site and existing detention or retention ponds at the site may not be appropriate.
 - (2) Where rainfall data is not available, or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.
 - (3) If a sedimentation basin or impoundment is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin or impoundment is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins or impoundments are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins or impoundments.
 - (4) Unless infeasible, when discharging from sedimentation basins and impoundments, the permittee shall utilize outlet structures that withdraw water from the surface.
 - (B) Perimeter Controls: At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- ii. Controls for Sites with Drainage Areas Less than Ten (10) Acres:
 - (A) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

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

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

- (a) permittees authorized under the permit for small construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site; or
- (b) permittees authorized under the permit for large construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site and prior to submission of an NOT.
- 4. Other Required Controls and BMPs
 - (a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and dust. The SWP3 shall include a description of controls utilized to control the generation of pollutants that could be discharged in stormwater from the site.
 - (b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.
 - (c) The SWP3 must include a description of potential pollutant sources in discharges of stormwater from all areas of the construction site where construction activity, including construction support activities, will be located, and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
 - (d) Permittees shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.
 - (e) Permittees shall design and utilize appropriate controls in accordance with Part IV. of this permit to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.
 - (f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part IV. of this general permit.
 - (g) For demolition of any structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980, and the receiving waterbody is impaired for polychlorinated biphenyls (PCBs):
 - i. implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures to precipitation and to stormwater; and

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

- (b) Requirements for Observations and Evaluations
 - i. A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:
 - (A) date of the observations and evaluation;
 - (B) name(s) and title(s) of personnel making the observations and evaluation;
 - (C) approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - (D) estimates of the rate (in gallons per day) of discharge on the day of evaluation;
 - (E) whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - (F) major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
 - ii. Actions taken as a result of evaluations, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
 - iii. The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.
- 8. Inspections of All Controls
 - (a) Personnel provided by the permittee must inspect disturbed areas (cleared, graded, or excavated) of the construction site that do not meet the requirements of final stabilization in this general permit, all locations where stabilization measures have been implemented, areas of construction support activity covered under this permit, stormwater controls (including pollution prevention controls) for evidence of, or the potential for, the discharge of pollutants, areas where stormwater typically flows within the construction site, and points of discharge from the construction site.
 - i. Personnel conducting these inspections must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site.
 - ii. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC § 305.128 (relating to Signatories to Reports).

- (b) Requirements for Inspections
 - i. Inspect all stormwater controls (including sediment and erosion control measures identified in the SWP3) to ensure that they are installed properly, appear to be operational, and minimizing pollutants in discharges, as intended.
 - ii. Identify locations on the construction site where new or modified stormwater controls are necessary.
 - iii. Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.
 - iv. Identify any incidents of noncompliance observed during the inspection.
 - v. Inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
 - vi. If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, and observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).
 - vii. Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in Part III.F.6. above.
- (c) Inspection frequencies:
 - i. Inspections of construction sites must be conducted at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, unless as otherwise provided below in Part III.F.8.(c)ii. v. below.
 - (A) If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
 - (B) If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two (2) inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
 - ii. Inspection frequencies must be conducted at least once every month in areas of the construction site that meet final stabilization or have been temporarily stabilized.
 - iii. Inspection frequencies for construction sites, where runoff is unlikely due to the occurrence of frozen conditions at the site, must be conducted at least once every month until thawing conditions begin to occur (see definitions for thawing conditions in Part I.B.). The SWP3 must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those

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

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

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

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

- (B) the schedule change must be implemented at the beginning of a calendar month, and
- (C) the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).
- (e) Adverse Conditions.

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

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

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

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

Section A. Erosion and Sediment Controls

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

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

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

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

Section B. Soil Stabilization

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

Section C. Dewatering

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

Section D. Pollution Prevention Measures

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

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

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

Section E. Prohibited Discharges

The following discharges are prohibited:

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

Section F. Surface Outlets

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

Part V. Stormwater Runoff from Concrete Batch Plants

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

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

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

Section A. Benchmark Sampling Requirements

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

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

Table 1. Benchmark Parameters

- (*1) All analytical results for these parameters must be obtained from a laboratory that is accredited based on rules located in 30 TAC § 25.4 (a) or through the National Environmental Laboratory Accreditation Program (NELAP). Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).
- (*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- (*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.
 - January through March
 - April through June
 - July through September
 - October through December

