

# Administrative Package Cover Page

### This file contains the following documents:

- 1. Summary of application (in plain language)
  - English
  - Alternative Language (Spanish)
- 2. First Notice (NORI-Notice of Receipt of Application and Intent to Obtain a Permit)
  - English
  - Alternative Language (Spanish)
- 3. Application materials



# Portada de Paquete Administrativo

### Este archivo contiene los siguientes documentos:

- 1. Resumen en lenguaje sencillo (PLS, por sus siglas en inglés) de la actividad propuesta
  - Inglés
  - Idioma alternativo (español)
- 2. Primer aviso (NORI, por sus siglas en inglés)
  - Inglés
  - Idioma alternativo (español)
- 3. Solicitud original



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

# SUMMARY OF APPLICATION IN PLAIN LANGUAGE FOR TPDES OR TLAP PERMIT APPLICATIONS

### Summary of Application (in plain language) Template and Instructions for Texas Pollutant Discharge Elimination System (TPDES) and Texas Land Application (TLAP) Permit Applications

Applicants should use this template to develop a plain language summary of your facility and application as required by Title 30, Texas Administrative Code (30 TAC), Chapter 39, Subchapter H. You may modify the template as necessary to accurately describe your facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how you will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

Fill in the highlighted areas below to describe your facility and application in plain language. Instructions and examples are provided below. Make any other edits necessary to improve readability or grammar and to comply with the rule requirements. After filling in the information for your facility delete these instructions.

If you are subject to the alternative language notice requirements in 30 TAC Section 39.426, **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

# ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS INDUSTRIAL WASTEWATER/STORMWATER

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.

Martin Marietta Materials Southwest, LLC (CN606114726) operates MM – Tin Top #4 (RN110829454), a sand & gravel mining facility. The facility is located at 7205 Bethel Road, in Weatherford, Parker County, Texas 76087. This application is for a renewal to discharge stormwater on an intermittent and flow-variable basis.

Discharges from the facility are expected to contain total suspended solids and nitrate + nitrite N. Stormwater is treated by flowing through a swale to a settling pond prior to discharge.

# PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP

#### AGUAS RESIDUALES Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí /AGUAS PLUVIALES

*El siguiente resumen se proporciona para esta solicitud de permiso de calidad del agua pendiente que está siendo revisada por la Comisión de Calidad Ambiental de Texas según lo requerido por el Capítulo 39 del Código Administrativo de Texas 30. La información proporcionada en este resumen puede cambiar durante la revisión técnica de la solicitud y no es una representación ejecutiva fedérale de la solicitud de permiso.* 

Martin Marietta Materials Southwest, LLC (CN606114726) opera MM – Tin Top #4 RN110829454, un instalación de minería de arena y grava . La instalación está ubicada en 7205 Bethel Road, en Weatherford, Condado de Parker, Texas 76087. Esta solicitud es para una renovación para descargar aguas pluviales de forma intermitente y de flujo variable.

Se espera que las descargas de la instalación contengan sólidos suspendidos totales y nitrato + nitrito N . Aguas pluviales . está tratado por fluyendo a través de un pantano hasta un estanque de sedimentación antes de la descarga.

# **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



#### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT RENEWAL

#### PERMIT NO. WQ0005278000

**APPLICATION.** Martin Marietta Materials Southwest, LLC, 1503 Lyndon B. Johnson Freeway, Suite 400, Dallas, Texas 75234, which operates a sand and gravel quarry, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005278000 (EPA I.D. No. TX0139483) to authorize the discharge of stormwater at an intermittent and flow-variable rate. The site is located at 7205 Bethel Road, near the city of Weatherford, in Parker County, Texas 76087. The discharge route is from the plant site to Sanchez Creek, thence to the Brazos River below Possum Kingdom Lake. TCEQ received this application on December 2, 2024. The permit application will be available for viewing and copying at Weatherford Public Library, 1014 Charles Street, Weatherford, in Parker County, Texas prior to the date this notice is published in the newspaper. The application, including any updates, and associated notices are available electronically at the following webpage:

<u>https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications</u>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.823333,32.606944&level=18

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at: <u>https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications</u>. El aviso de idioma alternativo en español está disponible en <u>https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications</u>.

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.** 

**PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.** 

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at <u>www.tceq.texas.gov/goto/cid</u>. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at <u>https://www14.tceq.texas.gov/epic/eComment/</u>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at <u>www.tceq.texas.gov/goto/pep</u>. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Martin Marietta Materials Southwest, LLC at the address stated above or by calling Mr. Curt G. Campbell, P.E., Westward Environmental, Inc., at 830-249-8284.

Issuance Date: March 4, 2025

# Comisión de Calidad Ambiental del Estado de Texas



#### AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA RENOVACION

#### **PERMISO NO. WQ0005278000**

**SOLICITUD.** Martin Marietta Materials Southwest, LLC, 1503 Lyndon B. Johnson Freeway, Suite 400, Dallas, Texas 75234, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para renovar el Permiso No. WQ0005278000 (EPA I.D. No. TX0139483) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la descarga de aguas pluviales de forma intermitente y de caudal variable. La planta está ubicada 7205 Bethel Road, Weatherford en el Condado de Parker, Texas 76087. La ruta de descarga es del sitio de la planta a Arroyo Sanchez, luego hasta el Rio Brazos debajo del Lago Possum Kingdom. La TCEQ recibió esta solicitud el 2 de diciembre de 2024. La solicitud para el permiso estará disponible para leerla y copiarla en Biblioteca pública de Weatherford, 1014 Charles Street, Weatherford, en el Condado de Parker, Texas antes de la fecha de publicación de este aviso en el periódico. La solicitud (cualquier actualización y aviso inclusive) está disponible electrónicamente en la siguiente página web:

<u>https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications</u>. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.823333,32.60694&level=18

**AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <u>https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications</u>.

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.

**COMENTARIO PUBLICO / REUNION PUBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud.** El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés

público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

**OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso. Una audiencia administrativa de lo contencioso de la decisión del Director Ejecutivo legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUENTES DATOS: su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios. Si ciertos criterios se cumplen, la TCEQ puede actuar sobre una solicitud para renovar un permiso sin proveer una oportunidad de una audiencia administrativa de lo contencioso.

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Ademas, puede pedir que la TCEQ ponga su nombre en una or mas de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agrega su nombre en una de las listas designe cual lista(s) y envia por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

**INFORMACIÓN DISPONIBLE EN LÍNEA.** Para detalles sobre el estado de la solicitud, favor de visitar la Base de Datos Integrada de los Comisionados en <u>www.tceq.texas.gov/goto/cid</u>. Para buscar en la base de datos, utilizar el número de permiso para esta solicitud que aparece en la parte superior de este aviso.

# CONTACTOS E INFORMACIÓN A LA AGENCIA. Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía

http://www14.tceq.texas.gov/epic/eComment/ o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Martin Marietta Materials Southwest, LLC a la dirección indicada arriba o llamando a Curt G. Campbell, P.E., Westward Environmental, Inc. al 830-249-8284.

Fecha de emisión el 4 de marzo de 2025



November 26, 2024

Westward Project No. 10006-508

Cindy Cavazos Texas Commission on Environmental Quality (TCEQ) P.O. Box 13087 Austin, Texas 78711-3087 512-239-4561

# Subject:Renewal of Industrial Wastewater Permit Application<br/>Quarry Operations within the John Graves Scenic Riverway<br/>Martin Marietta Materials Southwest, LLC (MM) – CN606114726<br/>Tin Top #4 – 7205 Bethel Road, Weatherford, Parker County, Texas

Dear Ms. Cavazos:

On behalf of Martin Marietta Materials Southwest, LLC (MM), Westward Environmental Inc. (WESTWARD) is submitting this renewal application for an active Industrial Wastewater Permit Application to authorize the continuation of quarry operations within the John Graves Scenic Riverway. The subject property is approximately 169.46 acres and located approximately 0.89 miles northwest of the intersection of New Tin Top Road and Bethel Road, and approximately 9.1 miles south of the intersection of Bethel Road and IH-20 in Parker County, Texas. Please refer to **Figure 1. Subject Area** for details.

MM operates a sand and gravel plant at 5211 New Tin Top Road in Parker County, Texas,. MM currently utilizes material from Tin Top #4, located at 7205 Bethel Rd., to supplement the existing quarry operations. Both the existing quarry operation and Tin Top #4 are located within the John Graves Scenic Riverway. The existing quarry has been in regular operation (without cessation of operation for more than 30 consecutive days), and under single ownership since on or before January 1, 1994. Per 30 TAC 311.72(b) (2) the Regulation of Quarries in the John Graves Scenic Riverway does not apply to the existing quarry operation; however, any expansion of the quarry is subject to the John Graves regulation. The enclosed Industrial Wastewater Permit Renewal Application has been prepared to authorize continuation of the mining of sand and gravel proposed at Tin Top #4, located within the 200-1,500 feet of a water body within the John Graves Scenic Riverway.

The activitiy occurring at Tin Top #4 includes excavation of in-situ material. The excavated material is then loaded into trucks as it is excavated and hauled to the existing quarry. No stockpiles or processing equipment are located within Tin Top #4. Overburden material is removed and used to construct perimeter berms around the quarry pit. Excavation began near the center of the middle-leased property (approximately 45.71-acres) and will progress in multiple pit phases across the entire Tin Top #4 Site area. As mining progresses, the stripped overburden material will be backfilled into the minerally exhausted portion of the active pit. Temporary perimeter berms will be placed before mining commences and will move as mining progresses.

Office P.O. Box 2205 Boerne, TX 78006



 Main
 830.249.8284
 Fax
 830.249.0221

 Texas Registered
 Geoscience
 Firm # 50112

Texas Registered Engineering Firm # F-4524

westwardenv.com

As there is no material processing activity associated with the mining, no industrial wastewater will be generated, and no effluent treatment facilities are proposed as part of this expansion. Mine dewatering occurs on-site and will be intermittently discharged. The site has an outfall located near the southern boundary of the center-leased property and an additional stormwater outfall located near the southwestern corner of the southern-leased property. As a part of the mining activity, a quarry road has been constructed between Bethel Road and the proposed expansion. All stormwater runoff from this roadway will be contained on-site in the active pit area. Perimeter berms will be constructed along each edge of the lease boundary.

WESTWARD has been retained by Martin Marietta Materials Southwest, LLC to serve as the technical representative on this project. Please copy WESTWARD on all correspondence, including but not limited to the final TCEQ determination. If you have any questions regarding this request, please do not hesitate to contact me at (830) 249-8284 or ccampbell@westwardenv.com.

| Respectfully submitted,      | 10505                 |
|------------------------------|-----------------------|
| WESTWARD ENVIRONMENTAL       | L, ING TATE A LETA    |
| 1                            |                       |
|                              | CURT GARRETT CAMPBELL |
| 11/26/2024                   | 106851                |
| Curt C. Comphall DE          | CENSED INC            |
| VD Engine and R National Da  | CONALEN -             |
| v P Engineering & Natural Ke | sources               |

TX License No. 106851 | TX Firm No. 4524

Attachments Figure 1. Subject Area

Enclosure: Renewal – Industrial Wastewater Permit Application in the John Graves Scenic Riverway

Distribution: Addressee Kirk R. Light, President - Martin Marietta Materials Southwest, LLC 10006-508



# RENEWAL INDUSTRIAL WASTEWATER PERMIT APPLICATION WITHIN THE JOHN GRAVES SCENIC RIVERWAY

# MARTIN MARIETTA MATERIALS SOUTHWEST, LLC TIN TOP #4

# 7205 BETHEL ROAD WEATHERFORD, PARKER COUNTY, TEXAS

Submitted to: Texas Commission on Environmental Quality 12100 Park 35 Circle Austin, Texas 78753

**NOVEMBER 2024** 



4 Shooting Club Road Boerne, Texas 78006 830.249.8284 Project No. **10006-508** 

TEXAS REGISTERED ENGINEERING FIRM NO. 4524 TEXAS REGISTERED GEOSCIENCE FIRM NO. 50112



Signature: \_\_\_\_\_\_ Curt G. Campbell, PE – License No. 106851 TX PE Firm No. 4524 Date: \_\_\_\_\_\_\_ 11/26/2024

# **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

# **TCEQ INDUSTRIAL WASTEWATER PERMIT APPLICATION**

## **INDUSTRIAL ADMINISTRATIVE REPORT**

#### Complete and submit this checklist with the application.

APPLICANT: Martin Marietta Materials Southwest, LLC

PERMIT NUMBER: WQ0005278000

#### Indicate if each of the following items is included in your application.

|                           | Y           | Ν           |                           | Y           | Ν           |
|---------------------------|-------------|-------------|---------------------------|-------------|-------------|
| Administrative Report 1.0 | $\boxtimes$ |             | Worksheet 8.0             |             | $\boxtimes$ |
| Administrative Report 1.1 | $\boxtimes$ |             | Worksheet 9.0             |             | $\boxtimes$ |
| SPIF                      | $\boxtimes$ |             | Worksheet 10.0            | $\boxtimes$ |             |
| Core Data Form            | $\boxtimes$ |             | Worksheet 11.0            |             | $\boxtimes$ |
| Technical Report 1.0      | $\boxtimes$ |             | Worksheet 11.1            |             | $\boxtimes$ |
| Worksheet 1.0             |             | $\boxtimes$ | Worksheet 11.2            |             | $\boxtimes$ |
| Worksheet 2.0             |             | $\boxtimes$ | Worksheet 11.3            |             | $\boxtimes$ |
| Worksheet 3.0             |             | $\boxtimes$ | Original USGS Map         | $\boxtimes$ |             |
| Worksheet 3.1             |             | $\boxtimes$ | Affected Landowners Map   | $\boxtimes$ |             |
| Worksheet 3.2             |             | $\boxtimes$ | Landowner Disk or Labels  | $\boxtimes$ |             |
| Worksheet 3.3             |             | $\boxtimes$ | Flow Diagram              |             | $\boxtimes$ |
| Worksheet 4.0             | $\boxtimes$ |             | Site Drawing              | $\boxtimes$ |             |
| Worksheet 4.1             |             | $\boxtimes$ | Original Photographs      | $\boxtimes$ |             |
| Worksheet 5.0             |             | $\boxtimes$ | Solids Management Program |             | $\boxtimes$ |
| Worksheet 6.0             |             | $\boxtimes$ | Water Balance             |             | $\boxtimes$ |
| Worksheet 7.0             | $\boxtimes$ |             |                           |             |             |

Please see Appendix B: Core Data Form for the Core Data Form, Attachment B of Appendix D: Restoration Plan for the Original Photographs, and Figure 3 of Appendix E: Technical Demonstration for the Site Drawing

| For Commission Use Only:  |         |                    |  |  |  |  |
|---------------------------|---------|--------------------|--|--|--|--|
| Segment Number:           | County: | _ Expiration Date: |  |  |  |  |
| Proposed/Current Permit N | lumber: | Region:            |  |  |  |  |

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ INDUSTRIAL WASTEWATER PERMIT APPLICATION

# **INDUSTRIAL ADMINISTRATIVE REPORT 1.0**

This report is required for all applications for TPDES permits and TLAPs. Contact the Applications Review and Processing Team at 512-239-4671 with any questions about completing this report

#### Item 1. Application Information and Fees (Instructions, Page 26)

- a. Complete each field with the requested information, if applicable.
   Applicant Name: <u>Martin Marietta Materials Southwest, LLC</u> EPA ID No.: <u>TX0139483</u>
   Permit No.: <u>WQ0005278000</u> Expiration Date: <u>May 29, 2025</u>
- b. Check the box next to the appropriate authorization type.
  - □ Industrial Wastewater (wastewater and stormwater)
  - Industrial Stormwater (stormwater only)
- c. Check the box next to the appropriate facility status.

 $\boxtimes$  Active  $\square$  Inactive

- d. Check the box next to the appropriate permit type.
  - $\boxtimes$  TPDES Permit  $\square$  TLAP
- e. Check the box next to the appropriate application type.
  - □ New
  - Renewal with changes
  - □ Major amendment with renewal
  - □ Minor amendment without renewal
- Renewal without changes
- □ Major amendment without renewal
- Minor modification without renewal
- f. If applying for an amendment or modification, describe the request: N/A
- g. Application Fee

| EPA Classification  | New   | Major Amend. (with or without renewal) | Renewal (with or without changes) | Minor Amend. / Minor<br>Mod. (without renewal) |
|---|-------|--|-----------------------------------|--|
| Minor facility not subject to EPA categorical effluent guidelines (40 CFR Parts 400-471)          | \$350 | \$350                                  | \$315                             | \$150  |
| Minor facility subject to EPA<br>categorical effluent guidelines<br>(40 CFR Parts 400-471)\$1,250 |       | \$1,250                                | ⊠ \$1,215                         | \$150  |
| Major facility  | N/A 1 | \$2,050                                | \$2,015                           | \$450  |

#### For TCEQ Use Only

| Segment Number  | _County |
|-----------------|---------|
| Expiration Date | Region  |

<sup>&</sup>lt;sup>1</sup> All facilities are designated as minors until formally classified as a major by EPA.

TCEQ-10411 (05/20/2022) Industrial Wastewater Application Administrative Report

#### Permit Number \_

h. Payment Information

#### Mailed

Check or money order No.: <u>Click to enter text.</u> Check or money order amt.: <u>\$1,250</u>

Named printed on check or money order: Click to enter text.

Epay

Voucher number: <u>Click to enter text.</u> Copy of voucher attachment: <u>Click to enter text.</u>

#### Item 2. Applicant Information (Instructions, Pages 26)

a. Customer Number, if applicant is an existing customer: <u>CN606114726</u>

Note: Locate the customer number using the <u>TCEQ's Central Registry Customer Search</u><sup>2</sup>.

b. Legal name of the entity (applicant) applying for this permit: <u>Martin Marietta Materials Southwest,</u> <u>LLC</u>

**Note:** The owner of the facility must apply for the permit. The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.

c. Name and title of the person signing the application. (**Note:** The person must be an executive official that meets signatory requirements in 30 TAC § 305.44.)

Mr. 🗆 Ms. First/Last Name: <u>Kirk R. Light</u>

Title: President, Martin Marietta Materials Southwest, LLC Credential: Click to enter text.

d. Will the applicant have overall financial responsibility for the facility?

🖾 Yes 🛛 No

Note: The entity with overall financial responsibility for the facility must apply as a co-applicant, if not the facility owner.

#### Item 3. Co-applicant Information (Instructions, Page 27)

Check this box if there is no co-applicant.; otherwise, complete the below questions.

a. Legal name of the entity (co-applicant) applying for this permit: <u>Click to enter text.</u>

**Note:** The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.

b. Customer Number (if applicant is an existing customer): <u>CNClick to enter text.</u>

Note: Locate the customer number using the TCEQ's Central Registry Customer Search.

c. Name and title of the person signing the application. (**Note:** The person must be an executive official that meets signatory requirements in 30 TAC § 305.44.)

□ Mr. □ Ms. First/Last Name: <u>Click to enter text.</u>

Title: Click to enter text.

Credential: Click to enter text.

d. Will the co-applicant have overall financial responsibility for the facility?

<sup>&</sup>lt;sup>2</sup> <u>https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch</u>

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#### 🗆 Yes 🛛 No

Note: The entity with overall financial responsibility for the facility must apply as a co-applicant, if not the facility owner.

#### Item 4. Core Data Form (Instructions, Pages 27)

a. Complete one Core Data Form (TCEQ Form 10400) for each customer (applicant and coapplicant(s)) and include as an attachment. If the customer type selected on the Core Data Form is Individual, complete Attachment 1 of the Administrative Report. Attachment: <u>Appendix B: Core</u> <u>Data Form</u>

#### Item 5. Application Contact Information (Instructions, Page 27)

Provide names of two individuals who can be contact for additional information about this application. Indicate if the individual can be contact about administrative or technical information, or both.

| a. | $\Box$ Administrative Contact . $\boxtimes$ Technical Contact  |   |  |  |  |  |  |  |
|----|--|---|--|--|--|--|--|--|
|    | 🖾 Mr. 🔲 Ms. Full Name (First and Last): <u>Curt G. Campbell, PE</u>  |   |  |  |  |  |  |  |
|    | Title: SVP Engineering & Natural Resources       Credential: Provide the second s | <u>cofessional Engineer (PE)</u>  |  |  |  |  |  |  |
|    | Organization Name: Westward Environmental, Inc.  |   |  |  |  |  |  |  |
|    | Mailing Address: <u>PO Box 2205</u>  |   |  |  |  |  |  |  |
|    | City: <u>Boerne</u> State: <u>Texas</u>  | Zip Code: <u>78006</u>  |  |  |  |  |  |  |
|    | Phone No: (830) 249-8284 Fax No: (830) 249-0221  | Email: <a href="mailto:ccampbell@westwardenv.com">ccampbell@westwardenv.com</a> |  |  |  |  |  |  |
| b. | Administrative Contact . Technical Contact   |   |  |  |  |  |  |  |
|    |  |   |  |  |  |  |  |  |
|    | Title: <u>Senior Environmental Engineer</u> Credential: <u>Click to e</u>  | enter text.   |  |  |  |  |  |  |
|    | Organization Name: <u>Martin Marietta Materials Southwest, LLC</u>   | <u>.</u>  |  |  |  |  |  |  |
|    | Mailing Address: <u>1503 Lyndon B Johnson Freeway, Suite 400</u>   |   |  |  |  |  |  |  |
|    | City: <u>Dallas</u> State: <u>Texas</u>  | Zip Code: <u>75234</u>  |  |  |  |  |  |  |
|    | Phone No: <u>(972) 647-3742</u> Fax No: <u>Click to enter text.</u><br>jesse.martindale@martinmarietta.com   | Email:  |  |  |  |  |  |  |
|    |  |   |  |  |  |  |  |  |

Attachment: <u>N/A</u>

#### Item 6. Permit Contact Information (Instructions, Pages 28)

Provide two names of individuals that can be contacted throughout the permit term.

a. 🖂 Mr. 🗆 Ms. Full Name (First and Last): <u>Jesse Martindale</u>

 Title: Senior Environmental Engineer
 Credential: Click to enter text.

Organization Name: Martin Marietta Materials Southwest, LLC

Mailing Address: <u>1503 Lyndon B Johnson Freeway, Suite 400</u>

City: <u>Dallas</u> State: <u>Texas</u>

Zip Code: <u>75234</u>

Phone No: <u>(972) 647-3742</u> Fax No: <u>Click to enter text.</u> Email: <u>jesse.martindale@martinmarietta.com</u>

b. 🖂 Mr. 🗖 Ms. Full Name (First and Last): <u>Curt G. Campbell, PE</u>

Organization Name: Westward Environmental, Inc.

Mailing Address: <u>PO Box 2205</u>

City: <u>Boerne</u> State: <u>Texas</u>

Phone No: (830) 249-8284 Fax No: (830) 249-0221

Zip Code: <u>78006</u> Email: <u>ccampbell@westwardenv.com</u>

Attachment: <u>N/A</u>

#### Item 7. Billing Contact Information (Instructions, Page 28)

The permittee is responsible for paying the annual fee. The annual fee will be assessed for permits **in effect on September 1 of each year**. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (form TCEQ-20029).

Provide the complete mailing address where the annual fee invoice should be mailed and the name and phone number of the permittee's representative responsible for payment of the invoice.

☑ Mr. □ Ms. Full Name (First and Last): Jesse MartindaleTitle: Senior Environmental EngineerCredential: Click to enter text.Organization Name: Martin Marietta Materials Southwest, LLCMailing Address: 1503 Lyndon B Johnson Freeway, Suite 400City: DallasState: TexasZip Code: 75234Phone No: (972) 647-3742Fax No: Click to enter text.Email:jesse.martindale@martinmarietta.com

#### Item 8. DMR/MER Contact Information (Instructions, Page 28)

Provide the name and mailing address of the person delegated to receive and submit DMRs or MERs. **Note:** DMR data must be submitted through the NetDMR system. An electronic reporting account can be established once the facility has obtained the permit number.

⊠ Mr. □ Ms. Full Name (First and Last): <u>Jesse Martindale</u>

Title: <u>Senior Environmental Engineer</u> Credential: <u>Click to enter text.</u>

Organization Name: Martin Marietta Materials Southwest, LLC

Mailing Address: 1503 Lyndon B Johnson Freeway, Suite 400

City: <u>Dallas</u> State: <u>Texas</u>

Zip Code: <u>75234</u>

Phone No: (972) 647-3742 Fax No: Click to enter text. Email: jesse.martindale@martinmarietta.com

#### Item 9. NOTICE INFORMATION (Instructions, Pages 28

a. Individual Publishing the Notices

⊠ Mr. □ Ms. Full Name (First and Last): <u>Curt G. Campbell, PE</u>

Title: <u>SVP Engineering & Natural Resources</u> Credential: <u>: Professional Engineer (PE)</u>

Organization Name: Westward Environmental, Inc.

Mailing Address: PO Box 2205

City: BoerneState: TexasZip Code: 78006Phone No: (830) 248-8284Fax No: (830) 249-0221Email: ccampbell@westwardenv.com

b. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package (only for NORI, NAPD will be sent via regular mail)

E-mail: <u>ccampbell@westwardenv.com</u>

□ Fax: <u>Click to enter text.</u>

□ Regular Mail (USPS)

Mailing Address: <u>Click to enter text.</u>

City: <u>Click to enter text.</u> State: <u>Click to enter text.</u> Zip Code: <u>Click to enter text.</u>

TCEQ-10411 (05/20/2022) Industrial Wastewater Application Administrative Report

#### c. Contact in the Notice

🖾 Mr. 🗖 Ms 🛛 Full Name (First and Last): <u>Curt G. Campbell, PE</u>

 Title:
 <u>SVP Engineering & Natural Resources</u>
 Credential: <u>Professional Engineer (PE)</u>

Organization Name: Westward Environmental, Inc.

 Phone No: (830) 248-8284
 Fax No: (830) 249-0221
 Email: ccampbell@westwardenv.com

d. Public Viewing Location Information

**Note:** If the facility or outfall is located in more than one county, provide a public viewing place for each county.

Location within the building: See

Public building name: <u>Weatherford Public Library</u> <u>library staff</u>

Physical Address of Building: <u>1014 Charles Street</u>

City: <u>Weatherford</u> County: <u>Parker</u>

e. Bilingual Notice Requirements

This information is required for new, major amendment, and renewal applications. It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

⊠ Yes □ No □ N/A (Minor amendment or modification)

If no, publication of an alternative language notice is not required; skip to Item 8 (Regulated Entity and Permitted Site Information.)

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

□ Yes 🖾 No 🗆 N/A (Minor amendment or modification)

3. Do the students at these schools attend a bilingual education program at another location?

🛛 Yes 🔲 No 🔲 N/A (Minor amendment or modification)

4. Would the school be required to provide a bilingual education program, but the school has waived out of this requirement under 19 TAC §89.1205(g)?

□ Yes 🖾 No 🗆 N/A (Minor amendment or modification)

- 5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? <u>Spanish</u>
- f. Plain Language Summary Template Complete the Plain Language Summary at the end of this application.

#### Item 10. Regulated Entity and Permitted Site Information (Instructions Pages 29-30)

a. TCEQ issued Regulated Entity Number (RN), if available: <u>RN110829454</u>

**Note:** If your business site is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search the TCEQ's

Central Registry to determine the RN or to see if the larger site may already be registered as a Regulated Entity. If the site is found, provide the assigned RN.

- b. Name of project or site (the name known by the community where located): <u>MM Tin Top #4</u>
- c. Is the location address of the facility in the existing permit the same?

