

**Texas Commission on Environmental Quality  
Water Pollution Abatement Plan  
General Construction Notes**

**Edwards Aquifer Protection Program Construction Notes – Legal Disclaimer**

*The following/listed “construction notes” are intended to be advisory in nature only and do not constitute an approval or conditional approval by the Executive Director (ED), nor do they constitute a comprehensive listing of rules or conditions to be followed during construction. Further actions may be required to achieve compliance with TCEQ regulations found in Title 30, Texas Administrative Code (TAC), Chapters 213 and 217, as well as local ordinances and regulations providing for the protection of water quality. Additionally, nothing contained in the following/listed “construction notes” restricts the powers of the ED, the commission or any other governmental entity to prevent, correct, or curtail activities that result or may result in pollution of the Edwards Aquifer or hydrologically connected surface waters. The holder of any Edwards Aquifer Protection Plan containing “construction notes” is still responsible for compliance with Title 30, TAC, Chapters 213 or any other applicable TCEQ regulation, as well as all conditions of an Edwards Aquifer Protection Plan through all phases of plan implementation. Failure to comply with any condition of the ED’s approval, whether or not in contradiction of any “construction notes,” is a violation of TCEQ regulations and any violation is subject to administrative rules, orders, and penalties as provided under Title 30, TAC § 213.10 (relating to Enforcement). Such violations may also be subject to civil penalties and injunction. The following/listed “construction notes” in no way represent an approved exception by the ED to any part of Title 30 TAC, Chapters 213 and 217, or any other TCEQ applicable regulation*

1. A written notice of construction must be submitted to the TCEQ regional office at least 48 hours prior to the start of any regulated activities. This notice must include:
  - the name of the approved project;
  - the activity start date; and
  - the contact information of the prime contractor.
2. All contractors conducting regulated activities associated with this project must be provided with complete copies of the approved Water Pollution Abatement Plan (WPAP) and the TCEQ letter indicating the specific conditions of its approval. During the course of these regulated activities, the contractors are required to keep on-site copies of the approved plan and approval letter.
3. If any sensitive feature(s) (caves, solution cavity, sink hole, etc.) is discovered during construction, all regulated activities near the sensitive feature must be suspended immediately. The appropriate TCEQ regional office must be immediately notified of any sensitive features encountered during construction. Construction activities may not be resumed until the TCEQ has reviewed and approved the appropriate protective measures in order to protect any sensitive feature and the Edwards Aquifer from potentially adverse impacts to water quality.
4. No temporary or permanent hazardous substance storage tank shall be installed within 150 feet of a water supply source, distribution system, well, or sensitive feature.
5. Prior to beginning any construction activity, all temporary erosion and sedimentation (E&S) control measures must be properly installed and maintained in accordance with the approved plans and manufacturers specifications. If inspections indicate a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations. These controls must remain in place until the disturbed areas have been permanently stabilized.
6. Any sediment that escapes the construction site must be collected and properly disposed of before the next rain event to ensure it is not washed into surface streams, sensitive features, etc.
7. Sediment must be removed from the sediment traps or sedimentation basins not later than

when it occupies 50% of the basin's design capacity.

8. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from being discharged offsite.
9. All spoils (excavated material) generated from the project site must be stored on-site with proper E&S controls. For storage or disposal of spoils at another site on the Edwards Aquifer Recharge Zone, the owner of the site must receive approval of a water pollution abatement plan for the placement of fill material or mass grading prior to the placement of spoils at the other site.
10. If portions of the site will have a temporary or permanent cease in construction activity lasting longer than 14 days, soil stabilization in those areas shall be initiated as soon as possible prior to the 14<sup>th</sup> day of inactivity. If activity will resume prior to the 21<sup>st</sup> day, stabilization measures are not required. If drought conditions or inclement weather prevent action by the 14<sup>th</sup> day, stabilization measures shall be initiated as soon as possible.
11. The following records shall be maintained and made available to the TCEQ 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. The holder of any approved Edward Aquifer protection plan must notify the appropriate regional office in writing and obtain approval from the executive director prior to initiating any of the following:
  - A. any physical or operational modification of any water pollution abatement structure(s), including but not limited to ponds, dams, berms, sewage treatment plants, and diversionary structures;
  - B. any change in the nature or character of the regulated activity from that which was originally approved or a change which would significantly impact the ability of the plan to prevent pollution of the Edwards Aquifer;
  - C. any development of land previously identified as undeveloped in the original water pollution abatement plan.

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**THESE GENERAL CONSTRUCTION NOTES MUST BE INCLUDED ON THE CONSTRUCTION PLANS PROVIDED TO THE CONTRACTOR AND ALL SUBCONTRACTORS.**