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

(*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit. 2. The permittee must compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

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

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

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

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

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

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

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

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

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

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

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

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

Section C. Prohibition of Wastewater Discharges

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

Part VI. Concrete Truck Wash Out Requirements

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

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

Part VII. Retention of Records

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

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

Part VIII. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued (CWA and TWC), and is grounds for enforcement action, for terminating, revoking and reissuance, or modification, or denying coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41 (a).
- B. Authorization under this general permit may be modified, suspended, revoked and reissued, terminated or otherwise suspended for cause, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41(f). Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for modifying, revoking and reissuing, terminating or, otherwise suspending authorization under this permit, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41 (h). Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.
- C. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
- D. Inspection and entry shall be allowed under TWC Chapters 26-28, Texas Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR § 122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- E. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:
 - 1. negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8);
 - 2. knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
 - 3. knowingly violating CWA §303 and placing another person in imminent danger of death or serious bodily injury.
- F. All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- G. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- H. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- 1. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- J. The permittee shall comply with the monitoring and reporting requirements in 40 CFR § 122.41(j) and (l), as applicable.
- K. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

Part IX. Fees

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

Appendix A: Automatic Authorization Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30 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: Storm Erosivity (EI) Zones in Texas



Figure B. EI Distribution Zones

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





Figure C. Isoerodent Map of Texas. Units are hundreds ft*tonf*in(ac*h*yr)-1

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

Construction General Permit

Appendix D: Erosivity Indices for EI Zones in Texas

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

Date Periods* (Month/Day)

12/31	100	100	100	100	100	100	100	100	100	100	
12/11	100	66	100	100	66	98	98	67	66	67	200
11/26	100	98	100	100	66	96	96	94	98	94	
11/11	66	76	66	66	98	94	93	06	95	06	2077
10/27	98	95	66	66	76	91	89	86	92	86	
10/12	67	92	95	95	91	88	84	82	89	84	
9/27	94	87	88	88	85	83	62	78	86	81	001009
9/12	60	81	81	81	80	76	73	74	81	78	201200
8/28	83	74	74	74	76	70	68	70	77	75	- finol
8/13	76	69	67	67	72	65	62	66	72	71	Ч Н Г С
7/29	69	65	09	09	67	61	57	62	68	67	200
7/14	62	60	53	53	62	57	51	58	64	61	
6/29	55	54	46	46	56	53	46	54	61	55	0 + C + C
6/14	48	46	39	39	49	47	41	49	56	49	h oford
5/30	38	37	29	29	40	38	35	43	48	44	
5/15	27	29	16	16	25	29	27	37	37	38	7+ 1:+~.
4/30	8	21	6	6	13	21	18	30	28	33	- 0+00
4/15	2	13	2	2	œ	15	14	23	20	27	
3/31	7	ω	1	-	9	10	11	17	14	21	
3/16	4	9	-	-	4	ω	6	12	10	17	40+ + 04
3/1	3	4	1	-	3	9	7	6	7	13	+
2/15	2	с	0	0	2	4	ഹ	9	ഹ	6	+0100+
1/31	-	2	0	0	-	5	m	4	m	9	ст (Ч+
1/16		-	0	0	-			2		ς	
1/1	0	0	0	0	0	0	0	0	0	0	
# El	89	06	91	92	93	94	95	96	79	106	

December 31. *Each

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. VI. NOTICE OF INTENT (NOI)

TCEQ Office Use Only Permit No: CN: RN:



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

IMPORTANT INFORMATION

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

Use the NOI Checklist to ensure all required information is completed correctly. **Incomplete applications delay approval or result in automatic denial.**

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

ePERMITS

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

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

APPLICATION FEE AND PAYMENT

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

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

Provide your payment information for verification of payment:

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

RE	NEWAL (This portion of the NOI is not applied	cable after June 3, 2018)			
Is t	this NOI for a renewal of an existing authoriz	zation? 🗆 Yes 🗆 No			
If Y	Yes, provide the authorization number here: '	TXR15 Thek here to enter leve			
NC	TE: If an authorization number is not provid	led, a new number will be assigned.			
SE	CTION 1. OPERATOR (APPLICANT)				
a)	If the applicant is currently a customer with (CN) issued to this entity? CN	n TCEQ, what is the Customer Number			
	(Refer to Section 1.a) of the Instructions)				
b)	b) What is the Legal Name of the entity (applicant) applying for this permit? (The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)				
c)	What is the contact information for the Ope	erator (Responsible Authority)?			
	Prefix (Mr. Ms. Miss):				
	First and Last Name:	Suffix: Click here to enter text			
	Title: Credentials:				
	Phone Number: Fax Nu	umber:			
	E-mail:				
	Mailing Address:				
	City, State, and Zip Code:				
	Mailing Information if outside USA:				
	Territory:				
	Country Code: Posta	al Code: The here to enter test			
d)	Indicate the type of customer:				
	🗆 Individual	Federal Government			
	Limited Partnership	County Government			
	🗆 General Partnership	State Government			
	🗆 Trust	City Government			
	□ Sole Proprietorship (D.B.A.)	Other Government			
	□ Corporation	□ Other: Click here to onter toxi			
	🗆 Estate				
e)	Is the applicant an independent operator?	🗆 Yes 🔲 No			

(If a governmental entity, a substitially, of part of a larger corporation, check no.)	(If a governmental entit	y, a subsidiary, (or part of a larger	corporation, check No	.)
--	--------------------------	--------------------	---------------------	-----------------------	----

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

0-20	□ 251-500
□ 21-100	□ 501 or higher
□ 101-250	
g) Customer Business Tax a Partnerships. Not Requi	and Filing Numbers: (Required for Corporations and I red for Individuals, Government, or Sole Proprietors.)
State Franchise Tax ID N	umber: Click here to enter text.
Federal Tax ID:	e to enter text.
Texas Secretary of State	Charter (filing) Number:
DUNS Number (if known): Click here to enter text.
SECTION 2. APPLICATION O	CONTACT
Is the application contact th	he same as the applicant identified above?
\square Ves. go to Section 3	te sume us the applicant facilities above.
□ No, complete this se	
Prefix (Mr. Ms. Miss):	ere to enter text.
First and Last Name:	Suffix:
Title: Click here to enter tex	Credential:
Organization Name:	are to enter text.
Phone Number:	Fax Number:
E-mail: Click here to enter to	
Mailing Address:	to enter text
Internal Routing (Mail Code,	, Etc.): Lick here to enter text

Mailing information if outside USA:

City, State, and Zip Code:

Territory:

Country Code:

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

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

Postal Code:

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

and Limited

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

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

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

Section A:

Street Number and Name:

City, State, and Zip Code:

Section B:

Location Description:

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

Zip Code where the site is located:

SECTION 4. GENERAL CHARACTERISTICS

- a) Is the project or site located on Indian Country Lands?
 - Yes, do not submit this form. You must obtain authorization through EPA Region 6.

🗆 No

- b) Is your construction activity associated with a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources?
 - Yes. Note: The construction stormwater runoff may be under jurisdiction of the Railroad Commission of Texas and may need to obtain authorization through EPA Region 6.

🗆 No

- c) What is the Primary Standard Industrial Classification (SIC) Code that best describes the construction activity being conducted at the site?
- d) What is the Secondary SIC Code(s), if applicable?
- e) What is the total number of acres to be disturbed?
- f) Is the project part of a larger common plan of development or sale?

🗆 Yes

- □ No. The total number of acres disturbed, provided in e) above, must be 5 or more. If the total number of acres disturbed is less than 5, do not submit this form. See the requirements in the general permit for small construction sites.
- g) What is the estimated start date of the project?
- h) What is the estimated end date of the project?
- i) Will concrete truck washout be performed at the site? \Box Yes \Box No
- j) What is the name of the first water body(ies) to receive the stormwater runoff or potential runoff from the site?
- k) What is the segment number(s) of the classified water body(ies) that the discharge will eventually reach?
- 1) Is the discharge into a Municipal Separate Storm Sewer System (MS4)?

If Yes, provide the name of the MS4 operator: San Antonio/Bexar County – Steven M. Clouse

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

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

□ Yes, complete the certification below.

□ No, go to Section 5

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

SECTION 5. NOI CERTIFICATION

- a) I certify that I have obtained a copy and understand the terms and conditions of the Construction General Permit (TXR150000).
- b) I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas.
- c) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.
- d) I certify that a Stormwater Pollution Prevention Plan has been developed, will be implemented prior to construction and to the best of my knowledge and belief is compliant with any applicable local sediment and erosion control plans, as required in the Construction General Permit (TXR150000).