 $\boxtimes$  Yes  $\square$  No  $\square$  N/A (new permit)

**Note:** If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.

d. Owner of treatment facility:

|    | □ Mr. □ Ms. Full Na                                 | ame (First and Last): <u>N/A</u>                              |                                     |                                    |   |
|----|---|---|-------------------------------------|------------------------------------|---|
|    | or Organization Nam                                 | e: <u>N/A</u>   |                                     |                                    |   |
|    | Mailing Address: <u>N/A</u>                         |   |                                     |                                    |   |
|    | City: <u>N/A</u>                                    | State: <u>N/A</u>   |                                     | Zip Code: <u>N/A</u>               |   |
|    | Phone No: <u>N/A</u>                                | Fax No: <u>N/A</u>  |                                     | Email: <u>N/A</u>                  |   |
| e. | Ownership of facility                               | D Public D P  | rivate                              | 🗆 Both                             | 🗆 Federal                               |
| f. | Owner of land where                                 | treatment facility is or will                                 | be: <u>N/A</u>                      |                                    |   |
|    | □ Mr. □ Ms. Full Na                                 | ame (First and Last): <u>N/A</u>                              |                                     |                                    |   |
|    | or Organization Nam                                 | e: <u>N/A</u>   |                                     |                                    |   |
|    | Mailing Address: <u>N/A</u>                         |   |                                     |                                    |   |
|    | City: <u>N/A</u>                                    | State: <u>N/A</u>   |                                     | Zip Code: <u>N/A</u>               |   |
|    | Phone No: <u>N/A</u>                                | Fax No: <u>N/A</u>  |                                     | Email: <u>N/A</u>                  |   |
|    | <b>Note:</b> If not the same six years (In some cas | as the facility owner, attacl<br>ses, a lease may not suffice | n a long-term l<br>- see instructio | lease agreement<br>ons). Attachmen | in effect for at least<br>t: <u>N/A</u> |
| g. | Owner of effluent TL                                | AP disposal site (if applicab                                 | le): <u>N/A</u>                     |                                    |   |
|    | □ Mr. □ Ms. Full Na                                 | ame (First and Last): <u>N/A</u>                              |                                     |                                    |   |
|    | or Organization Nam                                 | e: <u>N/A</u>   |                                     |                                    |   |
|    | Mailing Address: <u>N/A</u>                         |   |                                     |                                    |   |
|    | City: <u>N/A</u>                                    | State: <u>N/A</u>   |                                     | Zip Code: <u>N/A</u>               |   |
|    | Phone No: <u>N/A</u>                                | Fax No: <u>N/A</u>  |                                     | Email: <u>N/A</u>                  |   |
|    | <b>Note:</b> If not the same six years. Attachment  | as the facility owner, attacl<br>:: <u>N/A</u>                | n a long-term l                     | lease agreement                    | in effect for at least                  |
| h. | Owner of sewage sluc                                | lge disposal site (if applical                                | ole):                               |                                    |   |
|    | □ Mr. □ Ms.   | Full Name (First and Last):                                   | <u>N/A</u>                          |                                    |   |
|    | or Organization Nam                                 | e: <u>N/A</u>   |                                     |                                    |   |
|    | Mailing Address: <u>N/A</u>                         |   |                                     |                                    |   |
|    | City: <u>N/A</u>                                    | State: <u>N/A</u>   |                                     | Zip Code: <u>N/A</u>               |   |
|    | Dhama Nat N/A                                       | For No. N/A   |                                     | Email: NI / A                      |   |

**Note:** If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years. Attachment: N/A





MM TIN TOP #4 INDUSTRIAL WASTEWATER PERMIT MAJOR MODIFICATION APPLICATION MARTIN MARIETTA MATERIALS SOUTHWEST, LLC 7205 BETHEL ROAD, PARKER COUNTY, TEXAS 76087





#### Item 11. TDPES Discharge/TLAP Disposal Information (Instructions, Pages 31-32)

a. Is the facility located on or does the treated effluent cross Native American Land?

🗆 Yes 🖾 No

- b. Attach an original full size USGS Topographic Map (or an 8.5"×11" reproduced portion for renewal or amendment applications) with all required information. Check the box next to each item below to confirm it has been included on the map.
  - ⊠ One-mile radius
  - $\boxtimes$  Applicant's property boundaries
  - ⊠ Labeled point(s) of discharge
- Treatment facility boundariesHighlighted discharge route(s)

☑ Three-miles downstream information

- $\Box$  Effluent disposal site boundaries  $\Box$  All wastewater ponds
- Sewage sludge disposal site
- □ New and future construction

- Attachment: <u>See Figure 03</u>
- c. Is the location of the sewage sludge disposal site in the existing permit accurate?

🗆 Yes 🖾 No or New Permit

If no, or a new application, provide an accurate location description:  $\underline{N/A}$ 

d. Are the point(s) of discharge in the existing permit correct?

🖾 Yes 🛛 No or New Permit

If no, or a new application, provide an accurate location description:  $\underline{N/A}$ 

e. Are the discharge route(s) in the existing permit correct?

🖾 Yes 🛛 No or New Permit

If no, or a new permit, provide an accurate description of the discharge route:  $\underline{N/A}$ 

- f. City nearest the outfall(s): <u>Weatherford, Texas</u>
- g. County in which the outfalls(s) is/are located: <u>Parker</u>
- h. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

🗆 Yes 🖾 No

If yes, indicate by a check mark if: 
Authorization granted Authorization pending

For new and amendment applications, attach copies of letters that show proof of contact and provide the approval letter upon receipt. Attachment: N/A

For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge: N/A

i. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

🗆 Yes 🖾 No or New Permit

If no, or a new application, provide an accurate location description:  $\underline{N/A}$ 

- j. City nearest the disposal site: <u>N/A</u>
- k. County in which the disposal site is located: <u>N/A</u>

- l. Disposal Site Latitude: <u>N/A</u> Longitude: <u>N/A</u>
- m. For TLAPs, describe how effluent is/will be routed from the treatment facility to the disposal site:  $\underline{N/A}$
- n. For TLAPs, identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained:  $\underline{N/A}$

#### Item 12. MISCELLANEOUS INFORMATION (Instructions, Page 33)

a. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

🗆 Yes 🖾 No

If yes, list each person: <u>N/A</u>

b. Do you owe any fees to the TCEQ?

🗆 Yes 🖾 No

If yes, provide the account no.: N/A and total amount due: N/A

c. Do you owe any penalties to the TCEQ?

🗆 Yes 🖾 No

If yes, provide the enforcement order no.:  $\underline{N/A}$  and amount due:  $\underline{N/A}$ 

#### Item 13. SIGNATURE PAGE (Instructions, Pages 33-34)

#### Permit No: WQ0005278000

Applicant Name: Martin Marietta Materials Southwest, LLC

Certification: I, Kirk R. Light, 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.

Signatory name (typed or printed): Kirk R. Light

Signatory title: President

| Signature: 2000                     |            |                             | Date:             | /22/24    |   |
|-------------------------------------|------------|-----------------------------|-------------------|-----------|---|
| (Use blue inl                       | <)         |                             | 0                 | 1 1 -1    |   |
| Subscribed and Sworn to before me b | y the said | KIN                         | - K.              | Laut      |   |
| on this 22hd                        | (          | day of                      | marce             | Jour, 20_ | 24                                      |
| My)commission expression the $2$    | 23rd (     | day of                      | April             | , 20      | 27.                                     |
| Notary Public                       | State Page | TRANG TH                    | RINH<br>1985 SEAL | SFRY PLAN | RANG TRINH                              |
| Dallas, TX                          |            | My Commissio<br>April 23, 1 | n Expires<br>2027 |           | Wy Commission Expires<br>April 23, 2027 |

County, Texas

**Note:** If co-applicants are necessary, each entity must submit an original, separate signature page.

# **INDUSTRIAL ADMINISTRATIVE REPORT 1.1**

The following information is required for new and amendment applications.

#### Item 1. AFFECTED LANDOWNER INFORMATION (Instructions, Pages 35-36)

- a. Attach a landowner map or drawing, with scale, as applicable. Check the box next to each item to confirm it has been provided.
  - $\boxtimes$  The applicant's property boundaries.
  - ☑ The facility site boundaries within the applicant's property boundaries.
  - ☑ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone.
  - ☑ The property boundaries of all landowners surrounding the applicant's property. (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
  - The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream.
  - The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge.
  - The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides.
  - □ The boundaries of the effluent disposal site (e.g., irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property.
  - □ The property boundaries of all landowners surrounding the applicant's property boundaries where the effluent disposal site is located.
  - □ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners within one-quarter mile of the applicant's property boundaries where the sewage sludge land application site is located.
  - □ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (e.g., sludge surface disposal site or sludge monofil) is located.

Attachment: See Figure 002. Facility boundary is the same as property line.

b. Check the box next to the format of the landowners list:

 $\square$  Readable/Writeable CD  $\square$  Four sets of labels

Attachment: <u>See Figure 002</u>

- d. Provide the source of the landowners' names and mailing addresses: <u>Parker County Tax Assessors</u> <u>Map</u>
- e. As required by Texas Water Code § 5.115, is any permanent school fund land affected by this application?

🗆 Yes 🖾 No

If yes, provide the location and foreseeable impacts and effects this application has on the land(s):  $\underline{N/A}$ 



|                        | and the second | Brance and the second | Be the modifieds             | -           | time to be a second |           |
|------------------------|----------------|--|------------------------------|-------------|---------------------|-----------|
| FT AND COM             | Prop_ID        | OWNER_NAME   | MAIL_LINE1                   | MAIL_CITY   | MAIL_STAT           | MAIL_ZI   |
|                        | 90188          | PARKEY SHERI BETH  | 7303 BETHEL RD               | WEATHERFORD | ТХ                  | 76087     |
|                        | 82888          | BERGER CHARLES FREDERICK   | P.O. BOX 1161                | FORT WORTH  | ТХ                  | 76101     |
| TREAME                 | 52427          | SIMPSON BOB R  | 6608 BRYANT IRVIN RD         | FORT WORTH  | ТХ                  | 76132     |
| REAL AND AND           | N/A            |  |                              |             |                     |           |
|                        | 99830          | SHEEHAN GEOFFREY THOMAS  | 220 ADAMS DR STE 280 PMB 135 | WEATHERFORD | ТХ                  | 76086     |
|                        | 90902          | WEATHERFORD BUCKING BULLS REAL ESTATE LLC  | 6608 BRYANT IRVIN RD         | FORT WORTH  | ТХ                  | 76132     |
|                        | 52422          | LAUGHLIN PAUL & MICHELLE SLY   | 7205 BETHEL ROAD             | WEATHERFORD | ТХ                  | 76087     |
|                        | 45032          | WALKER GENE C & INDEPENDENT EXECUTOR ESTATE OF   | 2344 MISTLETOE AVENUE        | FORT WORTH  | ТХ                  | 76110     |
| Walnut Gt              | 45034          | WALKER GENE C & INDEPENDENT EXECUTOR ESTATE OF   | 2344 MISTLETOE AVENUE        | FORT WORTH  | ТХ                  | 76110     |
|                        | 39617          | SIMPSON BOB R  | 6608 BRYANT IRVIN RD         | FORT WORTH  | ТХ                  | 76132     |
|                        | 114398         | HINSON BUFFY & MICHAEL   | 1009 TIMBER HILLS DR         | WEATHERFORD | ТХ                  | 76087     |
| AND A CALL OF S        | 52432          | SIMPSON BOB R  | 6608 BRYANT IRVIN RD         | FORT WORTH  | ТХ                  | 76132     |
|                        | 97214          | SIMPSON BOB R  | 6608 BRYANT IRVIN RD         | FORT WORTH  | ТХ                  | 76132     |
| CARLEN AND AND AND AND | 114351         | MARRS MICHAEL R & GARY S   | 1000 TIMBER HILLS DRIVE      | WEATHERFORD | ТХ                  | 76087     |
| and the                | 114399         | SOUTHWORH BECKY L & BUTLER SHELIA  | 1001 TIMBER HILLS DRIVE      | WEATHERFORD | TX                  | 76087     |
|                        | A DOLLAR       | 9  | 0                            | 2           | Party Party         | a fine of |

# **AFFECTED LANDOWNERS**

TIN TOP #4 INDUSTRIAL WASTEWATER PERMIT APPLICATION MARTIN MARIETTA MATERIALS SOUTHWEST, LLC 7205 BETHEL ROAD, PARKER COUNTY, TEXAS 76087

| 222000                | REV | DESCRIPTION | BY | DATE |
|-----------------------|-----|-------------|----|------|
| S.A.T.E.OF/Et 70      |     |             |    |      |
| * × ×                 |     |             |    |      |
| CURI GARREII CAMPBELL |     |             |    |      |
| Por CENSEP.           |     |             |    |      |
| In Solonal ENG        |     |             |    |      |
| 11/26/2024            |     |             |    |      |
|                       |     |             |    |      |

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





November 7, 2024

Westward Project No. 10006-508

Cindy Cavazos Texas Commission on Environmental Quality (TCEQ) P.O. Box 13087 Austin, Texas 78711-3087 512-239-4561

# Subject:Industrial Wastewater Permit Renewal Application<br/>Quarry Operations within the John Graves Scenic Riverway<br/>Martin Marietta Materials Southwest, LLC (MM) – CN606114726<br/>Tin Top #4 – 7205 Bethel Road, Weatherford, Parker County, Texas

Dear Ms. Cavazos:

The Parker County Central Appraisal District (CAD) identifies twelve parcels adjacent and contiguous to the expanded Tin Top #4 Property. The parcel identification number, owner, and owner's mailing address are as follows (Table 1):

#### Table 1. Affected landowners adjacent and contiguous to Tin Top #4.

| Prop_ID | OWNER_NAME                                     | MAIL_LINE1                   | MAIL_CITY   | MAIL_STAT | MAIL_ZIP |
|---------|--|------------------------------|-------------|-----------|----------|
| 90188   | PARKEY SHERI BETH                              | 7303 BETHEL RD               | WEATHERFORD | TX        | 76087    |
| 82888   | BERGER CHARLES FREDERICK                       | P.O. BOX 1161                | FORT WORTH  | TX        | 76101    |
| 52427   | SIMPSON BOB R                                  | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX        | 76132    |
| N/A     |  |                              |             |           |          |
| 99830   | SHEEHAN GEOFFREY THOMAS                        | 220 ADAMS DR STE 280 PMB 135 | WEATHERFORD | TX        | 76086    |
| 90902   | WEATHERFORD BUCKING BULLS REAL ESTATE LLC      | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX        | 76132    |
| 52422   | LAUGHLIN PAUL & MICHELLE SLY                   | 7205 BETHEL ROAD             | WEATHERFORD | TX        | 76087    |
| 45032   | WALKER GENE C & INDEPENDENT EXECUTOR ESTATE OF | 2344 MISTLETOE AVENUE        | FORT WORTH  | TX        | 76110    |
| 45034   | WALKER GENE C & INDEPENDENT EXECUTOR ESTATE OF | 2344 MISTLETOE AVENUE        | FORT WORTH  | TX        | 76110    |
| 39617   | SIMPSON BOB R                                  | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX        | 76132    |
| 114398  | HINSON BUFFY & MICHAEL                         | 1009 TIMBER HILLS DR         | WEATHERFORD | TX        | 76087    |
| 52432   | SIMPSON BOB R                                  | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX        | 76132    |
| 97214   | SIMPSON BOB R                                  | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX        | 76132    |
| 114351  | MARRS MICHAEL R & GARY S                       | 1000 TIMBER HILLS DRIVE      | WEATHERFORD | TX        | 76087    |
| 114399  | SOUTHWORH BECKY L & BUTLER SHELIA              | 1001 TIMBER HILLS DRIVE      | WEATHERFORD | TX        | 76087    |

Respectfully submitted, WESTWARD ENVIRONMENTAL, INC.

CURT GARRETT CAMPBELL 11/26/2024 11/26/2024 

Curt G. Campbell, PE<sup>CCCCC</sup> VP Engineering & Natural Resources TX License No. 106851 | TX Firm No. 4524



westwardenv.com

Bob Simpson 6608 Bryant Irvin Road Fort Worth, TX 76132-421

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Bob Simpson 6608 Bryant Irvin Road Fort Worth, TX 76132-421 Gene and Kathleen Walker 2344 Mistletoe Avenue Fort Worth, TX 76110-1147

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Gene and Kathleen Walker 2344 Mistletoe Avenue Fort Worth, TX 76110-1147 Sheri Beth Parkey 7303 Bethel Road Weatherford, TX 76087-6319

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Geoffrey Thomas Sheehan 220 Adams Drive Ste 280 PMB 135 Weatherford, TX 76086

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Geoffrey Thomas Sheehan 220 Adams Drive Ste 280 PMB 135 Weatherford, TX 76086

Geoffrey Thomas Sheehan 220 Adams Drive Ste 280 PMB 135 Weatherford, TX 76086 Paul Laughlin & Michelle Sly 7205 Bethel Rd. Weatherford, TX 76087

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Paul Laughlin & Michelle Sly 7205 Bethel Rd. Weatherford, TX 76087 Michael R Marrs 1000 Timber Hills Drive Weatherford, TX 76087

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Michael R Marrs 1000 Timber Hills Drive Weatherford, TX 76087

| Buffy & Michael Hinson<br>1009 Timber Hills Drive<br>Weatherford, TX 76087 | Becky L Southworh & Sheila Butler<br>1001 Timber Hills Drive<br>Weatherford, TX 76087 | Weatherford Bucking Bulls<br>Real Estate LLC<br>6608 Bryant Irvin Road<br>Fort Worth, TX 76132-421 |
|--|---|--|
| Buffy & Michael Hinson<br>1009 Timber Hills Drive<br>Weatherford, TX 76087 | Becky L Southworh & Sheila Butler<br>1001 Timber Hills Drive<br>Weatherford, TX 76087 | Weatherford Bucking Bulls<br>Real Estate LLC<br>6608 Bryant Irvin Road<br>Fort Worth, TX 76132-421 |
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|  |   |  |
|  |   |  |
| Charles Frederick Berger<br>P.O. BOX 1161<br>Fort Worth, TX 76101          |   | Gene C Walker & Independent<br>Executer Estate of<br>2344 Mistletoe Avenue<br>Fort Worth, TX 76110 |
| Charles Frederick Berger<br>P.O. BOX 1161<br>Fort Worth, TX 76101          |   | Gene C Walker & Independent<br>Executer Estate of<br>2344 Mistletoe Avenue<br>Fort Worth, TX 76110 |
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#### Item 2. ORIGINAL PHOTOGRAPHS (Instructions, Page 37)

Provide original ground level photographs. Check the box next to each of the following items to indicate it is included.

□ At least one original photograph of the new or expanded treatment unit location.

- At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- □ At least one photograph of the existing/proposed effluent disposal site.
- A plot plan or map showing the location and direction of each photograph.

Attachment: <u>Please refer to Appendix D: Restoration Plan (Attachment A, Figure 5 and Attachment B)</u> for ground level photographs and location information

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

# FOR AGENCIES REVIEWING INDUSTRIAL TPDES WASTEWATER PERMIT APPLICATIONS

| TCEQ USE ONLY:                      |                              |
|-------------------------------------|------------------------------|
| Application type:RenewalMajor Am    | nendmentNinor AmendmentNew   |
| County: Segment Number:             |                              |
| Admin Complete Date:                | _                            |
| Agency Receiving SPIF:              |                              |
| Texas Historical Commission         | U.S. Fish and Wildlife       |
| Texas Parks and Wildlife Department | U.S. Army Corps of Engineers |

This form applies to TPDES permit applications only. (Instructions, Page 37)

The SPIF must be completed as a separate document. The TCEQ will mail a copy of the SPIF to each agency as required by the TCEQ agreement with EPA. If any of the items are not completely addressed or further information is needed, you will be contacted to provide the information before the permit is issued. Each item must be completely addressed.

Do not refer to a response of any item in the permit application form. Each attachment must be provided with this form separately from the administrative report of the application. The application will not be declared administratively complete without this form being completed in its entirety including all attachments.

The following applies to all applications:

- 1. Permittee Name: Martin Marietta Materials Southwest, LLC
- 2. Permit No.: <u>WQ0005278000</u> EPA ID No.: <u>TX0139483</u>
- 3. Address of the project (location description that includes street/highway, city/vicinity, and county): 7205 Bethel Road, Parker County, Texas. The site is located approximately 0.89-miles northwest of the intersection of New Tin Top Road and Bethel Road and approximately 8.1 miles south of the intersection of Bethel Road and I-20
- 4. Provide the name, address, phone and fax number, and email address of an individual that can be contacted to answer specific questions about the property.

| Full Name (First and Last): <u>Curt G. Campbell, PE</u>                      |                        |   |  |  |
|--|------------------------|---|--|--|
| Organization Name: Westward Environmental, Inc. Mailing Address: PO Box 2205 |                        |   |  |  |
| City: <u>Boerne</u>  | State: <u>Texas</u>    | Zip Code: <u>78006</u>                  |  |  |
| Phone No: (830) 249-8  | Fax No: (830) 249-0221 | Email: <u>ccampbell@westwardenv.com</u> |  |  |

- 5. List the county in which the facility is located: <u>Parker</u>
- 6. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property: N/A

- 7. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number: <u>Stormwater drainage flows southwest to Sanchez Creek. Sanchez Creek generally flows south and then west to the Brazos River.</u>
- 8. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report.) Attachment: <u>See Attached Figures 03 and 04</u>
- 9. Provide original photographs of any structures 50 years or older on the property. Attachment: <u>N/A</u>
- 10. Does your project involve any of the following? Check all that apply.
  - Proposed access roads, utility lines, construction easements
  - □ Visual effects that could damage or detract from a historic property's integrity
  - □ Vibration effects during construction or as a result of project design
  - □ Additional phases of development that are planned for the future
  - Sealing caves, fractures, sinkholes, other karst features
  - Disturbance of vegetation or wetlands
- 11. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features): <u>Approximately 175 acres total will be excavated, max depth of excavation +/- 30 feet. There is no known karst geology within the mine area.</u>
- 12. Describe existing disturbances, vegetation, and land use: <u>Portions of site is currently being mined</u>, <u>with the remainder used as open space/agricultural land</u>. Vegetation consists primarily of native <u>grasses</u>.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

- 13. List construction dates of all buildings and structures on the property: <u>Click to enter text.</u>
- 14. Provide a brief history of the property, and name of the architect/builder, if known: <u>Click to enter</u> <u>text</u>.

# WATER QUALITY PERMIT PAYMENT SUBMITTAL FORM

#### Use this form to submit the Application Fee, if mailing the payment. (Instructions, Page 37)

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- Do not mail this form with the application form.
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

#### Mail this form and the check or money order to:

#### BY REGULAR U.S. MAIL

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

#### BY OVERNIGHT/EXPRESS MAIL

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

#### Fee Code: WQPPermit No: WQ0005278000

- 1. Check or Money Order Number: <u>Click to enter text.</u>
- 2. Check or Money Order Amount: <u>\$1,215.00</u>
- 3. Date of Check or Money Order: <u>Click to enter text.</u>
- 4. Name on Check or Money Order: <u>Need Payment Info</u>
- 5. APPLICATION INFORMATION

Name of Project or Site: <u>Martin Marietta Materials Southwest, LLC – Tin Top #4</u>

Physical Address of Project or Site: 7205 Bethel Road, Weatherford, Texas 76087

If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application. Attachment: N/A

#### Staple Check or Money Order in This Space

# ATTACHMENT 1

# INDIVIDUAL INFORMATION

#### Item 1. Individual information (Instructions, Page 38)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., or Miss): <u>N/A</u> Full legal name (first, middle, and last): <u>N/A</u> Driver's License or State Identification Number: <u>N/A</u> Date of Birth: <u>N/A</u> Mailing Address: <u>N/A</u> City, State, and Zip Code: <u>N/A</u> Phone No.: <u>N/A</u> Fax No.: <u>N/A</u> E-mail Address: <u>N/A</u> CN: <u>N/A</u>

### TECHNICAL REPORT 1.0 INDUSTRIAL

The following information **is required** for all applications for a TLAP or an individual TPDES discharge permit.

For additional information or clarification on the requested information, refer to the <u>Instructions for</u> <u>Completing the Industrial Wastewater Permit Application</u><sup>1</sup> available on the TCEQ website.

If more than one outfall is included in the application, provide applicable information for each individual outfall. **If an item does not apply to the facility, enter N/A** to indicate that the item has been considered. Include separate reports or additional sheets as **clearly cross-referenced attachments** and provide the attachment number in the space provided for the item the attachment addresses.

**NOTE:** This application is for an industrial wastewater permit only. Additional authorizations from the TCEQ Waste Permits Division or the TCEQ Air Permits Division may be needed.

### 1. FACILITY/SITE INFORMATION (Instructions, Pages 39-40)

a. Describe the general nature of the business and type(s) of industrial and commercial activities. Include all applicable SIC codes (up to 4).

The subject property will be used for sand and gravel mining. SIC Code 1442. The in-situ material will be excavated and transported to an off-site sand and gravel plant. No wastewater processes are proposed within the lease area.

b. Describe all wastewater-generating processes at the facility.

Site disturbance, stormwater associated with industrial activity

<sup>&</sup>lt;sup>1</sup> https://www.tceq.texas.gov/permitting/wastewater/industrial/TPDES industrial wastewater steps.html
c. Provide a list of raw materials, major intermediates, and final products handled at the facility.

| <b>Raw Materials</b> | Intermediate Products | <b>Final Products</b> |
|----------------------|-----------------------|-----------------------|
| Sand                 | N/A                   | Sand                  |
| Gravel               | N/A                   | Gravel                |
|                      |                       |                       |
|                      |                       |                       |
|                      |                       |                       |
|                      |                       |                       |
|                      |                       |                       |
|                      |                       |                       |
|                      |                       |                       |

#### Attachment:

- d. Attach a facility map (drawn to scale) with the following information:
- Production areas, maintenance areas, materials-handling areas, waste-disposal areas, and water intake structures.
- The location of each unit of the WWTP including the location of wastewater collection sumps, impoundments, outfalls, and sampling points, if significantly different from outfall locations.

**Attachment:** <u>There are no production areas, maintenance areas, or waste disposal areas proposed at</u> <u>Tin Top #4. Material handling areas are limited to the excavation of material and the loading of</u> <u>material onto trucks.</u>

- e. Is this a new permit application for an existing facility?
- 🛛 Yes 🗆 No

If yes, provide background discussion: Application for permit renewal

f. Is/will the treatment facility/disposal site be located above the 100-year frequency flood level.

🗆 Yes 🖾 No

List source(s) used to determine 100-year frequency flood plain: <u>FEMA FIRM PANEL 48367C0525F eff.</u> <u>4/5/2019. See Attachment</u>

If **no**, provide the elevation of the 100-year frequency flood plain and describe what protective measures are used/proposed to prevent flooding (including tail water and rainfall run-on controls) of the treatment facility and disposal area: There is no wastewater treatment facility located within the project boundary; therefore, the elevation of the 100-year floodplain is not applicable.

## Attachment: <u>N/A</u>

g. For **new** or **major amendment** permit applications, will any construction operations result in a discharge of fill material into a water in the state?

 $\Box$  Yes  $\Box$  No  $\boxtimes$  N/A (renewal only)

h. If yes to Item 1.g, has the applicant applied for a USACE CWA Chapter 404 Dredge and Fill permit?

□ Yes □ No

If **yes**, provide the permit number:

If **no**, provide an approximate date of application submittal to the USACE:

## 2. TREATMENT SYSTEM (Instructions, Page 40)

a. List any physical, chemical, or biological treatment process(es) used/proposed to treat wastewater at this facility. Include a description of each treatment process, starting with initial treatment and finishing with the outfall/point of disposal.

<u>N/A. There is no wastewater generated within the leased area.</u>

b. Attach a flow schematic **with a water balance** showing all sources of water and wastewater flow into the facility, wastewater flow into and from each treatment unit, and wastewater flow to each outfall/point of disposal.

Attachment: <u>N/A</u>

## **3.** IMPOUNDMENTS (Instructions, Pages 40-42)

Does the facility use or plan to use any wastewater impoundments (e.g., lagoons or ponds?)

 $\boxtimes$  Yes  $\Box$  No

If **no**, proceed to Item 4. If **yes**, complete **Item 3.a** for **existing** impoundments and **Items 3.a - 3.e** for **new or proposed** impoundments. **NOTE:** See instructions, Pages 40-42, for additional information on the attachments required by Items 3.a – 3.e.

a. Complete the table with the following information for each existing, new, or proposed impoundment:

**Use Designation:** Indicate the use designation for each impoundment as Treatment (**T**), Disposal (**D**), Containment (**C**), or Evaporation (**E**).

Associated Outfall Number: Provide an outfall number if a discharge occurs or will occur.

**Liner Type:** Indicate the liner type as Compacted clay liner (**C**), In-situ clay liner (**I**), Synthetic/plastic/rubber liner (**S**), or Alternate liner (**A**). **NOTE:** See instructions for further detail on liner specifications. If an alternate liner (**A**) is selected, include an attachment that provides a description of the alternate liner and any additional technical information necessary for an evaluation.

**Leak Detection System:** If any leak detection systems are in place/planned, enter **Y** for yes. Otherwise, enter **N** for no.

**Groundwater Monitoring Wells and Data:** If groundwater monitoring wells are in place/planned, enter **Y** for yes. Otherwise, enter **N** for no. Attach any existing groundwater monitoring data.

**Dimensions:** Provide the dimensions, freeboard, surface area, storage capacity of the impoundments, and the maximum depth (not including freeboard). For impoundments with irregular shapes, submit surface area instead of length and width.

**Compliance with 40 CFR Part 257, Subpart D:** If the impoundment is required to be in compliance with 40 CFR Part 257, Subpart D, enter **Y** for yes. Otherwise, enter **N** for no.

Date of Construction: Enter the date construction of the impoundment commenced (mm/dd/yy).

#### **Impoundment Information**

| Parameter   | Pond #1    | Pond # | Pond # | Pond # |
|---|------------|--------|--------|--------|
| Use Designation: (T) (D) (C) or (E)                             | С          |        |        |        |
| Associated Outfall Number                                       | 1          |        |        |        |
| Liner Type (C) (I) (S) or (A)                                   | Ι          |        |        |        |
| Alt. Liner Attachment Reference                                 | N/A        |        |        |        |
| Leak Detection System, Y/N                                      | Ν          |        |        |        |
| Groundwater Monitoring Wells, Y/N                               | Ν          |        |        |        |
| Groundwater Monitoring Data Attachment                          | N/A        |        |        |        |
| Pond Bottom Located Above The Seasonal<br>High-Water Table, Y/N | Y          |        |        |        |
| Length (ft)   | 536'       |        |        |        |
| Width (ft)  | 194'       |        |        |        |
| Max Depth From Water Surface (ft), Not<br>Including Freeboard   | 28'        |        |        |        |
| Freeboard (ft)  | 2'         |        |        |        |
| Surface Area (acres)  | 2.17       |        |        |        |
| Storage Capacity (gallons)                                      | 19,801,684 |        |        |        |
| 40 CFR Part 257, Subpart D, Y/N                                 | N          |        |        |        |

### Impoundment Information

| Parameter   | Pond # | Pond # | Pond # | Pond # |
|---|--------|--------|--------|--------|
| Use Designation: (T) (D) (C) or (E)                             |        |        |        |        |
| Associated Outfall Number                                       |        |        |        |        |
| Liner Type (C) (I) (S) or (A)                                   |        |        |        |        |
| Alt. Liner Attachment Reference                                 |        |        |        |        |
| Leak Detection System, Y/N                                      |        |        |        |        |
| Groundwater Monitoring Wells, Y/N                               |        |        |        |        |
| Groundwater Monitoring Data Attachment                          |        |        |        |        |
| Pond Bottom Located Above The Seasonal<br>High-Water Table, Y/N |        |        |        |        |
| Length (ft)   |        |        |        |        |
| Width (ft)  |        |        |        |        |
| Max Depth From Water Surface (ft), not including freeboard      |        |        |        |        |
| Freeboard (ft)  |        |        |        |        |
| Surface Area (acres)  |        |        |        |        |
| Storage Capacity (gallons)                                      |        |        |        |        |
| 40 CFR Part 257, Subpart D, Y/N                                 |        |        |        |        |

#### Attachment:

The following information (Items 3.b – 3.e) is required only for **new or proposed** impoundments.

- b. For new or proposed impoundments, attach any available information on the following items. If attached, check **yes** in the appropriate box. Otherwise, check **no** or **not yet designed**.
- i. Liner data
  - □ Yes □ No □ Not yet designed
- ii. Leak detection system or groundwater monitoring data
  - □ Yes □ No □ Not yet designed
- iii. Groundwater impacts
  - □ Yes □ No □ Not yet designed

**NOTE:** Item b.iii is required if the bottom of the pond is not above the seasonal high-water table in the shallowest water-bearing zone.

#### Attachment:

### For TLAP applications: Items 3.c – 3.e are not required, continue to Item 4.

c. Attach a USGS map or a color copy of original quality and scale which accurately locates and identifies all known water supply wells and monitor wells within <sup>1</sup>/<sub>2</sub>-mile of the impoundments.

Attachment: <u>USGS 7.5 Minute Topographic Quadrangle - Sheet 01</u>

d. Attach copies of State Water Well Reports (e.g., driller's logs, completion data, etc.), and data on depths to groundwater for all known water supply wells including a description of how the depths to groundwater were obtained.

#### Attachment:

e. Attach information pertaining to the groundwater, soils, geology, pond liner, etc. used to assess the potential for migration of wastes from the impoundments or the potential for contamination of groundwater or surface water.

#### Attachment:

## 4. OUTFALL/DISPOSAL METHOD INFORMATION (Instructions, Pages 42-43)

Complete the following tables to describe the location and wastewater discharge or disposal operations for each outfall for discharge operations, and for each point of disposal for TLAP operations.

If there are more outfalls/points of disposal at the facility than the spaces provided, copies of pages 6 and/or numbered accordingly (i.e., page 6a, 6b, etc.) may be used to provide information on the additional outfalls.

**For TLAP applications:** Indicate the disposal method and each individual irrigation area **I**, evaporation pond **E**, or subsurface drainage system **S** by providing the appropriate letter designation for the disposal method followed by a numerical designation for each disposal area in the space provided for **Outfall** number (e.g. **E1** for evaporation pond 1, **I2** for irrigation area No. 2, etc.).

### Outfall Latitude and Longitude

| Outfall<br>Number | Latitude-decimal degrees | Longitude-decimal degrees |
|-------------------|--------------------------|---------------------------|
| 01                | 32.601414                | -97.828870                |
| 02                | 32.597847                | -97.827180                |
|                   |                          |                           |

## **Outfall Location Description**

| Outfall | Location  |
|---------|---|
| Number  | Description   |
| 01      | The outfall is located at the weir in the perimeter berm along the western boundary of the site.      |
| 02      | The outfall is located at the weir in the perimeter berm located on the southwest corner of the site. |
|         |   |

### Description of Sampling Points (if different from Outfall location)

| Outfall<br>Number | Description of<br>Sampling Point  |
|-------------------|---|
| 01                | The sampling point is located approximately 250 feet downgradient (SW) of the outfall location. |
| 02                | The sampling point is located approximately 250 feet downgradient (SW) of the outfall location. |
|                   |   |

#### **Outfall Flow Information – Permitted and Proposed**

| Outfall<br>Number | Permitted Daily<br>Avg Flow<br>(MGD) | Permitted Daily<br>Max Flow<br>(MGD) | Proposed Daily<br>Avg Flow<br>(MGD) | Proposed Daily<br>Max Flow<br>(MGD) | Anticipated<br>Discharge Date<br>(mm/dd/yy) |
|-------------------|--------------------------------------|--------------------------------------|-------------------------------------|-------------------------------------|---|
| 01                | Varies                               | Varies                               | Varies –<br>Intermittent            | Varies -<br>Intermittent            | Unknown                                     |
| 02                | Varies                               | Varies                               | Varies –<br>Intermittent            | Varies –<br>Intermittent            | Unknown                                     |
|                   |                                      |                                      |                                     |                                     |   |

## **Outfall Discharge – Method and Measurement**

| Outfall | Pumped Discharge? | Gravity Discharge? | Type of Flow Measurement |
|---------|-------------------|--------------------|--------------------------|
| Number  | Y/N               | Y/N                | Device Used              |
| 01      | Y                 | Y                  | Weir depth/grab          |
| 02      | N                 | Y                  | Weir depth/grab          |
|         |                   |                    |                          |

#### **Outfall Discharge – Flow Characteristics**

| Outfall<br>Number | Intermittent<br>Discharge?<br>Y/N | Continuous<br>Discharge?<br>Y/N | Seasonal<br>Discharge?<br>Y/N | Discharge<br>Duration<br>(hrs/day) | Discharge<br>Duration<br>(days/mo) | Discharge<br>Duration<br>(mo/yr) |
|-------------------|-----------------------------------|---------------------------------|-------------------------------|------------------------------------|------------------------------------|----------------------------------|
| 01                | Y                                 | Ν                               | Y                             | Varies                             | Varies                             | Varies                           |
| 02                | Y                                 | Ν                               | Y                             | Varies                             | Varies                             | Varies                           |
|                   |                                   |                                 |                               |                                    |                                    |                                  |

## Wastestream Contributions

### Outfall No.: <u>01</u>

| Contributing Wastestreams | Volume (MGD)          | % of Total Flow |
|---------------------------|-----------------------|-----------------|
| Stormwater                | Varies - intermittent | 10              |
| Groundwater               | Varies - intermittent | 90              |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |

### Outfall No.: 02

| Contributing Wastestreams | Volume (MGD)          | % of Total Flow |
|---------------------------|-----------------------|-----------------|
| Stormwater                | Varies - intermittent | 100             |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |
|                           |                       |                 |

## Outfall No.:

| Contributing Wastestreams | Volume (MGD) | % of Total Flow |
|---------------------------|--------------|-----------------|
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |
|                           |              |                 |

## Attachment:

## 5. BLOWDOWN AND ONCE-THROUGH COOLING WATER DISCHARGES (Instructions, Page 44)

a. Does the facility use/propose to use any cooling towers which discharge blowdown or other wastestreams to the outfall(s)?

🗆 Yes 🖂 No

NOTE: If the facility uses or plans to use cooling towers, Item 12 is required.

b. Does the facility use or plan to use any boilers that discharge blowdown or other wastestreams to the outfall(s)?

🗆 Yes 🖾 No

- c. Does or will the facility discharge once-through cooling water to the outfall(s)?
- 🗆 Yes 🖾 No

**NOTE:** If the facility uses or plans to use once-through cooling water, Item 12 **is required**.

- d. If **yes** to Items 5.a, 5.b, **or** 5.c, attach the SDS with the following information for each chemical additive.
- Manufacturers Product Identification Number
- Product use (e.g., biocide, fungicide, corrosion inhibitor, etc.)
- Chemical composition including CASRN for each ingredient
- Classify product as non-persistent, persistent, or bioaccumulative
- Product or active ingredient half-life
- Frequency of product use (e.g., 2 hours/day once every two weeks)
- Product toxicity data specific to fish and aquatic invertebrate organisms
- Concentration of whole product or active ingredient, as appropriate, in wastestream.

Attach a summary of this information in addition to the submittal of the SDS for each specific wastestream and the associated chemical additives and specify which outfalls are affected.

#### Attachment: <u>N/A</u>

e. Cooling Towers and Boilers

If **yes** to either Item 5.a **or** 5.b, complete the following table.

#### **Cooling Towers and Boilers**

| Type of Unit   | Number of Units | Dly Avg Blowdown<br>(gallons/day) | Dly Max Blowdown<br>(gallons/day) |
|----------------|-----------------|-----------------------------------|-----------------------------------|
| Cooling Towers |                 |                                   |                                   |
| Boilers        |                 |                                   |                                   |

## 6. STORMWATER MANAGEMENT (Instructions, Page 44)

Are there any existing/proposed outfalls which discharge stormwater associated with industrial activities, as defined at *40 CFR § 122.26(b)(14)*, commingled with any other wastestream?

🗆 Yes 🖾 No

If **yes**, briefly describe the industrial processes and activities that occur outdoors or in some manner which may result in exposure of the activities or materials to stormwater:

## 7. DOMESTIC SEWAGE, SEWAGE SLUDGE, AND SEPTAGE MANAGEMENT AND DISPOSAL (Instructions, Page 45)

*Domestic Sewage* - Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

- a. Check the box next to the appropriate method of domestic sewage and domestic sewage sludge treatment or disposal. Complete Worksheet 5.0 or Item 7.b if directed to do so.
- Domestic sewage is routed (i.e., connected to or transported to) to a WWTP permitted to receive domestic sewage for treatment, disposal, or both. **Complete Item 7.b**.
- Domestic sewage disposed of by an on-site septic tank and drainfield system. **Complete Item 7.b**.
- Domestic and industrial treatment sludge **ARE commingled** prior to use or disposal.
- □ Industrial wastewater and domestic sewage are treated separately, and the respective sludge **IS NOT commingled** prior to sludge use or disposal. **Complete Worksheet 5.0**.
- □ Facility is a POTW. **Complete Worksheet 5.0**.
- Domestic sewage is not generated on-site.
- Other (e.g., portable toilets), specify and **Complete Item 7.b**: <u>Portable toilets</u>
- b. Provide the name and TCEQ, NPDES, or TPDES Permit No. of the waste-disposal facility which receives the domestic sewage/septage. If hauled by motorized vehicle, provide the name and TCEQ Registration No. of the hauler.

#### Domestic Sewage Plant/Hauler Name

| Plant/Hauler Name | Permit/Registration No. |  |  |
|-------------------|-------------------------|--|--|
| A+ Porta Kans     | 22438                   |  |  |
|                   |                         |  |  |

## 8. IMPROVEMENTS OR COMPLIANCE/ENFORCEMENT REQUIREMENTS (Instructions, Page 45)

- a. Is the permittee currently required to meet any implementation schedule for compliance or enforcement?
- 🗆 Yes 🖾 No
- b. Has the permittee completed or planned for any improvements or construction projects?
- 🗆 Yes 🖾 No
- c. If **yes** to either 8.a **or** 8.b, provide a brief summary of the requirements and a status update:

## 9. TOXICITY TESTING (Instructions, Page 45)

Have any biological tests for acute or chronic toxicity been made on any of the discharges or on a receiving water in relation to the discharge within the last three years?

🗆 Yes 🖾 No

If yes, identify the tests and describe their purposes: N/A

Additionally, attach a copy of all tests performed which **have not** been submitted to the TCEQ or EPA.

## Attachment: <u>N/A</u>

## 10. OFF-SITE/THIRD PARTY WASTES (Instructions, Page 45)

- a. Does or will the facility receive wastes from off-site sources for treatment at the facility, disposal on-site via land application, or discharge via a permitted outfall?
- 🗆 Yes 🖾 No

If yes, provide responses to Items 10.b through 10.d below.

If **no**, proceed to Item 11.

- b. Attach the following information to the application:
- List of wastes received (including volumes, characterization, and capability with on-site wastes).
- Identify the sources of wastes received (including the legal name and addresses of the generators).
- Description of the relationship of waste source(s) with the facility's activities.

#### Attachment: <u>N/A</u>

c. Is or will wastewater from another TCEQ, NPDES, or TPDES permitted facility commingled with this facility's wastewater after final treatment and prior to discharge via the final outfall/point of disposal?

 $\Box$  Yes  $\boxtimes$  No

If **yes**, provide the name, address, and TCEQ, NPDES, or TPDES permit number of the contributing facility and a copy of any agreements or contracts relating to this activity.

#### Attachment: <u>N/A</u>

- d. Is this facility a POTW that accepts/will accept process wastewater from any SIU and has/is required to have an approved pretreatment program under the NPDES/TPDES program?
- 🗆 Yes 🖾 No

If yes, Worksheet 6.0 of this application is required.

## **11. RADIOACTIVE MATERIALS (Instructions, Pages 46)**

a. Are/will radioactive materials be mined, used, stored, or processed at this facility?

🗆 Yes 🖾 No

If **yes**, use the following table to provide the results of one analysis of the effluent for all radioactive materials that may be present. Provide results in pCi/L.

#### Radioactive Materials Mined, Used, Stored, or Processed

| Radioactive Material | Concentration (pCi/L) |
|----------------------|-----------------------|
|                      |                       |
|                      |                       |
|                      |                       |
|                      |                       |
|                      |                       |
|                      |                       |

- b. Does the applicant or anyone at the facility have any knowledge or reason to believe that radioactive materials may be present in the discharge, including naturally occurring radioactive materials in the source waters or on the facility property?
- 🗆 Yes 🖾 No

If **yes**, use the following table to provide the results of one analysis of the effluent for all radioactive materials that may be present. Provide results in pCi/L. Do not include information provided in response to Item 11.a.

#### **Radioactive Materials Present in the Discharge**

| Radioactive Material | Concentration (pCi/L) |  |
|----------------------|-----------------------|--|
|                      |                       |  |
|                      |                       |  |
|                      |                       |  |
|                      |                       |  |
|                      |                       |  |
|                      |                       |  |

## 12. COOLING WATER (Instructions, Pages 46-47)

- a. Does the facility use or propose to use water for cooling purposes?
- $\Box$  Yes  $\boxtimes$  No

If **no**, stop here. If **yes**, complete Items 12.b thru 12.f.

- b. Cooling water is/will be obtained from a groundwater source (e.g., on-site well).
- □ Yes □ No

If **yes**, stop here. If **no**, continue.

- c. Cooling Water Supplier
- i. Provide the name of the owner(s) and operator(s) for the CWIS that supplies or will supply water for cooling purposes to the facility.

#### Cooling Water Intake Structure(s) Owner(s) and Operator(s)

| CWIS ID  |  |  |
|----------|--|--|
| Owner    |  |  |
| Operator |  |  |

ii. Cooling water is/will be obtained from a Public Water Supplier (PWS)

🗆 Yes 🗆 No

If no, continue. If yes, provide the PWS Registration No. and stop here: PWS No.

- iii. Cooling water is/will be obtained from a reclaimed water source?
  - □ Yes □ No

If **no**, continue. If **yes**, provide the Reuse Authorization No. and stop here:

iv. Cooling water is/will be obtained from an Independent Supplier

□ Yes □ No

If **yes**, provide the actual intake flow of the Independent Supplier's CWIS that is/will be used to provide water for cooling purposes to the facility and proceed:

If **no**, proceed to Item 12.d.

- d. 316(b) General Criteria
- i. The CWIS(s) used to provide water for cooling purposes to the facility has or will have a cumulative design intake flow of 2 MGD or greater.
  - □ Yes □ No
- ii. At least 25% of the total water withdrawn by the CWIS is/will be used at the facility exclusively for cooling purposes on an annual average basis.
  - □ Yes □ No
- iii. The CWIS(s) withdraw(s)/propose(s) to withdraw water for cooling purposes from surface waters that meet the definition of Waters of the United States in *40 CFR § 122.2*.
  - □ Yes □ No

If **no**, provide an explanation of how the waterbody does not meet the definition of Waters of the United States in *40 CFR § 122.2*:

If **yes** to all three questions in Item 12.d, the facility **meets** the minimum criteria to be subject to the full requirements of Section 316(b) of the CWA. Proceed to **Item 12.f**.

If **no** to any of the questions in Item 12.d, the facility **does not meet** the minimum criteria to be subject to the full requirements of Section 316(b) of the CWA; however, a determination is required based upon BPJ. Proceed to **Item 12.e**.

- e. The facility does not meet the minimum requirements to be subject to the fill requirements of Section 316(b) **and uses/proposes to use cooling towers**.
- □ Yes □ No

If **yes**, stop here. If **no**, complete Worksheet 11.0, Items 1(a), 1(b)(i-iii) and (vi), 2(b)(i), and 3(a) to allow for a determination based upon BPJ.

- f. Oil and Gas Exploration and Production
- i. The facility is subject to requirements at 40 CFR Part 435, Subparts A or D.
  - 🗆 Yes 🗆 No

If yes, continue. If no, skip to Item 12.g.

- ii. The facility is an existing facility as defined at 40 CFR § 125.92(k) or a new unit at an existing facility as defined at 40 CFR § 125.92(u).
  - 🗆 Yes 🗆 No

If **yes**, complete Worksheet 11.0, Items 1(a), 1(b)(i-iii) and (vi), 2(b)(i), and 3(a) to allow for a determination based upon BPJ. If **no**, skip to Item 12.g.iii.

- g. Compliance Phase and Track Selection
- i. Phase I New facility subject to 40 CFR Part 125, Subpart I

□ Yes □ No

If **yes**, check the box next to the facility's compliance track selection, attach the requested information, and complete Worksheet 11.0, Items 2 and 3, and Worksheet 11.2.

- Track I AIF greater than 2 MGD, but less than 10 MGD
  - Attach information required by *40 CFR §§ 125.86(b)(2)-(4)*.
- $\Box$  Track I AIF greater than 10 MGD
  - Attach information required by 40 CFR § 125.86(b).
- □ Track II
  - Attach information required by 40 CFR § 125.86(c).

#### Attachment:

- ii. Phase II Existing facility subject to 40 CFR Part 125, Subpart J
  - □ Yes □ No

If yes, complete Worksheets 11.0 through 11.3, as applicable.

iii. Phase III – New facility subject to 40 CFR Part 125, Subpart N

□ Yes □ No

If **yes**, check the box next to the facility's compliance track selection and provide the requested information.

- □ Track I Fixed facility
  - Attach information required by 40 CFR § 125.136(b) and complete Worksheet 11.0, Items 2 and 3, and Worksheet 11.2.

□ Track I – Not a fixed facility

• Attach information required by 40 CFR § 125.136(b) and complete Worksheet 11.0, Item 2 (except the CWIS latitude and longitude under Item 2.a).

 $\Box$  Track II – Fixed facility

• Attach information required by 40 CFR § 125.136(c) and complete Worksheet 11.0, Items 2 and 3.

| Attachment: |  |
|-------------|--|
|-------------|--|

**NOTE:** Item 13 is required only for existing permitted facilities.

## 13. PERMIT CHANGE REQUESTS (Instructions, Pages 49-50)

a. Is the facility requesting a **major amendment** of an existing permit?

🗆 Yes 🖾 No

If **yes**, list each request individually and provide the following information: 1) detailed information regarding the scope of each request and 2) a justification for each request. Attach any supplemental information or additional data to support each request.

b. Is the facility requesting any **minor amendments** to the permit?

🗆 Yes 🖂 No

If yes, list and discuss the requested changes.

c. Is the facility requesting any minor modifications to the permit?

🗆 Yes 🖾 No

If **yes**, list and discuss the requested changes.

## WORKSHEET 4.0 RECEIVING WATERS

This worksheet is required for all TPDES permit applications.

## 1. DOMESTIC DRINKING WATER SUPPLY (Instructions, Page 81)

a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

🗆 Yes 🖾 No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

- i. The legal name of the owner of the drinking water supply intake:
- v. The distance and direction from the outfall to the drinking water supply intake:
- b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.
- □ Check this box to confirm the above requested information is provided.

## 2. DISCHARGE INTO TIDALLY INFLUENCED WATERS (Instructions, Page 81)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

a. Width of the receiving water at the outfall: feet

b. Are there oyster reefs in the vicinity of the discharge?

🗆 Yes 🖾 No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs:

c. Are there sea grasses within the vicinity of the point of discharge?

🗆 Yes 🖾 No

If **yes**, provide the distance and direction from the outfall(s) to the grasses:

## 3. CLASSIFIED SEGMENT (Instructions, Page 81)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

🗆 Yes 🖾 No

If **yes**, stop here. It is not necessary to complete Items 4 and 5 of this worksheet or Worksheet 4.1. If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

# 4. DESCRIPTION OF IMMEDIATE RECEIVING WATERS (Instructions, Page 82)

- a. Name of the immediate receiving waters: Sanchez Creek
- b. Check the appropriate description of the immediate receiving waters:
- □ Lake or Pond
  - Surface area (acres):
  - Average depth of the entire water body (feet):
  - Average depth of water body within a 500foot radius of the discharge point (feet):
- □ Man-Made Channel or Ditch
- ⊠ Stream or Creek
- □ Freshwater Swamp or Marsh
- □ Tidal Stream, Bayou, or Marsh
- Open Bay
- $\Box$  Other, specify:

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

- □ Intermittent (dry for at least one week during most years)
- Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)
- Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

- $\Box$  USGS flow records
- $\boxtimes$  personal observation
- historical observation by adjacent landowner(s)
- other, specify: <u>Current and historical aerial imagery</u>, <u>USGS topographic map</u>
- d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: <u>Brazos River</u>
- e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).
- $\boxtimes$  Yes  $\Box$  No

If **yes**, describe how: <u>Sanchez Creek flows into the Brazos River. Both Sanchez Creek and the Brazos River are perennial.</u>

f. General observations of the water body during normal dry weather conditions: At the time of site investigation, water was observed in Sanchez Creek. Water clarity was discolored and riparian vegetation was present.

Date and time of observation: May 23, 2018 at 10:31 a.m

- g. The water body was influenced by stormwater runoff during observations.
- 🗆 Yes 🖾 No

If **yes**, describe how:

## 5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 82)

- a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):
- oil field activities
  urban runoff
- 🗆 agricultural runoff 🛛 🗆 septic tanks
- □ upstream discharges ⊠ other, specify: <u>Pasture land</u>
- b. Uses of water body observed or evidence of such uses (check all that apply):
- $\Box$  livestock watering  $\Box$  fishing
- □ non-contact recreation
- □ industrial water supply
- picnic/park activities
- $\Box$  other, specify:

- domestic water supply
   contact recreation
   navigation
- c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):
- □ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional
- Natural Area: trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid
- □ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

## WORKSHEET 7.0 STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

This worksheet **is required** for all TPDES permit applications requesting individual permit coverage for discharges consisting of **either**: 1) solely of stormwater discharges associated with industrial activities, as defined in *40 CFR § 122.26(b)(14)(i-xi)*, **or** 2) stormwater discharges associated with industrial activities and any of the listed allowable non-stormwater discharges, as defined in the MSGP (TXR05000), Part II, Section A, Item 6.

Discharges of stormwater as defined in 40 *CFR* § 122.26 (*b*)(13) are not required to obtain authorization under a TPDES permit (see exceptions at 40 *CFR* §§ 122.26(*a*)(1) and (9)). Authorization for discharge may be required from a local municipal separate storm sewer system.

## 1. APPLICABILITY (Instructions, Page 90)

Do discharges from any of the existing/proposed outfalls consist either 1) solely of stormwater discharges associated with industrial activities **or** 2) stormwater discharges associated with industrial activities and any of the allowable non-stormwater discharges?

🖾 Yes 🗆 No

If **no**, stop here. If **yes**, proceed as directed.

## 2. STORMWATER OUTFALL COVERAGE (Instructions, Page 91)

List each existing/proposed stormwater outfall at the facility and indicate which type of authorization covers or is proposed to cover discharges.

| Outfall | Authorized Under MSGP | Authorized Under Individual Permit |
|---------|-----------------------|------------------------------------|
| 01      |                       |                                    |
| 02      |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |
|         |                       |                                    |

#### Authorization coverage

If **all** existing/proposed outfalls which discharge stormwater associated with industrial activities (and any of the allowable non-stormwater discharges) are **authorized under the MSGP**, **stop** here.