□ Yes

[🗆] Yes 🛛 🗆 No

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

SECTION 6. APPLICANT CERTIFICATION SIGNATURE

Operator Signatory Name:

Operator Signatory Title:

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

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

Signature (use blue ink):	Date:	
	<u>Bute</u>	

NOTICE OF INTENT CHECKLIST (TXR150000)

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

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

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

APPLICATION FEE

If paying by check:

Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)

□ Check number and name on check is provided in this application.

If using ePay:

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

RENEWAL

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

OPERATOR INFORMATION

Customer Number (CN) issued by TCEQ Central Registry

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

REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

- **Regulated Entity Number (RN) (if site is already regulated by TCEQ)**
- □ Site/project name and construction activity description

 \Box County

□ Latitude and longitude <u>http://www.tceq.texas.gov/gis/sqmaview.html</u>

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

GENERAL CHARACTERISTICS

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

CERTIFICATION

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

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

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

By Regular Mail: TCEQ Stormwater Processing Center (MC228) P.O. Box 13087 Austin, Texas 78711-3087 By Overnight or Express Mail: TCEQ Stormwater Processing Center (MC228) 12100 Park 35 Circle Austin, TX

Application Fee:

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

Mailed Payments:

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

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

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

TCEQ Contact List:

Application – status and form questions: Technical questions:	512-239-3700, swpermit@tceq.texas.gov 512-239-4671_swgp@tceq_texas.gov
Environmental Law Division:	512-239-0600
Records Management - obtain copies of forms:	512-239-0900
Reports from databases (as available):	512-239-DATA (3282)
Cashier's office:	512-239-0357 or 512-239-0187

Notice of Intent Process:

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

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

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

or

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

General Permit (Your Permit)

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

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

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

Change in Operator

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

TCEQ Central Registry Core Data Form

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

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

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

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

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

Section 1. OPERATOR (APPLICANT)

a) Customer Number (CN)

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

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

b) Legal Name of Applicant

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

c) Contact Information for the Applicant (Responsible Authority)

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

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

The phone number should provide contact to the applicant.

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

d) Type of Customer (Entity Type)

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

Individual

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

<u>Partnership</u>

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

Trust or Estate

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

Sole Proprietorship (DBA)

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

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

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

Corporation

A customer that meets all of these conditions:

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

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

Government

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

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

<u>Other</u>

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

e) Independent Entity

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

f) Number of Employees

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

g) Customer Business Tax and Filing Numbers

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

State Franchise Tax ID Number

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

Federal Tax ID

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

TX SOS Charter (filing) Number

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

DUNS Number

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

Section 2. APPLICATION CONTACT

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

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

a) Regulated Entity Number (RN)

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

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

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

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

b) Name of the Project or Site

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

c) Description of Activity Regulated

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

d) County

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

e) Latitude and Longitude

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to: <u>http://www.tceq.texas.gov/gis/sqmaview.html</u>.

f) Site Address/Location

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

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

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

Section 4. GENERAL CHARACTERISTICS

a) Indian Country Lands

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

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

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

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

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

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

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

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

c) Primary Standard Industrial Classification (SIC) Code

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

Common SIC Codes related to construction activities include:

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

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

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

d) Secondary SIC Code

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

e) Total Number of Acres Disturbed

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

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

f) Common Plan of Development

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

For more information on what a common plan of development is, refer to the definition of "Common Plan of Development" in the Definitions section of the general permit or enter the following link into your internet browser: www.tceq.texas.gov/permitting/stormwater/common_plan_of_development_steps.html

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

g) Estimated Start Date of the Project

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

h) Estimated End Date of the Project

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

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

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

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

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

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

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

Identify the classified segment number(s) receiving a discharge directly or indirectly. Enter the following link into your internet browser to find the segment number of the classified water body where stormwater will flow from the site: <u>www.tceq.texas.gov/waterquality/monitoring/viewer.html</u> or by contacting the TCEQ Water Quality Division at (512) 239-4671 for assistance.