If **seeking authorization** for any outfalls which discharge stormwater associated with industrial activities (and any of the allowable non-stormwater discharges) **under an individual permit**, **proceed**.

## NOTE: The following information is required for each existing/proposed stormwater outfall for which the facility is seeking individual permit authorization under this application.

## 3. SITE MAP (Instructions, Page 91)

Attach a site map or maps (drawn to scale) of the entire facility with the following information.

- the location of each stormwater outfall to be covered by the permit
- an outline of the drainage area that is within the facility's boundary and that contributes stormwater to each outfall to be covered by the permit
- connections or discharge points to municipal separate storm sewer systems
- locations of all structures (e.g. buildings, garages, storage tanks)
- structural control devices that are designed to reduce pollution in discharges of stormwater associated with industrial activities
- process wastewater treatment units (including ponds)
- bag house and other air treatment units exposed to stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage)
- landfills; scrapyards; surface water bodies (including wetlands)
- vehicle and equipment maintenance areas
- physical features of the site that may influence discharges of stormwater associated with industrial activities or contribute a dry weather flow
- locations where spills or leaks of reportable quality (as defined in *30 TAC § 327.4*) have occurred during the three years before this application was submitted to obtain coverage under an individual permit
- processing areas, storage areas, material loading/unloading areas, and other locations where significant materials are exposed to stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage)
- Check the box to confirm all the above information was provided on the facility site map(s).

#### Attachment:

## 4. FACILITY/SITE INFORMATION (Instructions, Pages 91-92)

a. Provide the area of impervious surface and the total area drained by each stormwater outfall requested for authorization by this permit application.

#### **Impervious Surfaces**

| Outfall | Area of Impervious Surface<br>(include units) | Total Area Drained<br>(include units) |
|---------|---|---------------------------------------|
| 01      | 0.0 Acres                                     | 56.34 Acres                           |
| 02      | 0.0 Acres                                     | 5.38 Acres                            |
|         |   |                                       |
|         |   |                                       |
|         |   |                                       |
|         |   |                                       |
|         |   |                                       |
|         |   |                                       |
|         |   |                                       |
|         |   |                                       |

b. Provide the following local area rainfall information and the source of the information.

#### Wettest month: <u>May</u>

Average rainfall for wettest month (total inches): 4.61 inches

25-year, 24-hour rainfall (inches): 7.30 inches

Source: <u>https://www.usclimatedata.com/climate/weatherford/texas/united-states/ustx1432</u>

- c. Attach an inventory, or list, of materials currently handled at the facility that may be exposed to precipitation. **Attachment:** <u>Quarried material sand and gravel</u>
- d. Attach narrative descriptions of the industrial processes and activities involving the materials in the above-listed inventory that occur outdoors or in some manner that may result in exposure of the materials to precipitation or runoff (see instructions for guidance). **Attachment:** <u>Quarried</u> <u>material will be excavated and placed into trucks and hauled off-site. Land disturbances associated with quarry activities will be exposed to precipitation runoff.</u>
- e. Describe any BMPs and controls the facility uses/proposes to prevent or effectively reduce pollution in stormwater discharges from the facility: <u>Perimeter berms will prevent stormwater from leaving the site.</u> Stormwater will be diverted via swales to Outfall 001. Swales are directed to settling basin area lined with aggregate filter material to remove sediment and allow additional sediment to settle prior to discharge. Outfall 002 will be developed with the same BMPs at such time that industrial activities begin at the affected portion of the site. Perimeter berms will be stabilized. A rain gauge located at nearby off-site processing plant will be utilized for rainfall accumulation monitoring.

# 5. LABORATORY ACCREDITATION CERTIFICATION (Instructions, Page 92)

Effective July 1, 2008, all laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification* with the following general exemptions:

- a. The laboratory is an in-house laboratory and is:
- i. periodically inspected by the TCEQ; or
- ii. located in another state and is accredited or inspected by that state; or
- iii. performing work for another company with a unit located in the same site; or
- vi. performing pro bono work for a governmental agency or charitable organization.
- b. The laboratory is accredited under federal law.
- c. The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- d. The laboratory supplies data for which the TCEQ does not offer accreditation.

Review *30 TAC Chapter 25* for specific requirements. The following certification statement shall be signed and submitted with every application. See Instructions, Page 32, for a list of approved signatories.

I, <u>Kirk R. Light</u>, certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25*, *Environmental Testing Laboratory Accreditation and Certification*.

(Signature)

## 6. POLLUTANT ANALYSIS (Instructions, Pages 92-93)

a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018):

- Check the box to confirm all samples were collected no more than 12 months prior to the b. 🗆 date of application submittal.
- c. Complete Table 17 as directed on page 92 of the Instructions.

| Pollutant              | Grab<br>Sample*<br>Maximum<br>(mg/L) | Composite<br>Sample**<br>Maximum<br>(mg/L) | Grab<br>Sample*<br>Average<br>(mg/L) | Composite<br>Sample**<br>Average<br>(mg/L) | Number<br>of Storm<br>Events<br>Sampled | MAL<br>(mg/L) |
|------------------------|--------------------------------------|--|--------------------------------------|--|---|---------------|
| pH (standard units)    | (max)                                | —  | (min)                                | —  |   | —             |
| Total suspended solids |                                      |  |                                      |  |   | —             |
| Chemical oxygen demand |                                      |  |                                      |  |   | —             |
| Total organic carbon   |                                      |  |                                      |  |   | —             |
| Oil and grease         |                                      |  |                                      |  |   | —             |
| Arsenic, total         |                                      |  |                                      |  |   | 0.0005        |
| Barium, total          |                                      |  |                                      |  |   | 0.003         |
| Cadmium, total         |                                      |  |                                      |  |   | 0.001         |
| Chromium, total        |                                      |  |                                      |  |   | 0.003         |
| Chromium, trivalent    |                                      |  |                                      |  |   | _             |
| Chromium, hexavalent   |                                      |  |                                      |  |   | 0.003         |
| Copper, total          |                                      |  |                                      |  |   | 0.002         |
| Lead, total            |                                      |  |                                      |  |   | 0.0005        |
| Mercury, total         |                                      |  |                                      |  |   | 0.000005      |
| Nickel, total          |                                      |  |                                      |  |   | 0.002         |
| Selenium, total        |                                      |  |                                      |  |   | 0.005         |
| Silver, total          |                                      |  |                                      |  |   | 0.0005        |
| Zinc, total            |                                      |  |                                      |  |   | 0.005         |

\* Taken during first 30 minutes of storm event \*\* Flow-weighted composite sample

d. Complete Table 18 as directed on pages 92-94 of the Instructions.

## Table 18 Pollutant Analysis for Outfall No.:

| Pollutant | Grab<br>Sample*<br>Maximum<br>(mg/L) | Composite<br>Sample**<br>Maximum<br>(mg/L) | Grab<br>Sample*<br>Average<br>(mg/L) | Composite<br>Sample**<br>Average<br>(mg/L) | Number of<br>Storm<br>Events<br>Sampled |
|-----------|--------------------------------------|--|--------------------------------------|--|---|
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |
|           |                                      |  |                                      |  |   |

| Pollutant | Grab    | Composite | Grab    | Composite | Number of |
|-----------|---------|-----------|---------|-----------|-----------|
|           | Sample* | Sample**  | Sample* | Sample**  | Storm     |
|           | Maximum | Maximum   | Average | Average   | Events    |
|           | (mg/L)  | (mg/L)    | (mg/L)  | (mg/L)    | Sampled   |
|           |         |           |         |           |           |

\* Taken during first 30 minutes of storm event

\*\* Flow-weighted composite sample

Attachment:

## 7. STORM EVENT DATA (Instructions, Page 94)

Provide the following data for the storm event(s) which resulted in the maximum values for the analytical data submitted:

Date of storm event:

Duration of storm event (minutes):

Total rainfall during storm event (inches):

Number of hours the between beginning of the storm measured and the end of the previous measurable storm event (hours):

Maximum flow rate during rain event (gallons/minute):

Total stormwater flow from rain event (gallons):

Provide a description of the method of flow measurement or estimate:

## WORKSHEET 10.0 QUARRIES IN THE JOHN GRAVES SCENIC RIVERWAY

This worksheet **is required** for all applications for individual permits for a municipal solid waste facilities or mining facilities located within a Water Quality Protection Area in the John Graves Scenic Riverway.

## Review 30 TAC §§ 311.71-311.82 thoroughly prior to completing any portion of this worksheet.

## 1. EXCLUSIONS (Instructions, Pages 101-102)

- a. Is this a municipal solid waste facility?
- 🗆 Yes 🖾 No
- b. Has this quarry been in operation since January 1, 1994 without cessation of operation for more than 30 consecutive days and under the same ownership?
- 🗆 Yes 🖾 No
- c. Is this a coal mine?
- 🗆 Yes 🖾 No
- d. Is this a facility mining clay and/or shale for use in manufacturing of structural clay products?
- 🗆 Yes 🖾 No

If **yes** to **any** of the above questions, **stop here**. The facility is required to maintain acceptable documentation, as outlined in *30 TAC § 311.72(c)*, at the facility to demonstrate the exclusion(s).

## 2. LOCATION OF THE QUARRY (Instructions, Page 102)

Check the box next to the distance between the quarry and the nearest navigable water body:

□ < 200 feet ⊠ 200 feet – 1,500 feet □ 1,500 feet – 1 mile □ > 1 mile

**NOTE:** The construction or operation of any new quarry or expansion of any existing quarry **is prohibited** within 200 feet of any water body located within a water quality protection area in the John Graves Scenic Riverway.

## 3. ADDITIONAL REQUIREMENTS (Instructions, Pages 102-104)

Use the table in the Instructions to determine if additional application requirements apply to the facility based on distance between the quarry and the nearest waterway. Attach as appropriate or enter N/A.

- a. Attach a Restoration Plan: See Appendix D
- b. Amount of Financial Assurance for Restoration: \$29,500

#### Mechanism: Payment Bond

- c. Attach a Technical Demonstration: See Appendix E
- d. Attach a Reclamation Plan: See Appendix F
- e. Amount of Financial Assurance for Reclamation: \$<u>42,000</u>

#### Mechanism: Payment Bond

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

## **APPENDICES**

Appendix A: Lease Agreement

Appendix B: Core Data Form

Appendix C: Bond Information

Appendix D: Restoration Plan

Appendix E: Technical Demonstration

Appendix F: Reclamation Plan

Appendix G: Stormwater Retention Basin Analysis

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

## **Appendix A:**

## Lease Agreement

Lease Agreement Exhibit A: Property Description Exhibit B: Permitted Exceptions Exhibit C: Environmental Representations and Warranties Exhibit D: Memorandum of Lease NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

#### SAND AND GRAVEL LEASE AGREEMENT

| THE STATE OF TEXAS | S |
|--------------------|---|
|                    | S |
| COUNTY OF PARKER   | 8 |

This SAND AND GRAVEL LEASE AGREEMENT (this "Agreement") shall be effective as of the day of November, 2021 (the "Effective Date"), by and between BOB R. SIMPSON, whose address is c/o H. Brad Reynolds, 6608 Bryant Irvin Road, Fort Worth, Texas, 76132 ("Lessor"), and Martin Marietta Materials Southwest, LLC, whose business address is 1503 Lyndon B. Johnson Freeway, Suite 400, Dallas, Texas 75234 ("Lessee"). Lessor and Lessee may sometimes be referred to individually as a "Party," and collectively as the "Parties".

WHEREAS, Lessor is the owner of certain property located in Parker County, Texas, more specifically described on Exhibit A, which is attached hereto and made a part hereof (the "Property");

WHEREAS, Lessee desires to lease the Property for the purpose of developing, producing, mining, removing, processing, storing and selling sand, gravel, rock, aggregate products, and other related construction materials (but excluding oil, gas and other minerals), such construction materials being hereinafter collectively referred to as the "Material," and construct and operate related facilities thereon (the purposes described above shall be referred to as the "Sand and Gravel Operations"); and

WHEREAS, Lessor is willing to allow the use of the Property for Sand and Gravel Operations upon certain terms and conditions as more fully set out below.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, the Parties hereby agree as follows:

1. <u>Sand and Gravel Lease</u>. Lessor hereby LEASES and LETS exclusively to Lessee, on the terms and conditions set forth herein, the Property for the sole purpose of conducting the Sand and Gravel Operations.

1.1 Lessor warrants title to the surface of the Property by, through and under Lessor but not otherwise, and Lessor disclaims all other warranties and representations of title, ownership or control of the Property, whether express or implied. Lessee acknowledges that this Agreement is subject to all prior recorded conveyances and encumbrances burdening the Property, including, without limitation, any easements and any oil and/or gas leases burdening the Property. LESSEE AGREES THAT THE PROPERTY IS BEING LEASED ON AN "AS IS, WHERE IS" BASIS AND "WITH ALL FAULTS," AND THAT LESSEE HAS HAD AN ADEQUATE OPPORTUNITY TO INSPECT THE PROPERTY AND IT ACCEPTS THE PROPERTY WITH ALL FAULTS, WHETHER KNOWN OR UNKNOWN.

1.2 Lessee shall have the right to enter onto the Property and conduct Sand and Gravel Operations, including the right of ingress and egress to and from the Property, solely along routes approved in writing by Lessor pursuant to the terms of <u>Paragraph 7</u> below.

1.3 Lessee shall have the right to terminate this Agreement upon the occurrence of either of the following events:

1.3.1 Lessee is precluded by any applicable statute, rule, ordinance, conditional use permit, regulation, act, failure to act or determination of any governmental authority or court having jurisdiction over the same from access to or use of the Property for the purposes contemplated herein, and Lessee has made all commercially reasonable efforts to avoid or remedy any such restriction; or

1.3.2 All of the available Material located upon the Property is exhausted or because of its location or depth becomes uneconomical to mine and remove from the Property.

1.3.3 Upon termination of this Agreement for any of the reasons above, Lessee's obligations to pay any additional sum (except for such sums as have become due and payable prior to such termination) and all of Lessee's rights hereunder shall thereupon cease and terminate; provided however, all of Lessee's cleanup, indemnity and remediation obligations hereunder shall survive any such termination and remain binding on Lessee.

2. <u>Term</u>. The initial term of this Agreement shall be for 3 years from the Effective Date hereof (the "Initial Term"). Lessee shall pay to the Lessor the sum of the sum of the term of term of the term of t



2.2 Upon termination of this Agreement, Lessee's obligations to pay any additional sum (except for such sums as have become due and payable prior to such termination) and all of Lessee's rights hereunder shall thereupon cease and terminate; provided however, all of Lessee's cleanup, indemnity and remediation obligations shall survive any such termination and remain binding on Lessee.

3. **Operations.** Lessee agrees to perform all labor and to furnish all equipment necessary to conduct Sand and Gravel Operations on the Property at no cost or expense to Lessor. Lessee agrees to conduct all of its Sand and Gravel Operations in a safe and secure manner and in accordance with best mining practices. In addition, Lessee agrees to extract Material in such a manner that unreasonable hazards are not created, including, without limitation the elimination of any steep grades or unstable walls. For the purposes hereof, the parties agree that all final slopes shall be maintained at no steeper than a 4:1 slope.

3.1 It is hereby recognized that there is an existing inventory of crushed rock on the Property. Such crushed rock shall be the sole property of Lessor, and shall be segregated from any other Material produced under the terms of this Agreement. In addition, Lessee hereby agrees to move this existing inventory to other lands owned by Lessor in the vicinity of the Property at no cost to the Lessor, at any time that Lessee is conducting operations on the Property and from time to time.

3.2 Lessee will timely pay any and all license or similar fees, if any, relating to the Sand and Gravel Operations, and Lessee will indemnify, defend and hold harmless the Indemnified Parties (as defined below) from any such fines, costs or expenses.

Lessee shall erect such fences, gates, traffic control signage, and utilize any other 3.3 such measures as may be reasonably necessary to prevent hazards to the public or livestock. Lessee, at its sole cost and expense, will furnish and install gates and cattle guards at all road and fence crossings, and shall install fencing around the intended mining area in order to turn cattle, in the same or better type and quality currently utilized on the Property. Upon expiration or termination of this Agreement, Lessee shall remove any such cattle guards and gates at Lessee's sole expense, or leave them in place, all at the option of Lessor. All access gates shall remain locked with a combination lock at all times, with the combination to each lock provided to Lessor for each gate; all access gates, as well as all interior gates, shall remain closed at all times. Lessor acknowledges that access to active mining areas is generally restricted and subject to various laws, rules, and regulations and it shall accordingly coordinate such access with Lessee. Lessee shall, at all times, maintain all roads utilized in its operations on the Property in good condition, including without limitation the repair of any roads with ruts and/or pooled water to the extent arising from its use and operation. In addition, Lessee shall upgrade any existing roads or construct any approved new roads as required to handle all anticipated traffic in all-weather conditions. All roads shall have suitable drainage and be constructed or upgraded with a suitable material base to carry Lessee's traffic and to prevent damage to the land by deep rutting or erosion.

Other than the use of water that may pond in Lessee's excavations hereunder, 3.4 Lessee shall not use any water located on the surface of the Property without the prior written consent of Lessor which may be withheld in Lessor's sole discretion; provided however, Lessee may use water for Sand and Gravel Operations from water wells drilled by Lessee at locations approved by Lessor on the Property, as provided in Paragraph 7 below. At any time, and from time to time, Lessor shall have the right to use water from Lessee's water well(s) so long as such use does not unreasonably interfere with Lessee's use of such wells for Sand and Gravel Operations. All costs associated with, applying for, developing, appropriating and using water from Lessee's well(s) on the Property shall be at Lessee's sole cost and expense. In the event Lessor wishes to use water from Lessee's wells, it shall pay its proportionate share of the pumping costs related thereto as well as its proportionate share of any regulatory fees that may be imposed upon such use. At the termination of this Agreement, or the end of Lessee's use of such water wells, Lessor shall have the election (on a well-by-well basis) to require Lessee to: (i) leave all water well(s) and associated improvements, pumps and equipment, in good working order by Lessee, and thereafter such well(s) and equipment shall become the sole property of the Lessor, or (ii) properly plug and abandon such well(s) in accordance with all applicable rules and regulations, all at Lessee's sole cost and expense.



3.6 Lessee may install and use utility services to the Property, including but not limited to power and telephone service, along routes approved by Lessor in accordance with <u>Paragraph 7</u> below. Such installation will be at the sole cost and expense of Lessee. Lessee agrees to timely pay for all services and utilities supplied to the Property for the benefit of Lessee.

3.7 On a continuing basis throughout the term of this Agreement, and within 180 days of the termination or expiration of this Agreement, Lessee agrees to (i) grade, shape, restore, reseed and reclaim the disturbed surface of the Property in accordance with its reclamation responsibilities under applicable county, state, and/or federal governmental laws or regulations, and to the standard of lands being traversable by a standard farm tractor, and (ii) remove all equipment, facilities, plants, foundations and structures from the Property. Lessee shall not be required to fill in any ponds created by its sand and gravel operations. Lessee shall remove topsoil before conducting its Sand and Gravel Operations and stockpile it for reclamation use.

3.8 Lessee will, upon demand of Lessor, promptly pay Lessor for any damage to any fences, roads, trees, structures, crops, or any other personal or real property resulting from Lessee's operations under this Agreement, excepting damage to the excavated area to obtain Material at the approved mining location in accordance with all laws and the other terms of this Agreement, including without limitation the obligations of Paragraph 3.7 above. If any livestock are injured or killed due directly to Lessee's operations, Lessee will replace or pay for same at the current market value thereof. Lessor acknowledges that Lessee's operations hereunder will subject the Property to reasonable levels of dust, noise and vibrations in the ordinary course of operations under this Lease.

3.9. Lessee agrees that all trash and waste products (other than waste rock or overburden) will be disposed of in a licensed land fill and not buried or dumped on the Property. No hazardous materials or substances and no toxic substances shall be brought onto the Property, except as necessary for responsible mining operations. In the event hazardous materials or substances or toxic substances are necessary to Lessee's operations, Lessee shall be solely responsible for their use and disposal in the manner required by federal and state law and good mining practice. Under no circumstances shall any hazardous material or substance or toxic substance be disposed of on the Property. Under no circumstances will Lessee bury or burn any trash, debris or foreign material of any nature on the Property. No salvage or non-functioning equipment may be stored on the Property and any equipment not in use from time to time shall be stored in a neat and organized manner.

3.10 Lessee shall take the degree of care and all proper safe-guards a reasonably prudent operator would take to protect the security of the Property and to prevent theft of Material from the Property. Lessee shall be liable for the loss of any Material resulting from theft and shall pay Lessor royalties thereon as provided in this Agreement on all Material lost by reason of theft.

3.11 Notwithstanding the provisions of Section 3.8, Lessee shall minimize, to the extent reasonably possible and consistent with prudent mining practices, the creation of dust and noise, light and odors emanating from Lessor's operations, and shall not introduce noxious plants or vegetation to the Property. No wood, plants, animals (dead or alive), artifact or any other item that was not originally brought onto the Property by Lessee will be removed from the Property. It is expressly agreed and understood that Lessee shall not be permitted to hunt, fish, hike, swim, camp, picnic or conduct a social gathering on the Property, and that no dog, gun, firearm, bow, sling shot, animal calling device, fishing equipment or other type of sport or recreation paraphernalia will be permitted on the Property. Except for customary third parties used in the Sand and Gravel Operations, Lessee shall not bring any non-employee, friend or family member onto the Property. No illegal drugs or related paraphernalia or alcoholic beverages shall be brought onto the Property by Lessee. A speed limit of 15 miles per hour shall be strictly observed while using roads on the Property.

3.12 Lessee shall comply with all applicable laws, rules and regulations in connection with its performance of this Agreement and all of its operations contemplated hereunder.

INDEMNITY. Lessee, its successors and assigns, agree to release, defend, indemnify, and hold harmless Lessor, and his family members and affiliated entities, successors and assigns, and any of their owners, agents, employees, contractors and invitees (collectively, the "Indemnified Parties"), from any and all costs, losses, claims, judgments, settlements, and damages of every kind and character to real property, personal property or persons (including, without limitation, claims involving present or future environmental laws and regulations, all MSHA safety regulations and standards, and regulations, pollution, contamination of surface waters and ground waters, personal injury and death of any person), lawsuits and/or causes of action (including reasonable attorneys' fees, expert fees and court costs) (collectively "Claims"). INCLUDING CLAIMS ARISING FROM THE JOINT OR CONCURRENT NEGLIGENCE, OMISSION OF ANY OF THE INDEMNIFIED PARTIES, BUT EXCLUDING CLAIMS ARISING FROM THE SOLE NEGLIGENCE OF THE INDEMNIFIED PARTIES OR TO THE EXTENT ARISING FROM THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OF THE INDEMNIFIED PARTIES, to the extent arising from, related to the Sand and Gravel Operations, the activities of Lessee and Lessee's agents, invitees, customers, guests, contractors, subcontractors, servants and employees, whether acting within the scope of their employment or not, and whether negligent or not, on the Property or any adjacent property and any Claims arising from the excavation or transportation of Material from the Property, including any third party Claims for damage to any surrounding public roads. For purposes of this Agreement, environmental laws and regulations include, without limitation, the federal Oil Pollution Act (OPA), the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the federal Resource Conservation and Recovery Act (RCRA), the federal Clean Water Act, the Texas Solid Waste Disposal Act (TSWDA), the Texas Water Code (TWC), and the federal, state and local rules, regulations, ordinances, orders and governmental directives implementing such statutes. Lessee's obligations in this paragraph shall survive the expiration or termination of this Agreement.

5. <u>RELEASE</u>. Lessee's facilities, equipment, vehicles, plants, spare parts, structures, facilities, and any other property of any kind or character ("Lessee's Property") are placed on the Property solely at the risk of Lessee, and Lessee hereby waives any and all Claims related to the loss, damage or destruction of Lessee's Property against any of the Indemnified Parties, EVEN IF SUCH CLAIMS ARISE FROM THE JOINT OR CONCURRENT NEGLIGENCE, OMISSION OR STRICT LIABILITY OF ANY OF THE INDEMNIFIED PARTIES, BUT EXCLUDING CLAIMS ARISING FROM THE SOLE NEGLIGENCE OF THE INDEMNIFIED PARTIES OR TO THE EXTENT ARISING FROM THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OF THE INDEMNIFIED PARTIES.

6. **Insurance.** Lessee shall maintain, and cause each of its contractors of any tier to maintain, casualty and other insurance as follows:

|    | Insurance   | Minimum Limits                               |  |  |
|----|---|--|--|--|
| A. | Worker's Compensation   | To the full extent available under state law |  |  |
| В. | Commercial General Liability<br>Bodily Injury/Property Damage | \$2,000,000 each occurrence<br>or equivalent |  |  |

The policies shall be endorsed to include the Indemnified Parties as additional insureds, must state that the insurance is primary over any other insurance carried by the Indemnified Parties, and must include the following coverages:

- a) Premises/Operations
- b) Independent Contractors
- c) Broad Form Contractual in support of the indemnity section of this Agreement
- d) Personal Injury Liability with employee and contractual exclusions removed
- C. Automobile Liability Bodily Injury/Property Damage

\$1,000,000/\$1,000,000/\$1,000,000

Each policy referenced above must state that Lessor will be notified in writing 30 days prior to cancellation, material change, or non-renewal of insurance, and shall obtain a waiver of subrogation in favor of the Indemnified Parties. Lessee shall provide certificates evidencing such coverage to Lessor upon request.

Approved Plan/Access. Lessor hereby grants to Lessee, for and as access to Lessee's 7. Sand and Gravel Operations on the Property, a non-exclusive access easement for ingress and egress over and across the Property, together with the right to move in, erect and maintain on the Property such equipment and machinery as is reasonably necessary for the Sand and Gravel Operations, along routes approved by Lessor. At least 90 days before conducting any operations under this Agreement on the Property, Lessee shall provide a surveyed plan showing all routes of ingress and egress on the Property, and the location of all equipment, plant, mining areas and any parking areas for trucks on the Property, and Lessee must obtain Lessor's written approval of such plan (including any requested revisions thereto) before conducting any operations on the Property, which approval shall not be unreasonably conditioned, withheld or delayed (each such plan, an "Approved Plan"). Notwithstanding anything herein to the contrary, Lessee shall have no right to enter upon or conduct any operations on any portion of the Property, except as clearly depicted on an Approved Plan. In order to accommodate surface development of the Property in a manner not to unreasonably interfere with the Lessee's existing or future operations under this Agreement, Lessor shall have the right from time to time to obtain recordable release(s) of this Agreement from Lessee as to those portion(s) of the Property reasonably necessary for such surface development and located outside of the access and operations areas set out on an Approved Plan and any areas of any reasonable potential use by Lessee.

8. <u>Taxes</u>. Lessor shall pay all real property taxes on the Property during the term of this Agreement. Lessee will pay all personal property taxes; any increase in real estate taxes caused by any improvements constructed on the Property by Lessee; any additional taxes assessed on the Property directly or indirectly due to the Sand and Gravel Operations being conducted thereon; all assessments levied against stockpiled Material on the Property during the term of this Agreement; and any excise, tonnage, license or privilege taxes on the severance, removal or processing of the Material or the sale of

the Material. Lessee shall reimburse Lessor for any ad valorem taxes paid by Lessor for the Property during the term of this Agreement in excess of the taxes which would have been paid on the Property had it been taxed at the agricultural valuation in a manner consistent with the taxation of the Property immediately prior to the Effective Date, including any roll back taxes that Lessor may be required to pay by reason of this Agreement, and any amounts payable by Lessee for such reimbursement shall be paid within 15 days of the Lessor providing written notice of such amount owed. In the event that the real estate tax assessment on Property reflects improvements or other changes due to the activities of the Lessee, Lessor agrees to provide to Lessee in a timely manner a copy of the assessment. Lessee may contest, at its sole expense, any assessment imposed on the Property or Lessee's activities.