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

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

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

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

l) Discharge into MS4 - Identify the MS4 Operator

The discharge may initially be into a municipal separate storm sewer system (MS4). If the stormwater discharge is into an MS4, provide the name of the entity that operates the MS4 where the stormwater discharges. An MS4 operator is often a city, town, county, or utility district, but possibly can be another form of government. Please note that the Construction General Permit requires the Operator to supply the MS4 with a copy of the NOI submitted to TCEQ. For assistance, you may call the technical staff at 512-239-4671.

m) Discharges to the Edwards Aquifer Recharge Zone and Certification

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

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer by entering the following link into an internet browser: <u>www.tceq.texas.gov/field/eapp/viewer.html</u> or by contacting the TCEQ Water Quality Division at 512-239-4671 for assistance.

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

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

Section 5. NOI CERTIFICATION

- Note: Failure to indicate Yes to all of the certification items may result in denial of coverage under the general permit.
- a) Certification of Understanding the Terms and Conditions of Construction General Permit (TXR150000)

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

b) Certification of Legal Name

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

c) Understanding of Notice of Termination

A permittee shall terminate coverage under the Construction General Permit through the submittal of a NOT when the operator of the facility changes, final stabilization has been reached, the discharge becomes authorized under an individual permit, or the construction activity never began at this site.

d) Certification of Stormwater Pollution Prevention Plan

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

Section 6. APPLICANT CERTIFICATION SIGNATURE

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

If you are a corporation:

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

If you are a municipality or other government entity:

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

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

30 Texas Administrative Code

§305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the

corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

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

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

Texas Commission on Environmental Quality General Permit Payment Submittal Form

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

Instructions:

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

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

By Regular U.S. Mail	By Overnight or Express Mail
Texas Commission on Environmental Quality	Texas Commission on Environmental Quality
Financial Administration Division	Financial Administration Division
Cashier's Office, MC-214	Cashier's Office, MC-214
P.O. Box 13088	12100 Park 35 Circle
Austin, TX 78711-3088	Austin, TX 78753

Fee Code: GPA General Permit: TXR150000

- 1. Check or Money Order No:
- 2. Amount of Check/Money Order:
- 3. Date of Check or Money Order:
- 4. Name on Check or Money Order:
- 5. NOI Information:

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

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

Project/Site (RE) Name:

Project/Site (RE) Physical Address:

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

VII. AGENT AUTHORIZATION FORM

Agent Authorization Form For Required Signature Edwards Aquifer Protection Program Relating to 30 TAC Chapter 213 Effective June 1, 1999

1	Todd A. Gold
	Print Name
1	Manager of SH Land Holdings, GP, LLC
a Texas Limited	d Liability Company, the General Partner of SH Land Holdings, Ltd.,
	Title - Owner/President/Other
of SH Land Hold	ings, Ltd., a Texas Limited Partnership Corporation/Partnership/Entity Name
have authorized	Moy Tarin Ramirez Engineers, LLC Print Name of Agent/Engineer
of	Moy Tarin Ramirez Engineers, LLC Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

- 1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to \$10,000 per day per violation.
- For those submitting an application who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
- Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.
- 4. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and this form must accompany the completed application.
- 5. No person shall commence any regulated activity on the Edwards Aquifer Recharge Zone, Contributing Zone or Transition Zone until the appropriate application for the activity has been filed with and approved by the Executive Director.

SIGNATURE PAGE:

ma Applicant's Signature

1-11-23

Date

THE STATE OF Texas §

County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared <u>Todd A Gold</u> known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 11th day of September, 2023.

LAURA BARBEE Notary Public, State of Texas Comm, Expires 05-04-2024 Notary ID 128977124

marter ama NOTARY PUBLIC

Laura Barbee Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 514/2024

VIII. APPLICATION FEE FORM

Application Fee Form

Texas Commission on Environment Name of Proposed Regulated Entity	tal Quality : <u>Singing Hills</u>	6.00			
Regulated Entity Location: Northwe	st corner of Mele	ody Hills and S	inging Oaks		
Name of Customer: SH Land Holdin	gs, Ltd.				
Contact Person: <u>Todd A. Gold</u>	phone: (210) 5	24-4000			
Customer Reference Number (if issu	led):CN				
Regulated Entity Reference Number	(if issued):RN <u>10</u>	06090962			
Austin Regional Office (3373)	in the second second		-		
Hays	Travis		🗌 Wi	lliamson	
San Antonio Regional Office (3362)					
Bexar	Medina		ΠUv	alde	
	Kinney		(
Application fees must be paid by ch Commission on Environmental Qua form must be submitted with your	eck, certified che llity. Your cance fee payment. Th	ck, or money o ed check will s nis payment is	order, payabl erve as your being submit	e to the Texas receipt. This ited to:	
Austin Regional Office	5	San Antonio	Regional Of	fice	
Mailed to: TCEO - Cashier	ſ	Overnight [ernight Delivery to: TCEO - Cashier		
Bevenues Section	L	12100 Park	2100 Dark 25 Circle		
Mail Code 214		Building A	3rd Eloor		
P O Box 13088		Austin TX 7	8753		
Austin TX 78711-3088		(512)239-03	357		
Site Location (Check All That Apply)		(512)205 0.			
Recharge Zone	Contributing 7	000	Transit	ion Zono	
		one			
Type of Plan			Size	Fee Due	
Water Pollution Abatement Plan, C	ontributing Zone	8			
Plan: One Single Family Residential	Dwelling		Acres	\$	
Water Pollution Abatement Plan, C	ontributing Zone			3	
Plan: Multiple Single Family Reside	ntial and Parks		Acres	\$	
Water Pollution Abatement Plan, C	ontributing Zone	8	and a second	115.5.	
Plan: Non-residential			13.36 Acres	\$ 6,500	
Sewage Collection System			L.F.	\$	
Lift Stations without sewer lines			Acres	\$	
Underground or Aboveground Stor	age Tank Facility	1 =	Tanks	\$	
Piping System(s)(only)			Each	\$	
Exception			Each	\$	
Extension of Time		1	Each	\$	
		ſ	25		

Signature:

Date: 9/11/23

Application Fee Schedule

Texas Commission on Environmental Quality

Edwards Aquifer Protection Program 30 TAC Chapter 213 (effective 05/01/2008)

Water Pollution Abatement Plans and Modifications

Contributing Zone Plans and Modifications

Project	Project Area in Acres	Fee
One Single Family Residential Dwelling	< 5	\$650
Multiple Single Family Residential and Parks	< 5	\$1,500
	5 < 10	\$3,000
	10 < 40	\$4,000
	40 < 100	\$6,500
	100 < 500	\$8,000
	≥ 500	\$10,000
Non-residential (Commercial, industrial,	<1	\$3,000
institutional, multi-family residential, schools, and	1<5	\$4,000
other sites where regulated activities will occur)	5 < 10	\$5,000
	10 < 40	\$6,500
	40 < 100	\$8,000
	≥ 100	\$10,000

Organized Sewage Collection Systems and Modifications

Project	Cost per Linear Foot	Minimum Fee- Maximum Fee
Sewage Collection Systems	\$0.50	\$650 - \$6,500

Underground and Aboveground Storage Tank System Facility Plans and Modifications

Project	Cost per Tank or Piping System	Minimum Fee- Maximum Fee
Underground and Aboveground Storage Tank Facility	\$650	\$650 - \$6,500

Exception Requests

Fee
\$500

Extension of Time Requests

Project	Fee
Extension of Time Request	\$150

IX. TCEQ CORE DATA FORM


TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

New Permit, Registration or Authorization (Core I	Data Form should be submitted with	the program application.)		
Renewal (Core Data Form should be submitted wi	th the renewal form)	Other Modification to approved CZP		
2. Customer Reference Number (if issued) Follow this link to search		3. Regulated Entity Reference Number (if issued)		
CN for CN or RN r CN Central Rej		RN 106090962		