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#### 10. General Provisions.

10.1 This Agreement, together with the exhibits thereto, contains the entire agreement between the Parties with respect to the subject matter hereof, and cannot be changed orally but only by an agreement, in writing, signed by the Parties, which specifically refers to this Agreement and is made expressly for the purpose of amending the same. The exhibits referred to herein are attached hereto and made a part of this Agreement by this reference as if set forth fully herein.

10.2 If Lessee is delayed or interrupted in or prevented from performing its obligations under this Agreement by acts of God, fires, floods, strikes or labor troubles, inability to obtain necessary materials, supplies or labor, interruptions in delivery or transportation, insurrection or mob violence, injunction regulations or order or requirement of local, state or federal governmental entities or other disabling cause beyond its reasonable control, then and in such cases the term of this Agreement shall be tolled and Lessee shall be excused from performance of its obligations in this Agreement during such period of such prevention, delay or disability, except for any obligations to pay royalties or other amounts due hereunder. This Agreement and all provisions hereof shall again come into full force and effect immediately upon termination of the period of prevention, delay or disability resulting from any of the causes aforesaid. In order for Lessee to claim the benefit of this paragraph, Lessee shall give prompt written notice of any such periods and the termination of same and shall exercise reasonable diligence to remove or cure the source of such prevention or delay as quickly as possible. In no event, however, shall this Agreement be perpetuated by the provisions of this paragraph for a period of more than 2 years of cumulative time.

10.3 Should Lessee be adjudged bankrupt, either in voluntary or involuntary proceedings; should a receiver be appointed of the assets of Lessee; or should Lessee become insolvent or make an assignment for the benefit of creditors, this Agreement may, at the option of Lessor, be immediately terminated, and upon such termination, Lessor shall have the right to enter the Property and take possession thereof. In no event shall this Agreement be deemed an asset of Lessee after appointment of a receiver, adjudication in bankruptcy, or after an assignment is made for the benefit of creditors.

10.4 If the payments above reserved or any part thereof remain unpaid 30 days after they are due and payable, or if any default shall be made in any of the covenants herein contained to be kept by Lessee and Lessee fails to cure same within 30 days after having received notice of such default or if said default cannot be cured within 30 days, Lessee fails to commence action to cure such default within 30 days and thereafter proceed diligently to cure same thereafter, it shall be lawful for Lessor to declare this Agreement terminated and take possession of the Property and every or any part thereof, either with or without legal process, to re-enter, repossess and enjoy the same and to take such legal remedies as are provided by law to collect any unpaid payments or any part thereof. Further, in the event of default by Lessee, Lessor shall have a lien against the machinery and equipment of Lessee located on the Property to secure the payments above reserved to be paid. The Parties shall have all other remedies for default or breach hereunder in law or in equity as may be applicable under the statutes and common law of the State of Texas.

10.5 Time is of the essence for this Agreement and every term, covenant, and condition herein contained.

10.6 Any and all notices permitted or provided to be given hereunder will be in writing, and will either be delivered personally or deposited in Federal Express, addressed as follows:

#### LESSOR

Bob R. Simpson c/o H. Brad Reynolds 6608 Bryant Irvin Road Fort Worth, TX 76132

#### LESSEE

Martin Marietta Materials Southwest, LLC Attn: VP/GM North Texas Aggregates 1503 Lyndon B. Johnson Freeway Suite 400, Dallas, TX 75234

w/ copy to:

Legal Department Martin Marietta Materials, Inc. 4123 Parklake Ave Raleigh, NC 27612

Any such notice shall be deemed given when received by the Party to whom the same is delivered personally or upon proof of delivery by Federal Express. Neither Party will be deemed to be in default hereunder until and unless such Party has been given notice of such default and the same shall thereafter remain uncorrected for a period of not less than 30 days.

10.7 This Agreement shall run with the Property and shall inure to the benefit of and shall be binding upon the respective heirs, administrators, successors, and assigns of the Parties; provided, however, Lessee may not assign, sublet or otherwise transfer this Agreement without the prior written consent of Lessor, which consent may not be unreasonably withheld. Lessee shall furnish Lessor a copy of any assignment properly made by Lessee pursuant to this section, with the recording data reflected thereon (if recorded). Any assignments of Lessee's interest under this Agreement shall require the assignee to assume all of Lessee's obligations under this Agreement; provided, however, that such assignment or sublease shall not relieve the original Lessee from any of its obligations under this Agreement. No change in the Lessor's ownership shall have the effect of reducing the rights or enlarging the obligations of Lessee hereunder.

10.8 No waiver of any breach of any covenant or condition herein by either Party shall constitute a waiver of any succeeding breach of the same or any other provision herein contained.

10.9 The Parties agree that in the event of any breach in any of the terms of this Agreement, the Party determined to be responsible for the breach shall pay all of the costs of enforcing the provisions of this Agreement, including reasonable attorneys' fees for the other Party.

10.10 This Agreement is to be governed and construed in accordance with the laws of the State of Texas, excluding any conflict of laws rule or principle that would call for the application of the laws of another jurisdiction.

10.11 It is the intention of the Parties that nothing in this Agreement is in conflict with federal or state laws, rules or regulations applicable to this Agreement, but in the event of such conflicts, such federal or state law, rule or regulation shall govern and for each such clause or provision of this Agreement which is in conflict there shall be substituted a clause or provision as similar in effect to such illegal, invalid or unenforceable clause or provision as may be possible when viewed together with other provisions of this Agreement and be legal, valid and enforceable and all other clauses and provisions shall not be affected thereby.

10.12 The Parties agree that upon execution of this Agreement, the Parties shall also execute a Memorandum of this Agreement in the form shown in Exhibit B, which is attached hereto and

made a part hereof, and that the executed Memorandum shall be recorded by Lessee in the Deed Records of Parker County, Texas.

10.13 Lessee's relationship to Lessor will be that of an independent contractor, and no mining or other partnership or joint venture exists, is intended, or will be implied between Lessor and Lessee by virtue of this Agreement.

10.14 This Agreement may be signed in any number of counterparts, each of which shall be considered an original for all purposes, with the same effect as if the signatures thereto and hereto were upon the same instrument.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed to be effective as of the Effective Date, and if executed by a corporation, limited liability company, association, or partnership, by officers, partners, and/or managers thereof authorized in accordance with duly and regularly adopted, existing authority and resolution of the governing board of such organization.

LESSOR: Bob Simps

THE STATE OF TEXAS § SCOUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Bob R. Simpson**, who is known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity and for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12 day of Novembur2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission Expires: 2/10/2025



[Lessor's Signature Page to Sand and Gravel Lease Agreement]

LESSEE:

MARTIN MARIETTA MATERIALS SOUTHWEST, LLC

con con con

By:

Its: President, Southwest Division

Printed Name: Kirk Light

THE STATE OF TEXAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared <u>Kirk R. Light</u>, as <u>Division President</u> of Martin Marietta Materials Southwest, LLC, a Texas limited liability company, who is known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity and for the purposes and consideration expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this day of Deveryber, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission Expires: April 23,2073



[Lessee's Signature Page to Sand and Gravel Lease Agreement]
## EXHIBIT A

Attached to and made a part of that certain Sand and Gravel Lease Agreement by and between Bob R. Simpson, as Lessor, and Martin Marietta Materials Southwest, LLC, as Lessee.

[attach legal description of Property]

#### Three tracts:

A) All of the following ~40 ac tract, called the Turner Tract:

Being situated in Parker County, Texas out of the 1/3 League Survey patented to the heirs of Sarah Tankersley, Abstract 1282, and being that portion of the 150 acre tract of land described in deed from Elizabeth Sisk to Mrs. Minnie Forbes dated February 19, 1904 of record in Volume 60, Page 212, Deed Records, Parker County, Texas, lying West of the Weatherford Bethel Road and containing 40 acres of land, more or less, and described by metes and bounds as follows:

Beginning at the most Westerly SW corner of the above mentioned 150 acre tract of land conveyed by Elizabeth Sisk to Minnie Forbes and which point is in the center of a creek;

Thence with the meanderings of said creek North 28 vrs. North 40 degrees East 50 vrs., North 10 degrees East 145 vrs., North 40 degrees West 220 vrs., South 80 degrees East 139 vrs., North 65 degrees East 72 vrs., North 20 degrees West 170 vrs. to SW corner of Dan Sisk Subdivision;

Thence North 60 degrees East with the NBL of the 150 acre tract to a point where the center line of the Weatherford Bethel Road intersects the NBL of the 150 acre tract;

Thence in a Southwesterly direction with the center of Weatherford Bethel Road to where same intersects the most Southern SBL of the 150 acre tract;

Thence South 60 West with the most Southerly SBL of the 150 acre tract 470 vrs. more or less to the Place of Beginning.

SAVE & EXCEPT:

2.298 acres situated in and being a portion of the Sarah Tankersley Survey, Abstract No. 1282, Parker County, Texas and being a portion of a tract of land, conveyed to Bryant Caraway and wife, Jowell Caraway by deed recorded in Volume 233, Page 371, Deed Records, Parker County, Texas and being more particularly described by metes and bounds as follows:

Beginning at an iron rod set at a fence corner in the West right of way line of Bethel Road, a

county road, said iron rod being called by deed to be South, 1660.24 fect and East, 1161.73 feet from the Southwest corner of the William Barnes Survey, Abstract 43;

Thence South 87 degrees 24 minutes 33 seconds West, with an established fence, 621.77 feet to a point in the projection of an established fence east of said Bethel Road and boundary line agreement between said Bryant Caraway and J. T. Mills as recorded in Volume 447, Page 594, Deed Records, Parker County, Texas;

Thence North 60 degrees 05 minutes East, with said Boundary Line Agreement, 711.00 feet to a point in a fence line in the West line of said Bethel Road;

Thence with a fence and West line of said Bethel Road the following courses and distances;

South 03 degrees 19 minutes 52 seconds West, 30.99 feet;

South 00 degrees 30 minutes 28 seconds West, 164.52 feet;

South 02 degrees 10 minutes 33 seconds East, 131.26 feet to the Point of Beginning and containing 2.298 acres of land.

B) A strip of land out of a 45.71 ac tract described in Parker County document 201317667 described as:

THENCE N 61 deg. 15 min. 27 sec. E, leaving said Sanchez Creek at 115.26 feet passing an iron rod set and in all 1583.23 feet to an iron rod set in the West right-of-way line of said Bethel Road in a non-tangent curve to the left with a radius of 740.00 feet and whose chord bears S 25 deg. 37 min. 21 sec. E, 30.04 feet;

THENCE with the West right-of-way line of said Bethel Road and curve to the left through a central angle of 02 deg. 19 min. 35 sec. and a distance of 30.05 feet to an iron rod set;

THENCE S 61 deg. 15 min. 27 sec. W, 1417.17 feet to an iron rod set;

C) The portion of the tract called the Paradise Tract described in Parker County Book 1687, Page 950 that is bounded by Bethel Road and Sanchez Creek.

All that certain lot, tract or parcel of land lying and being situated in Parker County, Texas, and being 220 acres of land, more or less, being out of the North one-half of the HEZEKIAH JONES SURVEY, Abstract No. 761, and which said N/2 of said survey is described as follows:

320 acres of land being the North 1/2 of the Hezekiah Jones 640 acre survey and being on the East side of the Brazos River, situated about 10 miles South 8 miles West of Weatherford; said 320 acres being Patent No. 189, Vol. 12, and described by metes and bounds as follows:

BEGINNING at the most western corner of the said survey, Thence North 60 East 950 vrs to Red Bear Creek and at 3790 vrs the most northern corner of this survey;

THENCE South 20 East 476.7 vrs. a corner;

THENCE South 60 West 3790 vrs to 'a corner;

THENCE North 30 West 476.7 vrs to the Place of Beginning. SAVE AND EXCEPT from the above described tract of land of 320 acres, 99.151 acres conveyed by Wm. D. Campbell et al, to Benjamin L. Bird by deed dated 7/13/71, of record in Vol. 502, Page 447, Deed Records, Parker County, Texas, leaving 220 acres of land, more or less, conveyed by this deed.



#### EXHIBIT B

Attached to and made a part of that certain Sand and Gravel Lease Agreement by and between Bob R. Simpson, as Lessor, and Martin Marietta Materials Southwest, LLC, as Lessee.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

00 00 00

THE STATE OF TEXAS

COUNTY OF PARKER

# MEMORANDUM OF SAND AND GRAVEL LEASE AGREEMENT

THIS MEMORANDUM OF SAND AND GRAVEL LEASE AGREEMENT ('Memorandum"), is made on behalf of Martin Marietta Materials Southwest, LLC, a Texas limited liability company, whose address is 1503 Lyndon B. Johnson Freeway, Suite 400, Dallas, Texas 75234 ("Lessee").

Pursuant to that certain Sand and Gravel Lease Agreement, dated to be effective as of the <u>day</u> of November 2021 (the "Effective Date"), by and between Bob R. Simpson ("Lessor") and Lessee, Lessor leased to Lessee the surface of the real property described on <u>Exhibit A</u>, attached hereto and incorporated herein by this reference (the "Property"), subject to use limitations on area and activities as set out in the Sand and Gravel Lease Agreement.

This Memorandum is prepared to provide record notice that Lessee holds these rights as long as certain obligations are met for 3 years and has the option to extend the term for 3 additional 3 year terms. This Memorandum is prepared solely for the purpose of recordation, and in no way replaces, modifies, or alters the provisions of the aforementioned Sand and Gravel Lease Agreement.

EXECUTED to be effective as of the Effective Date.

LESSOR b R Simpson-

#### LESSEE

Martin Marietta Materials Southwest, LLC, a Texas limited liability company

Bv:

Its: President, Southwest Division

Printed Name: Kirk Light

#### ACKNOWLEDGMENT INDIVIDUAL

STATE OF TEXAS con con con COUNTY OF TARRANT Man W, 2021, before me personally appeared Bob R. Simpson d On this day of known to me (or proved to me on the basis of satisfactory evidence) to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same. MILLIN .... FRANCES J. KAHN ENotary Public, State of Texas Comm. Expires 02-10-2025 Notary ID 126800318

Notary Public, for the State of Texas

#### ACKNOWLEDGMENT CORPORATE

STATE OF TEXAS 50 60 COUNTY OF Dallas 8

On this 10 day of November, 2021, before me personally appeared Kirk R, Light known to me (or proved to me on the basis of satisfactory evidence) to be the person who is described in and who executed the within instrument as Division President of Martin Marietta Materials Southwest, LLC, a Texas limited liability company, and acknowledged to me that he executed the same.

TRANG TRINH for the State of Texas tary Pub Notary ID #131985654 My Commission Expires April 23, 2023

## EXHIBIT C

Attached to and made a part of that certain Sand and Gravel Lease Agreement by and between Bob R. Simpson, as Lessor, and Martin Marietta Materials Southwest, LLC, as Lessee.

# **ROYALTY SCHEDULE**

Production Royalties under Paragraph 9 shall be calculated as follows:

**Royalty Schedule Adjustment:** 



Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

# **Appendix B:**

# **Core Data Form**



# **TCEQ** Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

### **SECTION I: General Information**

| 1. Reason fo                                     | r Submission (If other is c        | checked please        | e descri                | ibe in space                    | provide                      | ed.)   |   |                           |                    |                          |
|--|------------------------------------|-----------------------|-------------------------|---------------------------------|------------------------------|--|---|---------------------------|--------------------|--------------------------|
| New Per  | mit, Registration or Authori       | ization (Core L       | Data Fo                 | rm should be                    | ə subm                       | nitted w   | ith the p   | orogram applicatio        | n.)                |                          |
| 🛛 Renewal  | (Core Data Form should b           | be submitted w        | ith the                 | renewal forn                    | n)                           | Other Industrial Wastewater Permit Major Amendment |   |                           |                    |                          |
| 2. Customer                                      | Reference Number (if iss           | sued)                 | Follow                  | this link to se                 | arch                         | 3. Re  | gulated   | Entity Reference          | e Number <i>(i</i> | f issued)                |
| CN 6061  | 14726                              |                       | for CN<br>Ce            | or RN numbe<br>ntral Registry   | <u>ers in</u>                | <sup>1</sup> RN 110829454                          |   |                           |                    |                          |
| <b>SECTION</b>                                   | II: Customer Info                  | ormation              |                         |                                 |                              |  |   |                           |                    |                          |
| 4. General Cu                                    | ustomer Information                | 5. Effective          | Date f                  | or Custome                      | r Infor                      | matior   | n Updat   | es (mm/dd/yyyy)           |                    |                          |
| New Custo  | omer<br>Legal Name (Verifiable wit | ן 🗌<br>h the Texas S: | Update<br>ecretar       | to Customer<br>y of State or    | <sup>-</sup> Inform<br>Texas | nation<br>Comp                                     | troller of  | Change in Dublic Accounts | Regulated E        | ntity Ownership          |
| The Custor                                       | mer Name submitted                 | here may k            | be upo                  | dated auto                      | omatio                       | cally l  | based   | on what is cu             | rrent and          | active with the          |
| Texas Seci                                       | retary of State (SOS)              | or Texas C            | ompti                   | roller of P                     | ublic                        | Ассо   | unts (  | CPA).                     |                    |                          |
| 6. Customer                                      | Legal Name (If an individua        | l, print last name    | e first: e              | g: Doe, John)                   |                              | <u> If</u>   | new Cu  | stomer, enter previ       | ous Custome        | er below:                |
| Martin Ma  | rietta Materials Sou               | thwest, LL            | ,C                      |                                 |                              |  |   |                           |                    |                          |
| 7. TX SOS/CF                                     | PA Filing Number                   | 8. TX State           | Tax ID (11 digits)      |                                 |                              | 9  | 9. Federal Tax ID (9 digits) 10. DUNS Number (if applicat |                           |                    | S Number (if applicable) |
| 804848407  | 7                                  | 1651310               | 01234                   |                                 | 6                            | 651310123  |   |                           |                    |                          |
| 11. Type of C                                    | <b>Sustomer:</b> 🛛 Corporati       | ion                   | Individual              |                                 | Pa                           | Partnership: 🔲 General 🔲 Limited                   |   |                           |                    |                          |
| Government:                                      | 🗌 City 🔲 County 🔲 Federal 🗌        | ] State 🗌 Other       | r Sole Proprietors      |                                 |                              | torship  | orship 🗌 Other:   |                           |                    |                          |
| 12. Number of                                    | of Employees                       |                       | $\nabla$ 501 and higher |                                 |                              | 1  | 13. Independently Owned and Operated?                     |                           |                    |                          |
|  |                                    | 251-500               |                         |                                 |                              |  |   |                           |                    |                          |
| 14. Customer                                     | r Role (Proposed or Actual) -      | - as it relates to    | the Reg                 | ulated Entity                   | listed or                    | n this fo  | rm. Plea  | se check one of the       | following          |                          |
| ☐Owner<br>☐Occupatior                            | nal Licensee                       | tor<br>onsible Party  |                         | Voluntar                        | & Opera<br>ry Clea           | ator<br>inup Ap                                    | oplicant  | Other:                    |                    |                          |
|  | 1503 Lyndon B Joł                  | nnson Free            | way                     |                                 |                              |  |   |                           |                    |                          |
| 15. Mailing                                      | 15. Mailing Suite 400              |                       |                         |                                 |                              |  |   |                           |                    |                          |
| Aug. 655.  | City Dallas                        |                       | St                      | tate TX                         |                              | ZIP  | 752   | 34                        | ZIP + 4            | 9203                     |
| 16. Country Mailing Information (if outside USA) |                                    |                       |                         | 17. E-Mail Address (if applicat |                              | <b>S</b> (if applicable)                           |   |                           |                    |                          |
|  |                                    |                       |                         |                                 |                              |  |   |                           |                    |                          |
| 18. Telephon                                     | e Number                           |                       | 19. Extension or Code   |                                 |                              |  | 20. Fax Number (if applicable)                            |                           |                    |                          |
| 972-647-6  | 972-647-6700                       |                       |                         |                                 |                              |  |   |                           |                    |                          |

#### **SECTION III: Regulated Entity Information**

21. General Regulated Entity Information (If 'New Regulated Entity" is selected below this form should be accompanied by a permit application)

 New Regulated Entity
 Update to Regulated Entity Information

 The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).
 22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)

MM – Tin Top Quarry #4

| 23. Street Address of  | 7205  | Bethel Road         |                    |                      |                         |                       |                         |             |                            |                       |             |           |
|--|---|---------------------|--------------------|----------------------|-------------------------|-----------------------|-------------------------|-------------|----------------------------|-----------------------|-------------|-----------|
| the Regulated Entity:  |   |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| (No PO Boxes)  | City  | Weatherfo           | ord                | State                | TX                      | Z                     | 2IP                     | 7608        | 7                          | ZIP + 4               |             |           |
| 24. County   | Parke   |                     | <u></u>            |                      | 111                     |                       |                         | 1,000       | 1                          |                       |             |           |
| rene alle ne Bernelsen 🦉   | Enter Divised Leastien Description if we street address is would ad |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
|  | Appro   | ximately 170        | -acre              | e tract locat        | ted 0.89                | mi                    | iles no                 | rthwest     | of the                     | intersect             | ion of N    | lew tin   |
| 25. Description to<br>Physical Location:<br>Bethel Road and Bethel Road, and approximately 8.1 miles south of the intersection<br>Bethel Road and I-20 |   |                     |                    |                      | section                 | of                    |                         |             |                            |                       |             |           |
| 26. Nearest City   |   |                     |                    |                      |                         |                       |                         | State       |                            | N                     | earest ZIP  | Code      |
| Weatherford  |   | -                   |                    |                      |                         |                       |                         | ΤX          |                            | 7                     | 5087        |           |
| 27. Latitude (N) In Decim  | nal:  | 32.606049           |                    |                      | 28.                     | Lon                   | gitude (\               | W) In Dec   | cimal:                     | -97.825               | 034         |           |
| Degrees  | Minutes   |                     | Secon              | nds                  | Degr                    | rees                  |                         | N           | Ainutes                    |                       | Seconds     |           |
| 32   |   | 36                  |                    | 21.78                |                         |                       | -97                     |             | 4                          | 19                    | 3           | 0.12      |
| 29. Primary SIC Code (4  | digits) 3   | 0. Secondary SI     | C Cod              | le (4 digits)        | 31. Prim<br>(5 or 6 dig | <b>ary I</b><br>its)  | NAICS C                 | ode         | <b>32. Se</b><br>(5 or 6   | econdary N<br>digits) | AICS Cod    | le        |
| 1442   |   |                     |                    |                      | 21232                   | 1                     |                         |             |                            |                       |             |           |
| 33. What is the Primary  | Business  | of this entity?     | (Do n              | ot repeat the SIC of | or NAICS de             | script                | ion.)                   |             |                            |                       |             |           |
| Construction Mater   | ials Ma   | nufacturing         |                    |                      |                         |                       |                         |             |                            |                       |             | -         |
| 04 14 11   | 1503 Lyndon B Johnson Freeway                                       |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| 34. Mailing  | Suite 400   |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| Address.   | City  | Dallas              |                    | State                | TX                      |                       | ZIP                     | 7523        | 4                          | ZIP + 4               | 1           |           |
| 35. E-Mail Address:  | 35. E-Mail Address:   |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| 36. Telephone Number   |   |                     |                    | 37. Extensio         | n or Code               | Э                     |                         | 38          | . Fax Nur                  | mber <i>(if ap</i>    | olicable)   |           |
| 972-64   | 7-6700  |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| 39. TCEQ Programs and ID<br>form. See the Core Data Form i   | Number  | s Check all Program | ns and<br>ance.    | I write in the per   | mits/registr            | ation                 | numbers                 | that will b | e affected                 | by the updat          | es submitte | d on this |
| Dam Safety   | Dist  | ricts               |                    | Edwards Aquifer      |                         |                       | Emissions Inventory Air |             | Industrial Hazardous Waste |                       |             |           |
|  |   |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| Municipal Solid Waste  | Nev 🗌   | V Source Review Air |                    | ] OSSF               |                         | D                     | Petrole                 | eum Storag  | ge Tank                    | D PWS                 |             |           |
|  |   |                     |                    |                      |                         | 9                     | 2590                    |             |                            |                       |             |           |
| Sludge   | Stor  | m Water             |                    | Title V Air          |                         |                       | Tires                   |             | Used Oil                   |                       |             |           |
|  |   |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |
| U Voluntary Cleanup X Wa   |   | ste Water           | Water Wastewater A |                      | griculture              | riculture 🗌 Water Riç |                         | er Rights   |                            | Other: APO            |             |           |
| WQ005278000  |   |                     |                    |                      |                         |                       |                         |             | APO000                     | 3567                  |             |           |
| <b>SECTION IV: Pre</b>   | parer   | Information         | 1                  |                      |                         |                       |                         |             |                            |                       |             |           |
| 40. Name: Tim Glusad   | c   |                     |                    |                      | 41. Title:              |                       | Proje                   | ect Man     | ager                       |                       |             |           |
| 2. Telephone Number 43. Ext./Code 44. Fax Number 45. E-Mail Address  |   |                     |                    |                      |                         |                       |                         |             |                            |                       |             |           |

## 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.

tglusac@westwardenv.com

| Company:         | Martin Marietta Materials Southwest, LLC Job T |  | Presiden |                |          |
|------------------|--|--|----------|----------------|----------|
| Name (In Print): | Kirk R. Light                                  |  | Phone:   | (972) 647-6700 |          |
| Signature:       | 202.20   |  |          | Date:          | 11.22.24 |

817-741-7324

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

# **Appendix C:**

# **Bond Information**



November 8, 2024

Westward Project No. 10006-508

Cindy Cavazos Texas Commission on Environmental Quality (TCEQ) P.O. Box 13087 Austin, Texas 78711-3087 512-239-4561

# Subject:Industrial Wastewater Permit Renewal Application<br/>Quarry Operations within the John Graves Scenic Riverway<br/>Martin Marietta Materials Southwest, LLC – CN606114726<br/>Tin Top #4 – 7205 Bethel Road, Weatherford, Parker County, Texas

Dear Ms. Cavazos:

Regarding the Financial Assurance section on page 62 of the Technical Report - Worksheet 10.0, payment bonds for the restoration plan (amount \$29,500) and reclamation plan (amount \$42,000) will be sent separately by Martin Marietta Materials Southwest, LLC to TCEQ.

Respectfully submitted, WESTWARD ENVIRONMENTAL, IN 11/26/2024 Curt G. Campbell, PE **VP Engineering & Natural Resources** 

TX License No. 106851 | TX Firm No. 4524



westwardenv.com

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

# **Appendix D:**

# **Restoration Plan**

## INDUSTRIAL WASTEWATER PERMIT AMENDMENT – RESTORATION PLAN Project No. 10006-501

Tin Top #4 Bethel Road Parker County, Texas 76087

Prepared for: Martin Marietta Materials Southwest, LLC 1503 Lyndon B Johnson Freeway, Suite 400 Dallas, Texas 75234

March 2023



4 Shooting Club Road Boerne, Texas 78006 830.249.8284

TEXAS REGISTERED ENGINEERING FIRM NO. 4524 TEXAS REGISTERED GEOSCIENCE FIRM NO. 50112

Signature:



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| 3.2 | §311.76(a)(2): Description of background conditions documentation process         | . 2 |
| 3.3 | §311.76(a)(3): Schedule for completing the determination of background conditions | .3  |
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#### LIST OF ATTACHMENTS

Attachment A – Figures

- Figure 1. Subject Area
- Figure 2. USGS 7.5-Minute Topographic Quadrangle
- Figure 3. Desktop Hydrography
- Figure 4. Flow Path
- Figure 5. Site Photograph Location
- Attachment B Site Photographs

## Attachment C – Tables

Table 1. Schedule for completing determination of background conditions and for updating background conditions in the future

- Table 2. Cost estimation for restoration alternative #2
- Attachment D Plant and Animal Species Index

## **1.0** INTRODUCTION

The purpose of this report is to detail the restoration plan for use by Martin Marietta Materials Southwest, LLC (MM) at the proposed Tin Top #4 quarry expansion near Weatherford, Texas, to be used in the event of an unintentional discharge from the quarry.

The proposed MM - Tin Top #4 quarry expansion, hereafter referred to as the subject area, is located within the John Graves Scenic Waterway as defined in 30 TAC§311. The John Graves Scenic Waterway encompasses the Brazos River and its contributing watershed extending between the downstream side of the Morris Shepard Dam in Palo Pinto County, Texas, and the county line between Parker and Hood Counties, Texas.

## 2.0 **PROJECT LOCATION**

The approximately 175-acre subject area is located on the west side of Bethel Road, approximately 7.67 miles south of Weatherford, Parker County, Texas (Attachment A, Figure 1). The subject area is bound to the north and south by undeveloped land, to the east by Bethel Road, and to the west by Sanchez Creek. The subject area is a proposed expansion of existing quarry activities located approximately one mile south of the subject area.

## **3.0 RESTORATION PLAN**

The development of this Restoration Plan is required by 30 TAC§311.76. In the event of an unauthorized discharge from the subject area that affects receiving waters, the Restoration Plan will serve as a proposed plan of action that describes how MM will restore the receiving waters to background conditions. In accordance with 30 TAC§311.76(a), at a minimum, the Restoration Plan must:

(1) identify receiving waters at risk of an unauthorized discharge from the quarry;

(2) describe the process to be used in documenting the existing physical, chemical, and/or biological background conditions of each of the adjacent receiving waters;

(3) provide a schedule for completing the determination of background conditions of each of the receiving waters and for updating background conditions of each of the receiving waters and for updating background conditions in the future, as appropriate;

(4) identify the goals and objectives of potential restoration actions;

(5) provide a reasonable range of restoration alternatives and the preferred restoration alternative that may be implemented to return the affected waters to background conditions in the event of an unauthorized discharge;

(6) describe the process for monitoring the effectiveness of the preferred restoration action, including performance criteria, that will be used to determine the success of the restoration or need for interim site stabilization;

(7) identify a process for public involvement in the selection of the restoration alternative to be implemented to restore the receiving waters to background conditions; and

(8) provide a detailed estimate of the maximum probable costs required to complete a restoration action, given the size, location, and description of the quarry and the nature of the receiving waters. The maximum probable cost must be based on the costs to a third party conducting the action without a financial interest or ownership in the quarry (30 TAC§311.76(a)).

**3.1 §311.76(a)(1): Identify receiving waters at risk of an unauthorized discharge from the quarry** According to the *Tin Top* (1979) USGS 7.5-minute topographic quadrangle, the subject area generally slopes from east to west (Attachment A, Figure 2). The subject area is within hydrologic unit code (HUC) 12060201: Middle Brazos-Palo Pinto.

According to the USGS National Hydrography Dataset (NHD), one named blueline – Sanchez Creek – follows the western boundary line of the site. Two additional unnamed bluelines, both tributaries to Sanchez Creek, are present in the southern portion of the subject area. The unnamed tributaries merge near the southeastern site corner and flow west, draining into Sanchez Creek (USGS 2023; Attachment A, Figure 3). According to the USGS NHD (USGS 2022), one waterbody designated as Lake/Pond was identified in the central portion of the subject area.

A review of the U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) database (USFWS 2023) identified one feature designated as Freshwater Pond within the subject area, coinciding with the location of the NHD waterbody. Review of the U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) database (USFWS 2023) also identified two potential Freshwater Forested/Shrub Wetlands located within the subject area. One potential wetland (~4.55 acres) was indicated along Sanchez Creek in the northwestern portion of the subject area; the second potential wetland (~9.42 acres) was located along Sanchez Creek and its unnamed tributary, crossing the length of the site and extending towards the southern site boundary.

In the event an unintended discharge occurs from the subject area, the discharge could potentially flow overland or via the on-site unnamed tributary into Sanchez Creek, and then into the Brazos River. A discharge in the southern portion of the subject area would enter the unnamed tributary to Sanchez Creek and travel approximately 1,350 feet ( $\sim 0.25$  miles) along the tributary, then enter Sanchez Creek and travel approximately 5,715 feet ( $\sim 1.08$  miles) before entering the Brazos River. The total discharge distance from the southern portion of the subject area to the Brazos River is approximately 7,065 linear feet or 1.338 miles.

Unintended discharges in the central or northern portion of the subject area are not likely to enter the unnamed tributary and would flow overland for a minimum estimated distance of 40 feet before entering Sanchez Creek.

# **3.2** §311.76(a)(2): Describe the process to be used in documenting the existing physical, chemical, an/or biological background conditions of each of the adjacent receiving waters

The identified receiving water is Sanchez Creek, located along the western site boundary and primarily outside of the subject area. The existing physical, chemical, and biological conditions of Sanchez Creek will be documented adjacent to the subject area prior to the commencement of excavation activities as access allows.

The existing physical conditions of the outfall location have been established by field survey and photographic log. Photographs were taken at the outfall location recording the conditions of the land within the subject area (Attachment A, Figure 5 and Attachment B). Existing physical conditions will be evaluated annually (Attachment C, Table 1).

Water quality analyses will be used to document the existing chemical background conditions of the receiving water. Samples will be collected at two points along the discharge route; the first sample location will be at the existing on-site stock pond in the southwestern portion of the subject area and the second sample location will be at the point at which the discharge route enters Sanchez Creek. Samples for analysis will be collected in ambient conditions if possible, or otherwise during wet weather flow. At a minimum, collected samples will be analyzed for total suspended solids (TSS), pH, and metals. Additional analysis may be conducted for chemicals of concern defined by Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR050000 for Sector J – Non-Metallic Mineral Mining (SIC 1422). Existing chemical baseline conditions will be determined according to the schedule outlined in Attachment C, Table 1 and evaluated annually.

A survey of existing plants and animals was conducted at the outfall location to establish the existing biological conditions at the photo point. Incidental observations of animals observed during the survey were also recorded. The baseline data collected during the physical background condition survey is recorded in Attachment D. Existing biological conditions will be evaluated annually by recording vegetation and wildlife observed and creating a photolog of conditions at the survey point (Attachment C, Table 1).

# 3.3 §311.76(a)(3): Provide a schedule for completing the determination of background conditions of each of the receiving waters and for updating background conditions of each of the receiving waters and for updating background conditions in the future, as appropriate

The condition of the receiving water may be affected by natural or other forces outside the control of MM. For this reason, the existing background conditions must be periodically reassessed to ensure that the documented background conditions accurately reflect the actual condition of the receiving water before an unintentional discharge for restoration purposes.

The proposed schedule in Attachment C, Table 1 will be used for establishing when determinations of background conditions are to be completed. Determinations of background condition will be completed by monitoring the physical, chemical, and/or biological condition of the receiving water and compiling the data in a report. Each report will be kept on site or at MM's nearest office for review at the request of the Executive Director of Texas Commission on Environmental Quality (TCEQ) or an authorized representative.

## 3.4 §311.76(a)(4): Identify the goals and objectives of potential restoration actions

An unanticipated discharge originating from the subject area could result in sediment deposits in the receiving waters. The goal of the Restoration Plan is to repair the receiving waters to background condition, as determined from the schedule established in \$311.76(a)(3), in the event that an unanticipated discharge damages or degrades the receiving waters. The restoration plan objective is to perform any necessary restoration activities using appropriate methods to return the receiving waters to background conditions without degrading the condition or function of the stream further.

An existing permanent rain gauge located at the nearby MM Tin Top facility will be utilized for rainfall accumulation monitoring. The rain gauge and any discharge will be monitored and recorded each working day. The monitoring records will be kept on site or readily available to a TCEQ representative by request for a three-year period from the date of the record.

# **3.5** §311.76(a)(5): Provide a reasonable range of restoration alternatives and the preferred restoration alternative that may be implemented to return the affected waters to background conditions in the event of an unauthorized discharge

In the event of an unintended discharge into Sanchez Creek, the responsible party will consult with the TCEQ Standards Implementation Team in order to determine the appropriate level of restoration activities needed to restore the receiving waters to background conditions. The two levels of restoration alternatives are passive and active. The level of restoration activity required after an unintended discharge must be determined by comparing the impacted state to the established physical, chemical, and biological background conditions. After an assessment of the benefits have been compared to any potential harms caused during active restoration, the appropriate restoration alternative can be selected.

The two restoration alternatives are as follows:

Restoration Alternative #1: Passive restoration will allow the impacted area to incorporate any discharge through natural attenuation.

Restoration Alternative #2: Active restoration to return the impacted area to established physical, chemical, and biological background conditions.

- Physical Potential physical restoration activities may include, but are not limited to, removing excess sediment from Sanchez Creek in an environmentally sensitive method. Examples of sediment removal include using a vacuum truck if water is present in the creek or a low ground pressure (LGP) machine equipped with a bucket if dry conditions allow access. Excess sediment removed from the creek will be relocated to an upland site and protected to prevent runoff from reentering the creek. If it is determined through consultation with the TCEQ Standards Implementation Team that active sediment removal will do more harm to the creek than benefit, then Restoration Alternative #1 is the preferred method.
- Chemical If an unintended discharge into Sanchez Creek results in chemical impacts then remedies for the specific chemicals of concern (COCs) will be evaluated and may be implemented after consultation with the TCEQ Standards Implementation Team. An example of a COC specific remedy is the use of sorbent pads or booms to remove a hydrocarbon impact. If COC concentrations are found to not exceed the established chemical background conditions or if they are in concentrations protective of human health and ecological receptors defined by the Texas Risk Reduction Program (TRRP), then Restoration Alternative #1 is the preferred method.
- Biological If plant or animal life is lost during an unintended discharge or during active physical or chemical restoration, then it may be necessary to re-establish vegetation to the

established physical background conditions. Animal populations will be allowed to naturally re-establish and will not be supplemented.

**3.6** §311.76(a)(6): Describe the process for monitoring the effectiveness of the preferred restoration action, including performance criteria, that will be used to determine the success of the restoration or need for interim site stabilization

In the event that restoration activities are required after an unauthorized discharge, a monitoring program will be implemented. The purpose of the monitoring program is to determine if Sanchez Creek has been returned to background conditions after restoration activities have been attempted or if additional restoration activity will be necessary. An initial survey to determine the effects of an implemented restoration activity will be conducted seven days after implementation has been completed. An interim survey will be completed at 30 days post-implementation. A final survey will be completed 45 days post-implementation or when all established performance criteria have been met. It may be necessary at any point post-implementation to perform additional restoration activities in order to return the impacted area to the established background conditions.

The following performance criteria will be used to determine the success of a restoration activity based on a selected restoration alternative:

- Physical A visual assessment will be used to determine if an impacted area has been restored to the established background condition. The visual assessment will be conducted at the established photo point and the assessment will include ensuring that the upstream extent, downstream extent, left bank, and right bank have been returned to the existing background conditions. If Restoration Alternative #2 is selected, the creek should be returned to the established background condition to the extent possible without further degrading the physical condition of the creek.
- Chemical Performance criteria for quarries located within a water quality protection area in the John Graves Scenic Riverway are defined in 30 TAC §311.79. The greater of these criteria for the existing chemical background conditions will be used to demonstrate a successful restoration of chemical background conditions.
- Biological The quantity of vegetation removed during an unintended discharge or from physical restoration activities will be evaluated to determine if re-vegetation is necessary.
  - Impacted areas left to passive restoration will be re-evaluated after six months to ensure that native vegetation is reclaiming the site.
  - If the impacted area left to passive restoration has not revegetated itself to the point that 75 percent (%) aerial coverage has been achieved after one year, the area will be seeded with an appropriate seed mix.
  - In impacted areas where active revegetation is necessary, the impacted area will be monitored, evaluated and reseeded as necessary to achieve a 75% aerial coverage within two full growing seasons.
  - Assessment of the seeded areas will occur annually for two years or until the impacted area has achieved the determined performance standards.

• An appropriate sampling method (aerial, point-line, point-frame, quadrant, or lineintercept) will be selected according to the type of data needed, the size and shape of the impacted area, and any additional site characteristics that may require consideration.

# 3.7 §311.76(a)(7): Identify a process for public involvement in the selection of the restoration alternative to be implemented to restore the receiving waters to background conditions

If an unauthorized discharge originating on the subject area occurs, additional property owners along Sanchez Creek may be affected. MM will provide written notice to all landowners who own property along the flow path of Sanchez Creek within one stream channel mile in the event of an unintended discharge. The notification will state that a discharge has occurred above the permitted allowances and activities from the restoration plan could be initiated. An address and telephone number will be included in the notice where landowners in the designated notification area can request additional information regarding the discharge and/or involvement in the restoration activities selection process.

**3.8** §311.76(a)(8): Provide a detailed estimate of the maximum probable costs required to complete a restoration action, given the size, location, and description of the quarry and the nature of the receiving waters. The maximum probable cost must be based on the costs to a third party conducting the action without a financial interest or ownership in the quarry

After an unauthorized discharge, MM may be financially responsible for the cost of any active restoration activities deemed necessary. The following hypothetical scenario will be used to determine the potential restoration activities and associated costs by a third party without a financial interest or ownership in the quarry:

Excessive storm water run-off causes an unintended discharge due to a failure of a downgradient perimeter berm. The storm water carries sediment, and potentially other pollutants, into Sanchez Creek.

The following quantities and repairs are assumed for the purpose of the restoration cost estimate:

- The discharge creates a need for structural repairs to a perimeter berm. Approximately 225 cubic yards of material will be required.
- The storm water discharge has deposited approximately 225 cubic yards of sediment into Sanchez Creek. The sediment must be removed and transported to an upland area on site or used as berm material or fill.
- The area impacted by sediment discharge and equipment access to Sanchez Creek that must be actively revegetated to restore the area to the established background conditions is approximately 2.0 acres.

Given the hypothetical scenario above, cost information based on potential restoration activities required due to potential future impacts to Sanchez Creek is provided in Attachment C, Table 2. The costs were approximated by utilizing estimates provided by a third party. A 100% contingency has been added to the estimated restoration costs in the unlikely event that perimeter berms at both outfall locations experience simultaneous failures.

## 4.0 **REFERENCES**

- 30 TAC §311 Subchapter H: Regulation Of Quarries In The John Graves Scenic Riverway. Adopted to be effective August 3, 2006. 31 TexReg 6033.
- McMahan, C.A., R.G. Frye, and K.L. Brown. 1984. *The Vegetation Types of Texas*. Austin: Texas Parks and Wildlife.
- Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR050000. Effective date: August 14, 2016.
- (USFWS) U.S. Fish and Wildlife Service. 2023. National Wetland Inventory: Wetlands Mapper. Last assessed: February 7, 2023 https://www.fws.gov/wetlands/data/mapper.html
- (USGS) U.S. Geological Survey. 2023. National Hydrography Dataset. Last accessed: February 7, 2023. https://viewer.nationalmap.gov/advanced-viewer/

# **ATTACHMENTS**

ATTACHMENT A. FIGURES ATTACHMENT B. SITE PHOTOGRAPHS ATTACHMENT C. TABLES ATTACHMENT D. PLANT AND ANIMAL SPECIES INDEX

## Attachment A

## Figures

Figure 1. Subject Area Figure 2. USGS 7.5-Minute Topographic Quadrangle Figure 3. Desktop Hydrography Figure 4. Flow Path

Figure 5. Site Photograph Location







OF 005





# Attachment B

# **Site Photographs**





| Photo #   | 001                  |
|-----------|----------------------|
| Date      | 2/10/2023            |
| Direction | West                 |
| Figure #  | 5                    |
| Notes     | View towards Sanchez |

Creek at Outfall #1



| Photo #   | 001   |
|-----------|---|
| Date      | 2/10/2023                                   |
| Direction | South                                       |
| Figure #  | 5   |
| Notes     | View of typical vegetation<br>at Outfall #1 |





| Photo #   | 001                   |
|-----------|-----------------------|
| Date      | 2/10/2023             |
| Direction | East                  |
| Figure #  | 5                     |
| Notes     | View towards the site |

interior from Outfall #1



| Photo #   | 001                                |
|-----------|------------------------------------|
| Date      | 2/10/2023                          |
| Direction | North                              |
| Figure #  | 5                                  |
| Notes     | View to the north at Outfall<br>#1 |





| Photo #   | 002       |
|-----------|-----------|
| Date      | 1/27/2023 |
| Direction | Northeast |
| Figure #  | 5         |
|           |           |

Notes View upstream towards the site center along an unnamed tributary to Sanchez Creek in the central portion of the site



| Photo #   | 002                        |
|-----------|----------------------------|
| Date      | 1/27/2023                  |
| Direction | Northeast                  |
| Figure #  | 5                          |
| Notes     | View of typical vegetation |

View of typical vegetation along an unnamed tributary to Sanchez Creek in the central portion of the site





| Photo #   | 002       |
|-----------|-----------|
| Date      | 1/27/2023 |
| Direction | Southwest |
| Figure #  | 5         |
|           |           |

Notes View downstream towards Outfall #1 along an unnamed tributary to Sanchez Creek in the central portion of the site



| Photo #   | 002  |
|-----------|--|
| Date      | 1/27/2023  |
| Direction | Southwest  |
| Figure #  | 5  |
| Notes     | View downstream towards<br>Outfall #1 along an<br>unnamed tributary to |

Sanchez Creek in the central portion of the site



| W/ | TOTWADD         |  |
|----|-----------------|--|
| VV | <b>T21 MULD</b> |  |

| Photo #   | 003       |
|-----------|-----------|
| Date      | 1/27/2023 |
| Direction | North     |
| Figure #  | 5         |
|           |           |

**Notes** View to the north from a road in the central portion of the site



| Photo #   | 003   |
|-----------|---|
| Date      | 1/27/2023   |
| Direction | East  |
| Figure #  | 5   |
| Notes     | View to the east from a road in the central portion |

of the site





| Photo #   | 004                   |
|-----------|-----------------------|
| Date      | 2/10/2023             |
| Direction | North                 |
| Figure #  | 5                     |
| Notes     | View towards the site |

interior from Outfall #2



| Photo #   | 004   |
|-----------|---|
| Date      | 2/10/2023                                     |
| Direction | South   |
| Figure #  | 5   |
| Notes     | View towards Sanchez<br>Creek from Outfall #2 |
### Attachment C

### Tables

- Table 1. Schedule for completing determination of background conditions and for updating background conditions in the future.
- Table 2. Cost estimation for restoration Alternative #2.

Table 1. Schedule for completing the determination of background conditions of each of the receiving waters and for updating background conditions in the future.

| Assessment | Parameter          | Baseline Data                   | Data Collection<br>Completion        | Data Analysis<br>Completion       | Updating |
|------------|--------------------|---------------------------------|--------------------------------------|-----------------------------------|----------|
| Physical   | Photographic Log   | Taken 01/27/2023 and 02/10/2023 | Within 30 days of permit issuance    | Within 30 days of data collection | Annually |
| Chemical   | TSS, pH and Metals | Weather Dependent               | Weather dependent                    | Within 30 days of data collection | Annually |
| Biological | Plant and Animal   | Taken 01/27/2023 and 02/10/2023 | Within 30 days of<br>permit issuance | Within 30 days of data collection | Annually |

Table 2. Cost estimate for restoration Alternative #2.

| Restoration Activity           | Parameter                     | Baseline Data |  |
|--------------------------------|-------------------------------|---------------|--|
| Berm Repairs                   | Approximately 225 cubic yards | \$3,750       |  |
| Sediment Removal and Transport | 225 cubic yards of material   | \$6,500       |  |
| Revegetation                   | Approximately 2.0 acres       | \$4,500       |  |
| Contingency                    | 100%                          | \$14,750      |  |
| Total                          |                               | \$29,500      |  |

### Attachment D

### **Plant and Animal Species Index**

### **Existing Biological Background Conditions**

The existing biological background conditions for the subject area were determined on January 27, 2023 and February 10, 2023. WESTWARD ecologists recorded plants and animals observed during a site inspection of the subject area, predominantly at the photo points created for the physical background determination of the subject area.

The Texas Parks and Wildlife Department (TPWD) designates the subject area as Oak-Mesquite-Juniper Parks/Woods according to *The Vegetation Types of Texas Including Cropland* (McMahan et al. 1984). Plants that are commonly associated with this vegetation type include post oak (*Quercus stellata*), Ashe juniper (*Juniperus ashei*), shin oak (*Quercus spp.*), Texas oak (*Quercus buckleyi*), blackjack oak (*Quercus marilandica*), live oak (*Quercus virginiana*), cedar elm (*Ulmus crassifolia*), agarita (*Mahonia trifoliolata*), soapberry (*Sapindus saponaria* var.), sumac (*Rhus spp.*), hackberry (*Celtis sp.*), pricklypear (*Opuntia spp.*), Mexican persimmon (*Diospyros texana*), purple three-awn (*Aristida purpurea*), hairy grama (*Bouteloua hirsuta*), Texas grama (*Bouteloua rigidiseta*), sideoats grama (*Bouteloua curtipendula*), curly mesquite (*Hilaria belangeri*), and Texas wintergrass (*Nassella leucotricha*) (McMahan et al. 1984).

The subject area generally consists of open pasture dominated with Johnsongrass (*Sorghum halepense*) and bermudagrass (*Cynodon dactylon*), Switchgrass (*Panicum virgatum*), and Golden-aster (*Heterotheca canescens*). Pecan (*Carya illinoinensis*) were observed at both outfall locations but were not found throughout the subject area.

The plant species observed during physical survey of the outfall locations were as follows:

Vegetation:

Bermudagrass Johnsongrass Switchgrass Pecan Greenbrier (*Smilax bona-nox*)

No animal species were observed during the physical surveys of the outfall locations on January 27, 2023 and February 10, 2023. A previous survey of the first outfall location conducted in May 2018 noted the following animal species:

| Birds: | Scissortail Flycatcher (Tyrannus forficatus)  |
|--------|---|
| Other: | Ants - Order Hymenoptera<br>Bees - Order Hymenoptera<br>Butterflies - Order Lepidoptera<br>Dragonflies - Order Odonata<br>Frogs - Order Anura |
|        |   |

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

### **Appendix E:**

### **Technical Demonstration**



November 26, 2024

Westward Project No. 10006-508

Cindy Cavazos Texas Commission on Environmental Quality P.O. Box 13087 Austin Texas 78711-3087 512-239-4561

# Subject:Technical Demonstration for Industrial Wastewater Permit Application<br/>Quarry within the John Graves Scenic Riverway<br/>Martin Marietta Materials Southwest, LLC – CN606114726<br/>MM - Tin Top #4, Bethel Road, Weatherford, Parker County, Texas

Dear Ms. Cavazos:

On behalf of Martin Marietta Materials Southwest, LLC (MM), Westward Environmental Inc. (WESTWARD) is submitting this report of Technical Demonstration as a part of an Industrial Wastewater Permit Application to authorize the expansion of a quarry within the John Graves Scenic Riverway. The subject property is approximately 175 acres, located approximately 0.89-mile northwest of the intersection of Tin Top Road and Bethel Road, and approximately 9.1 miles south of the intersection of Bethel Road and Interstate Highway (IH) 20 in Parker County, Texas. The Technical Demonstration report is prepared in accordance with 30 TAC § 311.77 as follows:

• Certification by a licensed Texas Professional Engineer or a licensed Texas Professional geoscientist, within the appropriate area or discipline

The Technical Demonstration Report and John Graves Scenic Riverway General Permit Application are prepared and certified under the direct supervision of Curt G. Campbell, P.E, Texas Professional Engineer, License Number 106851.

• A time schedule for the quarry from initiation to termination of operations, including reclamation

The quarry operations are proposed to commence at permit authorization and finish by the end of 2028 from initiation of operations. The reclamation work will be completed within six months of cessation of quarry operations.

### • A detailed description of the type of quarrying to be conducted and the processes/methods employed

The proposed quarry is a sand and gravel quarry involving excavation by, and loading of, haul trucks using excavators.



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### • A geological description of the quarry area, including the material deposit: type, geographical extent, depth, and volume; and a description of the general area geology

According to the United States Geological Survey's (USGS) Pocket Geology Map, the site's surficial mineralization is comprised of Alluvium formation ( $Q_{al}$ ), Fluviatile Terrace Deposits ( $Q_t$ ) and Twin Mountain formation ( $K_{tm}$ ) (Figure 1. Site Geology).

"The alluvium and low terrace deposits are found along streams, sand, silt, clay, and gravel. The thickness of alluvium is variable" (USGS 2018). "The upper part of the Twin Mountains formation consists of sandstone, some claystone, and conglomerate; the middle part sandstone above claystone; lower part mostly sandstone, some claystone, and conglomerate. The thickness of this formation is about 150 ft" (USGS 2018).

### • A detailed description of any other operations on-site, include raw-material processing and secondary products processing

The site will only be used for the excavation of raw material and loading of the haul trucks. No other activities associated with quarrying or raw material processing into primary or secondary products are proposed on-site.

### • A topographic map representing the quarry operation and all of the following within the boundaries of the quarry

- water bodies
- existing and proposed roads including quarry access roads
- existing and proposed railroads
- o the 100-year floodplain boundaries
- structures
- the location of all know wells including water wells, oil wells, and unplugged and abandoned wells
- o active, post, and reclaimed quarry areas
- o **buffer area**
- raw material, intermediate material, final product, waste product, byproduct, or ancillary material storage and processing areas
- o chemical and fuel storage areas
- o vehicle/equipment maintenance, cleaning, and fueling areas
- vehicle/equipment loading and unloading areas
- o baghouses and other air treatment units exposed to precipitation
- waste-disposal areas

A topographic map of the quarry operations and all of the applicable features listed above are depicted on Figure 2. Quarry Operations and Figure 3. Site Plan included in the Appendix. There are no railroads proposed in the subject area. Per the Texas Groundwater Data Viewer and Railroad Commission Viewer, there is a dry hole located near the southwestern portion of the subject property. There are no active, post, or reclaimed quarry areas on-site. There are no material storage and processing areas proposed under the proposed development. The subject area will not be used for vehicle/equipment loading or unloading. There will be no baghouse, other air treatment units, or waste-disposal areas present on the subject area. One 10,000 gallon double-walled steel tank is located onsite for diel fuel storage and mobile equipment fueling.

- Surface Water Drainage and Water Accumulation Plan (SWDAP) that
  - describes the use and monitoring of structural controls and best management practices designed to control erosion, siltation, and runoff
  - provides a topographic map, at a scale appropriate to represent the quarry operation and all of the following within the boundaries of the quarry
  - the location of each process wastewater and stormwater outfall
  - an outline of the drainage area that contributes stormwater to each outfall
  - treatment, detention, and water storage tanks and ponds
  - o structural controls for managing stormwater and process wastewater
  - physical features of the site that would influence stormwater runoff or contribute a dry weather flow

Temporary silt fences will be installed near initial excavation areas and will be placed down gradient of disturbed areas during berm construction and maintained in functioning condition until the berm is stabilized. The silt fences will be removed after the excavation reaches a depth sufficient to contain a 25-year 24-hour storm. The perimeter berms may be constructed from overburden extracted from the pit.