SECTION II: Customer Information

4. General C	ustomer In	formation	5. Effective	Custom	er Informat	ation Updates (mm/dd/yyyy)				4/25/2022		
New Custo	mer .egal Name] Verifiable with the	Update to Custor Texas Secretary of	mer Inform State or Te	ation exas Con	nptroller of Pr	Change in ublic Acco	n Regulated E ounts)	Entity Ownership	>	_	
The Custome (SOS) or Texa	er Name su as Comptro	bmitted here m oller of Public Ac	ay be updated au counts (CPA).	utomatica	lly bas	ed on what	is curre	nt and acti	ve with the Te	xas Se	cretary of State	
6. Customer	Legal Nam	e (If an individual,	, print last name firs	st: eg: Doe,	John)		<u>lf r</u>	new Custome	er, enter previous	Custor	mer below:	
SH Land Holdi	ngs, Ltd.						- 1					
7. TX SOS/CF 804538611	TX SOS/CPA Filing Number 8. TX State Tax ID (11 digits) 04538611 32084286973						9 . (9 88	9. Federal Tax ID (9 digits) 88-3705835		DUNS blicable	i Number (if)	
11. Type of C	ustomer:	Corp	oration			🗌 Inc	dividual	idual Partnership: 🗌 C		Ge	General 🛛 Limited	
Government: [ounty 🗌 Federal	🗌 Local 🔲 State	Other		□ So	Sole Proprietorship Other:					
12. Number of Employees ☑ 0-20 □ 21-100 □ 101-250 □ 251-500 □ 501 and higher							13. Independently Owned and Operated? ☑ Yes □ No				perated?	
14. Custome	Role (Prop	oosed or Actual) -	as it relates to the I	Regulated E	Entity lis	ted on this fo	rm. Pleas	e check one	of the following			
⊠Owner □Occupation	al Licensee	Operator Responsible	Party Dv	ner & Oper CP/BSA Ap	ator plicant			🗌 Othe	r:			
15. Mailing	8023 VAN	TAGE DR. SUITE 1	200			_	_					
Address:	City	San Antonio		State	TX	ZIP	782	230	ZIP	+4	4778	
16. Country f	Mailing Info	ormation (if outs	ide USA)	r		17. E-Mai	Addres	ss (if applical	ble)	-	1	
						tgold@reo	csananto	nio.com				
18. Telephon	e Number	1	19	9. Extensi	on or C	ode		20, Fax	Number (if app	licable)	

(210	524-4000
-------	----------

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity" is selected, a new permit application is also required.)

🗌 New Regulated Entity 🔲 Update to Regulated Entity Name 🛛 Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such	1
as Inc, LP, or LLC).	

22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)

Singing Hills

23. Street Address of the Regulated Entity: (No PO Boxes)	Undelive	rable				_	
	City	Bulverde	State	ТХ	ZIP	78070	ZIP + 4

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:	Northwest	corner of Melody	Hills and Singing Oa	iks		2			
26. Nearest City	_				100	State	Ne	arest ZIP Code	
Bulverde						TX	780	70	
Latitude/Longitude ar used to supply coordin	e required and ates where no	d may be added, one have been p	/updated to mee rovided or to gai	t TCEQ Core n accuracy).	Data Stand	ards. (Geocoding of t	the Physical	l Address may be	
27. Latitude (N) In Dec	imal:	29.8033		28.	Longitude (W) In Decimal:	98.4218	6	
Degrees	Minutes		Seconds	Deg	rees	Minutes		Seconds	
29		48	12		98	25	i	18	
29. Primary SIC Code (4 digits)	30 (4 c	Secondary SIC (Code	31. Prim (5 or 6 di)	ary NAICS Co gits)	ode 32. Sec (5 or 6 d	ondary NAI igits)	CS Code	
5941	599	99		459110		459999	459999		
33. What is the Primar	y Business of	this entity? (Do	not repeat the SIC	or NAICS des	cription.)				
Sporting goods and gener	al retail								
34. Mailing	8023 Vant	tage Dr. Suite 1200	0						
Address:	City	San Antonio	State	тх	ZIP	78230	ZIP + 4	4726	
35. E-Mail Address:	tgo	ld@reocsanantoni	o.com				1	1	
36. Telephone Number			37. Extension o	r Code	38. F	Fax Number (if applica	ble)		
(210) 524-4000					(210) 524-4029			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

Dam Safety	Districts	Edwards Aquifer	Emissions Inventory Air	Industrial Hazardous Waste
		13000394		
Municipal Solid Waste	New Source Review Air	□ OSSF	Petroleum Storage Tank	D PWS
Sludge Storm Water		Title V Air	Tires	Used Oil
Voluntary Cleanup	Wastewater	Wastewater Agriculture	Water Rights	Other:

SECTION IV: Preparer Information

40. Name:	Chris Dumas, P.E.			41. Title:	Project Manager	
42. Telephon	e Number	43. Ext./Code	44. Fax Number	45. E-Mail	Address	
(210) 698-505	1	230	(210)698-5085	CDumas@n	ntrengineers.com	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Moy Tarin Ramirez Engineers, LLC	Project Manager		
Name (In Print):	Chris Dumas		Phone:	(210) 698- 5051
Signature:	000		Date:	9/6/23