A topographic map of the quarry operations and all of the applicable features listed above are depicted on **Figure 2. Quarry Operations** and **Figure 3. Site Plan** included in the Appendix.

### • Best Available Technology Evaluation (BATE)

Multiple Best Management Practices (BMPs) will be employed during quarry operations at the subject area to eliminate, to the maximum extent practicable, the presence of pollutants in stormwater discharges. A combination of BMPs are designed to minimize the contact between stormwater and potential pollutants. The available technologies can be categorized under Pollution Prevention and Source Reduction BMPs, Prevention BMPs, and Treatment BMPs.

Pollution Prevention and Source reduction BMPs will include silt fencing, dust control, and minimizing exposure of excavated areas to precipitation. Silt fences will be installed during the initial excavation and construction of berms. The silt fences will be maintained until final stabilization of the berms. The topsoil and the dirt excavated during the initial excavation will be used for construction of berms. Berms and vegetative cover are source reduction BMPs which control contaminant discharges. Training employees in routine monitoring of the site will be a part of the pollution prevention plan.

Treatment BMPs consist of earthen berms and retention ponds. The proposed excavation areas will be used as retention ponds (wet ponds). Stormwater generated on-site will be diverted to the excavation areas to limit the migration of pollutants (total suspended solids) off-site. Details of the wet pond design are provided in the *Stormwater Retention Basin Analysis*, included in this Industrial Wastewater Permit.

Per 30 TAC § 311.79, performance criteria applicable to quarries located within a water quality protection area in the John Graves Scenic Riverway are as follows:

(1) Discharges from the quarry will meet the effluent limitations as follows (Table 1):

| Table 1. Allowable Effluent Limitations. |                                    |  |  |
|--|------------------------------------|--|--|
| Parameter                                | <b>Daily Average Limitation</b>    |  |  |
| Total Suspended Solids (TSS)             | 45 milligrams per liter            |  |  |
| pH                                       | Between 6.0 and 9.0 standard units |  |  |

- (2) Discharges from the quarry resulting from a rainfall event greater than the 25-year, 24-hour rainfall event is not subject to effluent limitations in paragraph (1) of this section.
- (3) Discharges from the quarry will be monitored in accordance with the Discharge Monitoring Schedule (Table 2).

| Table 2. Discharge Monitoring Schedule. |                             |  |  |
|---|-----------------------------|--|--|
| Parameter                               | <b>Monitoring Frequency</b> |  |  |
| Total Suspended Solids                  | 1/day, when discharging     |  |  |
| pH                                      | 1/day, when discharging     |  |  |

- (4) Results of analysis for monitoring conducted as specified in 30 TAC §311.75(3) of this title will be submitted monthly on approved self-report forms. Monitoring and reporting records, including strip charts and records of calibration and maintenance, will be retained on site, or will be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, or report.
- (5) MM currently has a permanent rain gauge installed at the adjacent MM Tin Top facility that can be used to keep daily records of rainfall and the resulting flow. Monitoring records will be retained on site or will be readily available for review by a TCEQ representative for a period of three years from the date of the record.

### **RULE §311.80 Additional Performance Criteria for Quarries Located Between 200 Feet** and 1,500 Feet of a Water Body Located Within a Water Quality Protection Area in the John Graves Scenic Riverway

Authorizations to discharge from quarries located between 200 feet and 1,500 feet of a water body within a water quality protection area in the John Graves Scenic Riverway require the permittee to satisfy the following performance criteria. An evaluation of these performance criteria must be incorporated into the Technical Demonstration, as required in §311.77 of this title (relating to Technical Demonstration).

- (1) The down-gradient perimeter of the quarry must include a final control structure to manage the discharge of wastewater and/or storm water. The final control structure must be designed and constructed as follows.
  - (A) Certification of the final control structure design and construction must be provided by a licensed Texas professional engineer. Design and construction plans

### and specifications must be maintained on site and made available at the request of the executive director.

The design of the final control structure is prepared and certified under the direct supervision of Curt G. Campbell, P.E, Texas Professional Engineer, License Number 106851.

Once approved by TCEQ, the design and construction plans and specifications of the final control structure will be maintained on site and will be made available at the request of the executive director.

#### (B) The final control structure side slopes must not exceed a gradient of 1:3 (33%).

The side slopes of the final control structure are designed to a slope of 1:3.

## (C) The final control structure must be designed to impound, at minimum, the volume of water resulting from a 25-year, 24-hour rainfall event for the final control structure drainage area.

The final control structure is designed to contain a minimum volume of stormwater runoff resulting from a 25-year, 24-hour rainfall. Please see the attached Drainage Analysis for the design of the final control structure.

## (D) The final control structures must be properly stabilized (via use of vegetation, riprap, and/or other acceptable technique) to prevent the final control structure from being a source of pollution and/or to prevent structural failure.

The final control structure will be stabilized with riprap at the outfall and vegetation along the berm.

(E) The final control structure must be inspected once every 14 calendar days and within 24 hours of any rainfall event totaling 0.5 inches or greater. Where an inspection identifies failure and/or problems with the final control structure, corrections must be made within seven calendar days of the inspection. Records of these inspections and any site stabilizations must be maintained on site for a period of three years and made available to the executive director, upon request.

The final control structure will be inspected after every 14 calendar days and within 24 hours of any rainfall event totaling 0.5 inches or greater. If an inspection identifies failure and/or problems with the final control structure, corrections will be made within seven calendar days of the inspection. Records of these inspections and any site stabilizations will be maintained on site for a period of three years and made available to the executive director, upon request.

### (F) A minimum 200-foot vegetative buffer must be maintained between the final control structure and any water body.

No water body exists within 200 feet of the proposed final control structure.

### (2) All treatment, detention, and water storage tanks and ponds must be operated to maintain a minimum freeboard of two feet.

The final control structure would maintain a minimum freeboard of two feet. Please see the attached drainage report for details.

# (3) A permanent depth marker shall be installed and maintained on all treatment, detention, and water storage tanks and ponds. The depth marker shall identify the volume required for the design rainfall event, as specified in paragraph (1)(C) of this section, and freeboard.

There are no treatment, detention, and water storage tanks proposed in this development. However, a permanent depth marker will be installed and maintained near the final control structure (outfall) indicating the depth corresponding to the volume of stormwater resulting from a design rainfall event.

### (4) The quarry operation must demonstrate compliance with all the requirements of 36 Code of Federal Regulations Part 800 (Protection of Historic Properties) and 9 Texas Natural Resources Code, Chapter 191 (Antiquities Code).

The proposed quarry operation will demonstrate compliance with all the requirements of 36 Code of Federal Regulations Part 800 (Protection of Historic Properties) and 9 Texas Natural Resources Code, Chapter 191 (Antiquities Code). The site is located on private property, utilizing private funds, and is therefore not subject to the Texas Antiquities Code.

## (5) The quarry operation must not have a detrimental effect on any federal endangered/threatened, aquatic/aquatic-dependent species/proposed species; or their critical habitat.

Desktop review and preliminary field reconnaissance did not indicate the likelihood of federal endangered/threatened, aquatic/aquatic-dependent species/proposed species occurrence in the proposed site. No critical habitat is listed for this site.

### (6) Waste management units must be located a minimum horizontal distance from water wells, in accordance with 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers), or where those regulations do not apply, the minimum distance to a water well must be 500 feet.

There are no existing waste management units present on site. No new waste management units will be constructed during quarry operations.

### (7) Secondary containment of chemical and fuel storage is required. Where quarry operations overlay aquifer and/or aquifer recharge areas and sufficient confining

### layers do not exist to preclude contamination of groundwater, tertiary containment is required for all chemical and fuel storage.

One 10,000 gallon double-walled steel diesel fuel storage tank is located on-site. The tank is located in the central portion (middle property) of the overall site, adjacent to Bethel Road.

### (8) Quarry operations must not be located on natural hazard land, areas subject to frequent flooding, or in areas of unstable geology.

Based on the site survey, historical photographs, and review of the record documents, the proposed quarry site does not appear to be located on natural hazard land, areas subject to frequent flooding, or in areas of unstable geology.

WESTWARD has been retained by Martin Marietta Materials Southwest, LLC to serve as the technical representative on this project. Please copy WESTWARD on all correspondence, including but not limited, to the final TCEQ determination. If you have any questions regarding this request, please do not hesitate to contact me at (830) 249-8284 or ccampbell@westwardenv.com.

Respectfully submitted, WESTWARD ENVIRONMENTAL, I 11/26/2024 Curt G. Campbell, PE VP Engineering and Natural Resources TX License No. 106851 | TX Firm No. 4524

### Attachments

- 1. Figure 1. Desktop Geology
- 2. Figure 2. Quarry Operations
- 3. Figure 3. Site Plan

#### Distribution:

Addressee Mr. Kirk R. Light, President Martin Marietta Materials Southwest, LLC 10006-354

### REFERENCES

United States Geological Survey. (2019, 02 18). *Mineral Resources Online Spatial Data*. Retrieved from Mineral Resources Online Spatial Data: https://mrdata.usgs.gov/general/map-us.html

United States Geological Survey. (2019, 02 18). USGS Pocket Texas Geology . Retrieved from USGS Pocket Texas Geology : https://txpub.usgs.gov/txgeology/



Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

### **Appendix F:**

### **Reclamation Plan**

### INDUSTRIAL WASTEWATER PERMIT AMENDMENT – RECLAMATION PLAN Project No. 10006-501

### Tin Top #4 Bethel Road Weatherford, Parker County, Texas

Prepared for: Martin Marietta Materials Southwest, LLC 1503 Lyndon B Johnson Freeway, Suite 400 Dallas, Texas 75234

**March 2023** 



4 Shooting Club Road Boerne, Texas 78006 830.249.8284

TEXAS REGISTERED ENGINEERING FIRM NO. 4524 TEXAS REGISTERED GEOSCIENCE FIRM NO. 50112

Signature:



Curt G. Campbell, PE – License No. 106851 TX PE Firm No. 4524 Date: <u>11/26/2024</u>

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| 3.  | 1     | §311.78(a)(1)(A) provide a description of the proposed use of the disturbed area followin             | g  |
|     | ]     | reclamation;  | 2  |
| 3.2 | 2     | §311.78(a)(1)(B) develop site-specific standards for reclamation appropriate to the end               |    |
|     | 1     | use proposed in subparagraph (A) of this paragraph that addresses the following:                      | 2  |
|     | 3.2.1 | §311.78(a)(1)(B)(i) removal or final stabilization of all raw material, intermediate                  |    |
|     |       | material, final product, waste product, byproduct, and/or ancillary material;                         | 2  |
|     | 3.2.2 | 2 §311.78(a)(1)(B)(ii) removal of waste or closure of all waste disposal areas;                       | 2  |
|     | 3.2.3 | §311.78(a)(1)(B)(iii) removal of structures, where appropriate;                                       | 2  |
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|     | 3.2.7 | <sup>7</sup> §311.78(a)(1)(B)(vii) revegetation of the reclaimed area giving consideration to species |    |
|     |       | diversity and the use of native species;  | 3  |
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|     | 3.2.9 | 9 §311.78(a)(1)(B)(ix) establishment of drainage patterns;  | 3  |
|     | 3.2.1 | 10 §311.78(a)(1)(B)(x) establishment of permanent control structures (e.g., retention ponds)          | ,  |
|     |       | where necessary, to address erosion, siltation, and runoff from post quarrying and                    |    |
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|     |       | reclamation) and a timetable for the completion of reclamation activities                             | 4  |
| 3.4 | 4     | §311.78(a)(2) the Reclamation Plan must include a detailed estimate of the maximum                    |    |
|     |       | probable cost required to complete and implement the plan. The maximum probable cos                   | st |
|     |       | must be based on the cost to a third party conducting the reclamation without a financia              | l  |
|     | İ     | interest or ownership in the quarry operation   | 4  |
| 3.  | 5     | §311.78(b) Certification of the Reclamation Plan must be provided, within the                         |    |
|     |       | appropriate area or discipline, by a licensed Texas professional engineer or a licensed               |    |
|     |       | Texas professional geoscientist. Components of the Reclamation Plan may be                            |    |
|     | j     | independently certified, as appropriate   | 5  |
|     |       |   |    |

| Texas professional geoscientist. Components of the l<br>independently certified, as appropriate |  |  |  |
|---|--|--|--|
| LIST OF ATTACHMENTS   |  |  |  |
| Attachment A – Figures  |  |  |  |
| Attachment B – Tables<br>Table 1. Cost estimate for reclamation activities                      |  |  |  |
| rable 1. Cost commate for rectaination activities.  |  |  |  |

### **1.0 INTRODUCTION**

The purpose of this report is to detail the reclamation plan for the proposed Martin Marietta Materials Southwest, LLC (MM) Tin Top #4 quarry expansion near Weatherford, Texas. The Reclamation Plan will be used to reclaim the land mined by MM, in compliance with all applicable mining laws, in the event that mining operations unexpectedly cease prior to scheduled mine completion and reclamation activities.

The proposed Tin Top #4 quarry expansion, hereafter referred to as the subject area, is located within the John Graves Scenic Waterway as defined in 30 Texas Administrative Code (TAC) §311. The John Graves Scenic Waterway encompasses the Brazos River and its contributing watershed extending between the downstream side of the Morris Shepard Dam in Palo Pinto County, Texas, and the county line between Parker and Hood Counties, Texas.

#### 2.0 PROJECT LOCATION

The approximately 175-acre subject area is located on the west side of Bethel Road, approximately 10.3 miles south of Weatherford, Parker County, Texas (Attachment A, Figure 1). The subject area is bound to the north and south by undeveloped land, east by Bethel Road, and west by Sanchez Creek. The subject area is a proposed expansion of existing quarry activities located approximately one mile south of the subject area.

#### **3.0 RECLAMATION PLAN**

The development of this Reclamation Plan is required by 30 TAC§311.78. The Reclamation Plan will serve as a proposed plan of action that describes how the subject area will be reclaimed to predetermined conditions. In accordance with 30 TAC§311.78(a)(1), the Reclamation Plan must meet the minimum requirements as follows:

- (A) provide a description of the proposed use of the disturbed area following reclamation;
- (B) develop site-specific standards for reclamation appropriate to the end use proposed in subparagraph (A) of this paragraph that addresses the following:
  - *(i) removal or final stabilization of all raw material, intermediate material, final product, waste product, byproduct, and/or ancillary material;*
  - (ii) removal of waste or closure of all waste disposal areas;
  - (iii) removal of structures, where appropriate;
  - *(iv) removal and reclamation of all temporary roads and/or railroads;*
  - (v) backfilling, regrading, and recontouring;
  - (vi) slope stability for remaining highwalls and detention ponds;
  - (vii) revegetation of the reclaimed area giving consideration to species diversity and the use of native species;
  - (viii) establishment of wildlife habitat;
  - (ix) establishment of drainage patterns;
  - (x) establishment of permanent control structures (e.g., retention ponds), where necessary, to address erosion, siltation, and runoff from post quarrying and reclaimed areas; and
  - (*xi*) removal of all equipment;

(*C*) provide a description of how reclamation will be conducted (e.g., phased reclamation) and a timetable for the completion of reclamation activities.

In accordance with 30 TAC§311.78(a)(2), the Reclamation Plan must include a detailed estimate of the maximum probable cost required to complete and implement the plan. The maximum probable cost must be based on the cost to a third party conducting the reclamation without a financial interest or ownership in the quarry operation.

In accordance with 30 TAC§311.78(b), certification of the Reclamation Plan must be provided, within the appropriate area or discipline, by a licensed Texas Professional Engineer or a licensed Texas Professional Geoscientist. Components of the Reclamation Plan may be independently certified, as appropriate.

### 3.1 §311.78(a)(1)(A) provide a description of the proposed use of the disturbed area following reclamation;

MM plans to grade and reseed as part of ongoing mining operations, resulting in an open pit not exceeding seven acres at the ground surface at any time. Following reclamation, the remaining pit will consist of side walls with a slope declination ratio of one foot vertical to three feet horizontal (1V:3H) surrounding a flat bottom area. The side slope and bottom surfaces will be compacted and may be revegetated for erosion control purposes, to the maximum extent practicable. Alternatively, the remaining depression may be developed for use as a detention pond. Use of the subject area will be returned to the landowner at the conclusion of reclamation activities.

- **3.2** §311.78(a)(1)(B) develop site-specific standards for reclamation appropriate to the end use proposed in subparagraph (A) of this paragraph that addresses the following: The following reclamation standards have been developed in order to return the subject area to the predetermined conditions.
  - 3.2.1 §311.78(a)(1)(B)(i) removal or final stabilization of all raw material, intermediate material, final product, waste product, byproduct, and/or ancillary material; No raw material, intermediate material, final product, waste product, byproduct, and/or ancillary material will remain stockpiled within the subject area at the conclusion of reclamation activities.

### 3.2.2 §311.78(a)(1)(B)(ii) removal of waste or closure of all waste disposal areas;

No waste or waste disposal areas are planned as part of operations in the proposed mine plan.

### 3.2.3 §311.78(a)(1)(B)(iii) removal of structures, where appropriate;

There are no existing or proposed structures within the subject area.

3.2.4 §311.78(a)(1)(B)(iv) removal and reclamation of all temporary roads and/or railroads;

The use of road base material will be utilized within the active mining area to increase road stability for haul routes and material transportation, and will be removed at the conclusion

of reclamation activities. No railroads are present or anticipated to be utilized within the subject area.

### 3.2.5 §311.78(a)(1)(B)(v) backfilling, regrading, and recontouring;

MM plans to grade and reseed as part of ongoing mining operations, resulting in an open pit not exceeding seven acres at the ground surface at any time. The quarried area will be backfilled using the overburden and unused quarried material from the subject area and adjacent operations to the maximum extent practicable. Any unused stockpiled material will be recontoured in a manner which results inside walls beginning at the existing ground surface at a slope of 1V:3H and ending at a flat bottom area approximately 30 feet below the ground surface. The fill material shall be sufficiently compacted to create a firm seed bed. Final reclaimed fill slopes shall not exceed a 1V:3H slope ratio and shall conform with the desired end use.

### 3.2.6 §311.78(a)(1)(B)(vi) slope stability for remaining highwalls and detention ponds;

The remaining quarried areas will be backfilled to create side slopes with a 1V:3H ratio. There will be no highwalls or quarry faces left within the subject area. The remaining 7 acre depression may be maintained as a detention pond if desired by the landowner which will retain water during and following rainfall events.

### 3.2.7 §311.78(a)(1)(B)(vii) revegetation of the reclaimed area giving consideration to species diversity and the use of native species;

Once the side slope and flat bottom areas have been graded and sufficiently compacted, the reclaimed areas will be revegetated with a mixture of native, commercially-available herbaceous species (grasses and forbs). If necessary, broadcast seeding will be utilized for the flat bottom area, and hydroseeding will be utilized for the side slopes. If desired by the landowner, the remaining depression may instead be maintained as a detention pond which will retain water during and following rainfall events.

### 3.2.8 §311.78(a)(1)(B)(viii) establishment of wildlife habitat;

Upon completion of final grading, the completed portion of the subject area will be seeded with a mixture of commercially-available, native grasses and forbs to provide a diverse species composition. Once established, this vegetative community will provide food, loafing, and escape cover to a variety of wildlife species native to the region.

If desired by the landowner, the remaining depression may instead be maintained as a detention pond which will retain water during and following rainfall events. The detention pond will provide water and wetland habitat to a variety of wildlife species native to the region.

### 3.2.9 §311.78(a)(1)(B)(ix) establishment of drainage patterns;

Upon completion of reclamation activities, an approximately 7 acre, 30 feet deep depression will remain within the subject area. Stormwater runoff will be directed to this remaining depression, which may serve as a detention pond, before exiting the subject area by passing through the designated outfall locations, and ultimately entering Sanchez Creek.

## 3.2.10 §311.78(a)(1)(B)(x) establishment of permanent control structures (e.g., retention ponds), where necessary, to address erosion, siltation, and runoff from post quarrying and reclaimed areas; and

Establishment of native vegetation will be utilized as a permanent control structure to address erosion, siltation, and runoff in the reclaimed areas.

### 3.2.11 §311.78(a)(1)(B)(xi) removal of all equipment;

All fueling, excavating, loading, and other earthmoving equipment will be permanently removed from the subject area upon the conclusion of reclamation activities.

### **3.3** §311.78(a)(1)(C) provide a description of how reclamation will be conducted (e.g., phased reclamation) and a timetable for the completion of reclamation activities.

MM will begin reclamation after a reasonable lag-time from quarry activities and will then proceed concurrently with quarry operations. With reclamation part of ongoing operations, the open mine pit is planned to not exceed seven acres at any time. The proposed reclamation process will be completed within six months following the cessation of mining activities, with the option of returning the land to agricultural use.

# 3.4 §311.78(a)(2) the Reclamation Plan must include a detailed estimate of the maximum probable cost required to complete and implement the plan. The maximum probable cost must be based on the cost to a third party conducting the reclamation without a financial interest or ownership in the quarry operation.

MM plans to grade and reseed as part of ongoing mining operations, resulting in an open pit not exceeding seven acres at the ground surface at any time.

In the event that mining activities cease, and a third party is required to carry out the reclamation, the following plan will be assumed for the purpose of determining the reclamation cost:

- Materials from outside of the pit will be pushed onto the side slopes of pit until a side slope ratio of 1V:3H is created.
- The bottom of the pit (approximately 30 feet below ground surface) will be graded until flat.
- Side slopes of the pit will be track-walked to compact loose soil and create a firm seed bed.
- A topographic survey of the reclamation area will be conducted prior to seeding initiation.
- The bottom of the pit will be broadcast seeded in two directions with a mixture of native grass and forb seeds. Seeds will be pressed into the soil with either a culti-packer or a drag harrow.
- Side slopes will be hydroseeded spraying down from top to bottom with native grass and forb seed mix and approximately 25 percent (%) of the total quantity of an Engineered Fiber Matrix (EFM) hydromulch. The remaining approximately 75% of the EFM will be applied to side slopes spraying up from bottom to top. EFM should be applied at the manufacturer's prescribed rate.

• If desired by the landowner, the remaining depression may instead be maintained as a detention pond which will retain water during and following rainfall events. In this event the pit will not be seeded following the topographic survey and will be allowed to fill with water.

Based on the above requirements, a detailed estimate of maximum probable costs is provided in Attachment B, Table 1. The costs were approximated utilizing estimates provided by a third party.

3.5 §311.78(b) Certification of the Reclamation Plan must be provided, within the appropriate area or discipline, by a licensed Texas professional engineer or a licensed Texas professional geoscientist. Components of the Reclamation Plan may be independently certified, as appropriate.

The Reclamation Plan has been certified by Curt G. Campbell, P.E., Texas Professional Engineer, License Number 106851.

### ATTACHMENTS

ATTACHMENT A. FIGURES ATTACHMENT B. TABLES

### Attachment A

### Figures

Figure 1. Subject Area



### Attachment B

### Tables

Table 1. Cost estimate for reclamation activities.

| <b>Reclamation Activity</b>    | Parameter  | <b>Baseline Data</b> |
|--------------------------------|--|----------------------|
| Site Grading                   | <ul> <li>Side Slopes - 71,025 sq. ft. (1.63 acres)</li> <li>Bottom - 233,482 sq. ft. (5.36 acres)</li> </ul> | \$20,500             |
| Topography Survey              | • Survey   | \$3,500              |
| Seeding and Erosion<br>Control | <ul> <li>Broadcast – 92 lb. PLS</li> <li>Hydroseed – 28 lb. PLS</li> <li>Hydromulch – 6,000 lb.</li> </ul>   | \$18,000             |
| Total                          |  | \$42,000             |

Table 1. Cost estimate for reclamation activities.

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Renewal Application 10006-508 Westward Environmental Inc. November 2024

### **Appendix G:**

### **Stormwater Retention Basin Analysis**

### INDUSTRIAL WASTEWATER PERMIT APPLICATION -STORMWATER RETENTION BASIN ANALYSIS Project No. 10006-501

### Tin Top #4 Bethel Road Weatherford, Parker County, Texas

### Prepared for: Martin Marietta Materials Southwest, LLC 1503 Lyndon B Johnson Freeway, Suite 400 Dallas, Texas 75234

March 2023



4 Shooting Club Road Boerne, Texas 78006 830.249.8284

TEXAS REGISTERED ENGINEERING FIRM NO. 4524 TEXAS REGISTERED GEOSCIENCE FIRM NO. 50112



Signature: \_\_\_\_\_\_ Curt G. Campbell, P.E. – License No. 106851 TX PE Firm No. 4524 Date: \_\_\_\_\_\_11/26/2024

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|     | 2.1.2                      | Proposed Conditions | 1 |
| 3.0 | SUMMA                      | RY                  | 3 |

#### Attachments:

- I. Calculations
- Drainage Area Map II.
- III. Quarry Operations MapIV. USDA Soils Map

### **1.0 INTRODUCTION**

Martin Marietta Materials Soutwest, LLC, is proposing to mine sand and gravel on approximately 175 acres of land located at Bethel Road, in Parker County Texas. The purpose of this analysis is to illustrate the retention capacity of the proposed excavation (pit) and perimeter berms (collectively referred to as the retention basin) to show that they are sufficient to retain the 25 yr. -24 hr. rainfall event (7.3 inches) on-site.

#### 2.0 RETENTION BASIN ANALYSIS

### 2.1.1 Existing Conditions

The site is approximately 175 acres and has primarily been used for agricultural activities. For this analysis the site was assumed to have a cover type of Fallow (Crop Residue Cover) with a "good" hydrologic condition. Based on the information provided by the USDA Web Soil Survey, approximately 81% of the site is characterized by Hydrologic Soil Group C and approximately 19% of the site is characterized by Hydrologic Group B. This analysis was performed using the dominant Hydrologic Soil Group C.

| Existing Conditions           |       |   |    |  |
|-------------------------------|-------|---|----|--|
| Total Area Impervious Area CN |       |   |    |  |
| Drainage Area 1               | 19.24 | 0 | 88 |  |
| Drainage Area 2               | 58.18 | 0 | 88 |  |
| Drainage Area 3 29.93 0       |       |   | 88 |  |

The Natural Resources Conservation Service (NRCS) Curve Number method was used to estimate the volume of the runoff that is anticipated from this site. The Curve Number (CN) number was estimated using Table 20.5 in The Civil Engineering Reference Manual -15th Edition, By Michael R. Lindeburg, P.E. The volume of runoff anticipated is 27.63 acre-feet for the 25 yr. -24 hr. event. Based on the isohyetal maps provided in the US Department of Commerce's Technical Paper 40, the 25 yr. -24 hr. rainfall depth for the proposed site was determined to be 7.3 inches.

#### 2.1.2 **Proposed Conditions**

It is anticipated that the hydraulic conditions of the site will not vary greatly in the proposed condition. The majority of the site will remain undisturbed until mining activities progress to that area. Some increase in the runoff due to the proposed access road is anticipated. However, it is anticipated that runoff will decrease as the excavation continues in the initial pit area.

The 2022 pit area is anticipated to be approximately 12.75 acres in size. This analysis looked at several stages of development to determine the amount of retention volume available. Additionally, this analysis is a worst-case scenario, as the mining will progress in multiple phases. Mining activities have already started in 2022 near the central area of the overall site. Mine sequencing will continue progressing west then south. There is a second smaller pit in the southern portion of the overall site area will have its own detention basin after the aggregate

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Application-Stormwater Retention Basin Analysis 10006-501

reserves have been exhausted in the area. Once the aggregate reserves have been exhausted in the southern half of the site boundary, mining progression will return to the center of the property and continue mining north. As mining progresses across the Site, the contributing drainage area will decrease simultaneously. The "Retention Basin Volume Provided" value in the tables below is the total volume retained below the outfall elevation. This number includes the volume retained in the pit and the volume retained within the bermed area of the site.

The first scenario analyzed addresses the condition where the berms are in place and excavation has been initiated for the pit. The perimeter berms may be constructed from overburden removed from the pit. Silt fence will be placed down gradient of disturbed areas during berm construction until stabilization of the berm is in place. For this scenario a minimal depth of six inches was chosen to illustrate limited excavation. Once the temporary mine area berms are in place, material extraction will commence, and each bench cut will be deeper than twelve (12) inches.

| Scenario 1                               |                |                  |                        |  |
|--|----------------|------------------|------------------------|--|
|  | Total Drainage | Required Storage | Retention Basin Volume |  |
|  | Area (ac)      | Volume (ac-ft)   | Provided (ac-ft)       |  |
| Berms in place +<br>1 foot of excavation | 19.24          | ~9.5             | ~315.9                 |  |
| Berms in place +<br>1 foot of excavation | 58.18          | ~29.5            | ~537.7                 |  |
| Berms in place +<br>1 foot of excavation | 29.93          | ~15.2            | ~170.1                 |  |

The second scenario was analyzed to determine the minimum depth that the pit would need to be excavated to provide for full retention of the design storm within the pit. This analysis determined that a pit with a depth of 0.64 ft would hold the entire design storm. The berms would then provide additional freeboard.

| Scenario 2              |                |                  |                        |  |  |
|-------------------------|----------------|------------------|------------------------|--|--|
|                         | Total Drainage | Required Storage | Retention Basin Volume |  |  |
|                         | Area (ac)      | Volume (ac-ft)   | Provided (ac-ft)       |  |  |
| Berms in place $+ 0.64$ | 10.24          | .05              | . 68 1                 |  |  |
| feet of excavation      | 19.24          | ~9.5             | ~08.1                  |  |  |
| Berms in place $+ 0.64$ | 58 18          |                  | . 72 7                 |  |  |
| feet of excavation      | 30.10          | ~29.3            | ~73.7                  |  |  |
| Berms in place $+$ 0.64 | 20.02          | . 15.2           | . 27.0                 |  |  |
| feet of excavation      | 29.95          | ~13.2            | ~37.9                  |  |  |

| Scenario 3                                |                |                  |                        |  |  |  |
|---|----------------|------------------|------------------------|--|--|--|
|   | Total Drainage | Required Storage | Retention Basin Volume |  |  |  |
|   | Area (ac)      | Volume (ac-ft)   | Provided (ac-ft)       |  |  |  |
| Berms in place + 30<br>feet of excavation | 19.24          | ~9.5             | ~701.6                 |  |  |  |
| Berms in place + 30<br>feet of excavation | 58.18          | ~29.5            | ~1,277.8               |  |  |  |
| Berms in place + 30<br>feet of excavation | 29.93          | ~15.2            | ~268.4                 |  |  |  |

The final scenario was to estimate the amount of retention volume available in the pit at the final anticipated depth of the excavation (approximately 30 feet).

\*Note: 58.69 ac-ft, 44.22 ac-ft, and 22.75 ac-ft of storage will be provided by the berms outside of the pits but contained within the berms.

### 3.0 SUMMARY

Based on the above analysis the proposed pit will provide retention well in excess of the 7.3-inch design storm (25 yr. -24 hr.). Once the initial quarry activity is initiated there is no discharge anticipated at this facility during storm events that produce less runoff than the 25 yr. -24 hr. event. The retention volume availability will be maintained through reuse of captured water or dewatering the pit in accordance with the provisions of this permit.

Martin Marietta Materials Southwest, LLC Tin Top #4 Industrial Wastewater Permit Application-Stormwater Retention Basin Analysis 10006-501

### **ATTACHMENTS**

ATTACHMENT I. CALCULATIONS ATTACHMENT II. DRAINAGE AREA MAP ATTACHMENT III. QUARRY OPERATIONS MAP ATTACHMENT IV. USDA SOILS MAP

#### MM Tin Top 4 - Retention Basin Analysis

Berms Only (Prior to Excavation for Pit)

### (Drainage area is the entire area contained within the perimeter berms)

| Drainage Area       | 19.24 | ac |
|---------------------|-------|----|
| 25 yr - 24 hr event | 7.3   | in |
| Existing Conditions | -     |    |
|                     |       |    |

CN

 
 CN
 88

 Fallow (Crop Residue cover - hydrologic condition = good)
 (assumed average Hydraulic Soil Group C)

#### NRCS Curve Number Method

| S      | 1.36 | in    |
|--------|------|-------|
| la     | 0.27 | in    |
| Q      | 5.89 | in    |
| Volume | 9.44 | ac-ft |

| Berm Height       | 3.5   | ft    | (min)                                  |
|-------------------|-------|-------|--|
| Elevation of Weir | 714   | ft    | NGVD                                   |
| Availble Storage  | 58.69 | ac-ft | from stage storage at elevation 714 ft |

#### Scenario 1

| Initial Quarry Area   | 21.43  | ас    |
|-----------------------|--------|-------|
| Vol at 12 inches deep | 257.16 | ac-ft |
| Total Vol             | 315.85 | ac-ft |

#### Scenario 2

| Min Depth pit only | 0.44  | ft    | (0.44 ft is the minimum excavation depth to retain  |
|--------------------|-------|-------|---|
| Vol w/berms        | 68.13 | ac-ft | the 25yr 24 hr storm event completely w/in the pit) |

#### Scenario 3

| Anticipated pit Depth | 30     | ft    |  |
|-----------------------|--------|-------|--|
| Vol available in Pit  | 642.9  | ac-ft | (3.87 represents the factor of safety for retaining    |
| Factor of Safety      | 3.87   |       | the entire 25 yr - 24 hr rainfall event within the pit |
| Volume w/berms        | 701.59 | ac-ft | (no additional storage in the berms))                  |

#### MM Tin Top 4 - Retention Basin Analysis

Berms Only (Prior to Excavation for Pit)

### (Drainage area is the entire area contained within the perimeter berms)

| Drainage Area       | 58.18 | ac |
|---------------------|-------|----|
| 25 yr - 24 hr event | 7.5   | in |
| Existing Conditions | -     |    |
|                     |       |    |

CN

 
 CN
 88

 Fallow (Crop Residue cover - hydrologic condition = good)
 (assumed average Hydraulic Soil Group C)

#### NRCS Curve Number Method

| S      | 1.36  | in    |
|--------|-------|-------|
| la     | 0.27  | in    |
| Q      | 6.08  | in    |
| Volume | 29.48 | ac-ft |

| Berm Height       | 3.5   | ft    | (min)                                  |
|-------------------|-------|-------|--|
| Elevation of Weir | 714   | ft    | NGVD                                   |
| Availble Storage  | 44.22 | ac-ft | from stage storage at elevation 714 ft |

#### Scenario 1

| Initial Quarry Area   | 41.12  | ас    |
|-----------------------|--------|-------|
| Vol at 12 inches deep | 493.44 | ac-ft |
| Total Vol             | 537.66 | ac-ft |

#### Scenario 2

| Min Depth pit only | 0.72  | ft    | (0.72 ft is the minimum excavation depth to retain  |
|--------------------|-------|-------|---|
| Vol w/berms        | 73.70 | ac-ft | the 25yr 24 hr storm event completely w/in the pit) |

#### Scenario 3

| Anticipated pit Depth | 30      | ft    |  |
|-----------------------|---------|-------|--|
| Vol available in Pit  | 1233.60 | ac-ft | (3.87 represents the factor of safety for retaining    |
| Factor of Safety      | 3.87    |       | the entire 25 yr - 24 hr rainfall event within the pit |
| Volume w/berms        | 1277.82 | ac-ft | (no additional storage in the berms))                  |
### MM Tin Top 4 - Retention Basin Analysis

Berms Only (Prior to Excavation for Pit)

## (Drainage area is the entire area contained within the perimeter berms)

| Drainage Area       | 29.93 | ac |
|---------------------|-------|----|
| 25 yr - 24 hr event | 7.5   | in |
| Existing Conditions |       |    |
| <u></u>             |       |    |

CN88Fallow (Crop Residue cover - hydrologic condition = good)(assumed average Hydraulic Soil Group C)

### NRCS Curve Number Method

| S      | 1.36  | in    |
|--------|-------|-------|
| la     | 0.27  | in    |
| Q      | 6.08  | in    |
| Volume | 15.16 | ac-ft |

| Berm Height       | 3.5   | ft    | (min)                                  |
|-------------------|-------|-------|--|
| Elevation of Weir | 720   | ft    | NGVD                                   |
| Availble Storage  | 22.75 | ac-ft | from stage storage at elevation 720 ft |

### Scenario 1

| Initial Quarry Area   | 12.28  | ас    |
|-----------------------|--------|-------|
| Vol at 12 inches deep | 147.36 | ac-ft |
| Total Vol             | 170.11 | ac-ft |

### Scenario 2

| Min Depth pit only | 1.23  | ft    | (1.23 ft is the minimum excavation depth to retain  |
|--------------------|-------|-------|---|
| Vol w/berms        | 37.91 | ac-ft | the 25yr 24 hr storm event completely w/in the pit) |

### Scenario 3

| Anticipated pit Depth | 20     | ft    |  |
|-----------------------|--------|-------|--|
| Vol available in Pit  | 245.6  | ac-ft | (3.29 represents the factor of safety for retaining    |
| Factor of Safety      | 3.29   |       | the entire 25 yr - 24 hr rainfall event within the pit |
| Volume w/berms        | 268.35 | ac-ft | (no additional storage in the berms))                  |

- 714.00 Minimum Stage for Site (ft above NGVD)
- 720.00 Maximum Stage for Site (ft above NGVD)
  - 1.00 Increment (ft)
  - 1.00 Number of Basins on Site

| Basin #1         |       |                              |                     |  |  |
|------------------|-------|------------------------------|---------------------|--|--|
| Basin Name:      |       | Retention Basin (Berms Only) |                     |  |  |
| Lower Elevation: |       | 714.00                       |                     |  |  |
| Upper Eleva      | tion: | 720.00                       |                     |  |  |
| Lower Area(      | ac):  | 0.00                         | Total Area          |  |  |
| Upper Area(      | ac):  | 58.18                        | 58.18               |  |  |
|                  |       | •                            |                     |  |  |
| <u>Stage</u>     |       | Volume (ac-ft)               | <u>Total Volume</u> |  |  |
| 714.00           |       | 0.00                         | 0.00                |  |  |
| 715.00           |       | 4.70                         | 4.70                |  |  |
| 716.00           |       | 18.78                        | 18.78               |  |  |
| 717.00           |       | 42.26                        | 42.26               |  |  |
| 718.00           |       | 75.12                        | 75.12               |  |  |
| 719.00           |       | 117.38                       | 117.38              |  |  |
| 720.00           |       | 169.02                       | 169.02              |  |  |
|                  |       |                              |                     |  |  |
|                  |       | 1                            |                     |  |  |

- 720.00  $\,$  Minimum Stage for Site (ft above NGVD)  $\,$
- 726.00 Maximum Stage for Site (ft above NGVD)
  - 1.00 Increment (ft)
  - 1.00 Number of Basins on Site

| Basin #1         |       |                              |                     |  |  |
|------------------|-------|------------------------------|---------------------|--|--|
| Basin Name:      |       | Retention Basin (Berms Only) |                     |  |  |
| Lower Elevation: |       | 720.00                       |                     |  |  |
| Upper Eleva      | tion: | 726.00                       |                     |  |  |
| Lower Area       | ac):  | 0.00                         | <u>Total Area</u>   |  |  |
| Upper Area       | ac):  | 29.93                        | 29.93               |  |  |
|                  |       |                              |                     |  |  |
| <u>Stage</u>     |       | <u>Volume (ac-ft)</u>        | <u>Total Volume</u> |  |  |
| 720.00           |       | 0.00                         | 0.00                |  |  |
| 721.00           |       | 2.49                         | 2.49                |  |  |
| 722.00           |       | 9.98                         | 9.98                |  |  |
| 723.00           |       | 22.45                        | 22.45               |  |  |
| 724.00           |       | 39.91                        | 39.91               |  |  |
| 725.00           |       | 62.35                        | 62.35               |  |  |
| 726.00           |       | 89.79                        | 89.79               |  |  |
|                  |       |                              |                     |  |  |
|                  |       | 1                            |                     |  |  |

- 714.00  $\,$  Minimum Stage for Site (ft above NGVD)  $\,$
- 720.00 Maximum Stage for Site (ft above NGVD)
  - 1.00 Increment (ft)
  - 1.00 Number of Basins on Site

| Basin #1     |       |                              |                     |  |  |
|--------------|-------|------------------------------|---------------------|--|--|
| Basin Name:  |       | Retention Basin (Berms Only) |                     |  |  |
| Lower Eleva  | tion: | 720.00                       |                     |  |  |
| Upper Eleva  | tion: | 726.00                       |                     |  |  |
| Lower Area   | ac):  | 0.00                         | <u>Total Area</u>   |  |  |
| Upper Area   | ac):  | 29.93                        | 29.93               |  |  |
|              |       |                              |                     |  |  |
| <u>Stage</u> |       | <u>Volume (ac-ft)</u>        | <u>Total Volume</u> |  |  |
| 714.00       |       | 0.00                         | 0.00                |  |  |
| 715.00       |       | 2.49                         | 2.49                |  |  |
| 716.00       |       | 9.98                         | 9.98                |  |  |
| 717.00       |       | 22.45                        | 22.45               |  |  |
| 718.00       |       | 39.91                        | 39.91               |  |  |
| 719.00       |       | 62.35                        | 62.35               |  |  |
| 720.00       |       | 89.79                        | 89.79               |  |  |
|              |       |                              |                     |  |  |
|              |       |                              |                     |  |  |







# Leah Whallon

| From:    | Jacob Engelke  |
|----------|--|
| Sent:    | Tuesday, March 4, 2025 12:25 PM  |
| То:      | Leah Whallon; Tim Glusac   |
| Cc:      | Jesse Martindale; Curt Campbell  |
| Subject: | RE: Application to Renew Permit No. WQ0005278000; Martin Marietta Materials  |
| -        | Southwest, LLC; MM Tin Top Quarry 4; Response to Notice of Deficiency Letter |

Hi Tim and Leah,

I apologize for the confusion; we do have these bonds and riders. I misunderstood Leah's initial message to me as this relating to new bonds that were being sent to me, rather than pointing to bonds that we currently have already. I apologize for the misunderstanding – I received Leah's message containing the bonds and didn't realize they were bonds we already had in our possession, so I began waiting to receive them in the mail thinking the originals were on the way to me.

Leah – We do have these bonds already and have acceptable FA in place for this facility, so they are good to proceed with their application.

Thanks, Jacob

From: Leah Whallon <Leah.Whallon@Tceq.Texas.Gov>
Sent: Tuesday, March 4, 2025 10:35 AM
To: Tim Glusac <tglusac@westwardenv.com>
Cc: Jesse Martindale <Jesse.Martindale@martinmarietta.com>; Curt Campbell <ccampbell@westwardenv.com>; Jacob
Engelke <Jacob.Engelke@tceq.texas.gov>
Subject: FW: Application to Renew Permit No. WQ0005278000; Martin Marietta Materials Southwest, LLC; MM Tin Top
Quarry 4; Response to Notice of Deficiency Letter

Hi Tim,

TCEQ does not have these original documents. Do you know when and to who they were previously sent? That is what is needed to complete the administrative review of the renewal application. Please let me know if you have any questions.

Thanks,



Leah Whallon Texas Commission on Environmental Quality Water Quality Division 512-239-0084 Leah.whallon@tceq.texas.gov

How is our customer service? Fill out our online customer satisfaction survey at <a href="http://www.tceq.texas.gov/customersurvey">www.tceq.texas.gov/customersurvey</a>

From: Tim Glusac <<u>tglusac@westwardenv.com</u>>
Sent: Friday, February 28, 2025 1:10 PM
To: Leah Whallon <<u>Leah.Whallon@Tceq.Texas.Gov</u>>; Curt Campbell <<u>ccampbell@westwardenv.com</u>>
Cc: Jesse Martindale <<u>Jesse.Martindale@martinmarietta.com</u>>
Subject: RE: Application to Renew Permit No. WQ0005278000; Martin Marietta Materials Southwest, LLC; MM Tin Top
Quarry 4; Response to Notice of Deficiency Letter

Hello again Leah,

I have attached the Surety Riders for the two bonds associated with Tin Top 4 (along with copies of the bonds themselves), from when Martin Marietta officially changed their name. These bonds are still currently active. We are under the impression the original prints of the bonds were mailed to TCEQ when they were originally obtained and you should already have them.

Please let us know wat we need to do at this point to satisfy this requirement of the application renewal process. Thank you,



# Tim Glusac

# **Project Manager**

Westward Environmental, Inc.

450 E John Carpenter Fwy., Suite B25 / Irving, Texas 75062

817.741.7324 Phone 940.231.5203 Cell

www.westwardenv.com



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From: Tim Glusac

Sent: Monday, February 24, 2025 10:52 AM

To: Leah Whallon <<u>Leah.Whallon@Tceq.Texas.Gov</u>>; Curt Campbell <<u>ccampbell@westwardenv.com</u>> Cc: Jesse Martindale <Jesse.Martindale@martinmarietta.com>

**Subject:** RE: Application to Renew Permit No. WQ0005278000; Martin Marietta Materials Southwest, LLC; MM Tin Top Quarry 4; Response to Notice of Deficiency Letter

Hello Leah, we are still working on getting the originals to you. I believe MMM is having to go through the main corporate office in order to get them.

Thank you,



Rebeca Gómez Porras Treasury Associate

July 8, 2015

Mr. John Martinez Financial Analyst Texas Commission on Environmental Quality Financial Assurances Unit 12100 Park 35 Circle Building A Austin, Texas 78753 mailcode 184

Re: TXI Operations, L.P. Payment Bond Replacement

Dear Mr. Martinez:

Please accept the enclosed surety Bond No. 016065038 as replacement for Bond No. 0173375, on behalf of TXI Operations L.P., a subsidiary of Texas Industries, Inc., and an indirect wholly owned subsidiary of Martin Marietta Materials, Inc. Martin Marietta Materials, Inc. acquired Texas Industries, Inc., and its subsidiaries in July of 2015. The current bond, Bond No. 0173375, should be replaced with the new enclosed bond under Martin Marietta's existing surety company.

Please release and return the current bond to me at the following address:

Martin Marietta Materials, Inc. Attn: Rebeca Gómez Porras P.O. Box 30013 Raleigh, NC 27622-0013

Please contact me if should you have any questions concerning this bond.

Thank you for your assistance.

Sincerely,

Rebeca L. Gómez Porras

Enclosures

Corporate Headquarters 2710 Wycliff Road, Raleigh, North Carolina 27607-0013 t. (919) 510-4746 f. (919) 788-4372 e. rebeccagomez@martinmarietta.com www.martinmarietta.com

#### PAYMENT BOND

Date bond executed: \_\_\_\_\_July 6, 2015\_\_\_\_\_.

Effective Date: July 6, 2015

Principal: (legal name and business address of owner and operator)

TXI Operations, L.P., 1503 LBJ Freeway, Suite #400, Dallas, TX 75234

Type of Organization: <u>Limited Partnership</u> (insert "individual," "joint venture," "partnership," or "corporation,")

State of Incorporation: Delaware

Surety(ies): (name(s) and business address(es)) Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116

Permit number, name, physical and mailing addresses, and reclamation or restoration amount(s) for each quarry guaranteed by this bond (indicate reclamation or restoration amounts separately for each quarry): <u>Permit No. WQ5092000; TXI Tin Top Sand and Gravel, 5211 New Tin Top Rd., Weatherfo</u>rd, TX 76087.

Restoration Amount is Eleven Thousand Dollars and Zero Cents (\$11,000.00). Total penal sum of bond: \$11,000.00\_\_\_\_\_.

Surety's bond number: 016065038

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Commission on Environmental Quality, hereinafter called TCEQ, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program area, to comply with permit requirements in order to own or operate each quarry identified above, and

Whereas said Principal is required to provide financial assurance for reclamation at the quarry or restoration related to the quarry, as a condition of the permit or other applicable requirements, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of reclamation or restoration at or related to each quarry identified above, fund into the standby trust fund the amount(s) identified above for the quarry,

Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in 30 Texas Administrative Code, Chapter 37 (relating to Financial Assurance) and obtain the TCEQ executive director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TCEQ executive director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TCEQ executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the quarry(ies) into the standby trust fund as directed by the TCEQ executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TCEQ executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TCEQ executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TCEQ executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new reclamation or restoration amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TCEQ executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code §37.9200 as such regulations were constituted on the date this bond was executed.

| Principal  |
|--|
| (Signature(s)) By alex   |
| (Name(s)) Byron Creech   |
| (Title(s)) Vice President and Treasurer  |
| (Corporate seal)   |
| Corporate Surety(ies)  |
| (Name and address)<br>Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116                              |
| State of Incorporation: <u>Massachusetts</u>   |
| Liability limit: \$ <u>\$1,373,795,000 (U.S. Treasury Limit)</u><br>(Signature(s)) <u>Pebeca Jtan Ponas</u>                |
| (Name(s) and title(s)) <u>Rebeca L. Gómez Porras, Attorney-In-Fact</u>   |
| (Corporate Seal)   |
| (For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.) |

Bond premium: \$70.00

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND. This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Certificate No. 6857131 American Fire and Casualty Company Liberty Mutual Insurance Company West American Insurance Company The Ohio Casualty Insurance Company **POWER OF ATTORNEY** KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Byron Creech; Kristy W. Kretzschmar; Rebeca L. Gomez Porras; Todd Crump each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge all of the city of Raleigh \_, state of <u>NC</u> and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons. IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed 2015 \_ day of \_\_ February thereto this 2nd American Fire and Casualty Company INSU INSU ND CA YINS The Ohio Casualty Insurance Company Liberty Mutual Insurance Company 1991 1906 1919 1912 West American Insurance Company NDIAN auarantees By: David M. Carev. Assistant Secretary STATE OF PENNSYLVANIA SS COUNTY OF MONTGOMERY 2015, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and On this 2nd day of February Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, residual value execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written. UPL 945A ONNONWERLY Notarial Seal Teresa Pastella, Notary Public Plymouth Twp., Montgomery County Teresa Pastella, Notary Public OF My Commission Expires March 28, 2017 rate or Member, Pennsylvania Association of Notaries This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: est ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, Ē U acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so Ó executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under rat the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. currency ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed. I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked. day of 20 15 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this DCA YING INSU INSI Varios 1991 1906 1919 1912 Gregory W. Davenport, Assistant Secretary

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### PAYMENT BOND

Date bond executed: March 7, 2016

Effective Date: March 7, 2016.

Principal: (legal name and business address of owner and operator) Martin Marietta Materials, Inc., 1503 LBJ Freeway, Suite 400, Dallas, TX 75234

Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,") Corporation

State of Incorporation: North Carolina

Surety(ies): (name(s) and business address(es)) Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, Massachusetts 02116

Permit number, name, physical and mailing addresses, and reclamation or restoration amount(s) for each quarry guaranteed by this bond (indicate reclamation or restoration amounts separately for each quarry): Permit No. WQ5092000; Tin Top Sand & Gravel, 5211 New Tin Top Rd., Weatherford, TX 76087 Reclamation Amount is Five Hundred Thousand Dollars and Zero Cents (\$500.000.00)

Total penal sum of bond: \$500,000.00

Surety's bond number: 016066889

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Commission on Environmental Quality, hereinafter called TCEQ, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program area, to comply with permit requirements in order to own or operate each quarry identified above, and

Whereas said Principal is required to provide financial assurance for reclamation at the quarry or restoration related to the quarry, as a condition of the permit or other applicable requirements, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of reclamation or restoration at or related to each quarry identified above, fund into the standby trust fund the amount(s) identified above for the quarry,

Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in 30 Texas Administrative Code, Chapter 37 (relating to Financial Assurance) and obtain the TCEQ executive director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TCEQ executive director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TCEQ executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the quarry(ies) into the standby trust fund as directed by the TCEQ executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TCEQ executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TCEQ executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TCEQ executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new reclamation or restoration amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TCEQ executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code §37.9200 as such regulations were constituted on the date this bond was executed.

| Principal  |  |
|--|--|
| (Signature(s)) Bodd Ceur   |  |
| (Name(s)) Todd Crump   |  |
| (Title(s)) Insurance Manager   |  |
| (Corporate seal)   |  |
| Corporate Surety(ies)  |  |
| (Name and address)<br>Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, Massachusetts 02116 |  |
| State of Incorporation: Massachusetts  |  |
| Liability limit: \$ <u>1,373,795,000.00 (U.S. Treasury Limit)</u>  |  |
| (Signature(s)) Rebeca Many Jana  |  |
| (Name(s) and title(s)) Rebeca L. Gómez Porras, Attorney-In-Fact  |  |
| (Corporate Seal)   |  |

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$\_N/A\_\_\_\_\_





September 11, 2018

Ms. Cindy Cavazos Texas Commission of Environmental Quality Water Quality Division 12100 Park #35 Building F, MC 148 Austin, Texas 78753

Re: TXI Operations, L.P. Reclamation Bond No. 016215527

Dear Ms. Cavazos:

Please accept the enclosed Restoration Bond for the proposed Permit No. WQ000526100 at our Tin Top Quarry in Weatherford, TX.

If you should have any questions regarding this bond, please contact me at 919.510.4746 or at rebeca.gomez@martinmarietta.com,

Respectfully, Rebeca for any Tonos

Enclosure

ec: Robin Simmons, Martin Marietta

Corporate Headquarters 2710 Wycliff Road, Raleigh, North Carolina 27607-3033 t. (919) 510-4746 f. (919) 788-4372 e. rebeca.gomez@martinmarietta.com www.martinmarietta.com

### PAYMENT BOND

Date bond executed: September 10, 2018 .

Effective Date: August 28, 2018

Principal: (legal name and business address of owner and operator) <u>TXI Operations, L.P., 1503 LBJ Freeway</u>, Suite 400, Dallas, TX 75234

Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,") <u>Limited</u> Partnership

State of Incorporation: Delaware

Surety(ies): (name(s) and business address(es)) Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116

Permit number, name, physical and mailing addresses, and reclamation or restoration amount(s) for each quarry guaranteed by this bond (indicate reclamation or restoration amounts separately for each quarry):

Permit No. WQ000526100; TXI Tin Top Sand and Gravel, 5211 New Tin Top Rd., Weatherford, TX 76087. Reclamation amount is Twenty Seven Thousand Dollars and Zero Cents (\$27,000.00).

Total penal sum of bond: \$27,000.00

Surety's bond number: <u>016215527</u>.

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Commission on Environmental Quality, hereinafter called TCEQ, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program area, to comply with permit requirements in order to own or operate each quarry identified above, and Whereas said Principal is required to provide financial assurance for reclamation at the quarry or restoration related to the quarry, as a condition of the permit or other applicable requirements, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of reclamation or restoration at or related to each quarry identified above, fund into the standby trust fund the amount(s) identified above for the quarry,

Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in 30 Texas Administrative Code, Chapter 37 (relating to Financial Assurance) and obtain the TCEQ executive director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TCEQ executive director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TCEQ executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the quarry(ies) into the standby trust fund as directed by the TCEQ executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TCEQ executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TCEQ executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TCEQ executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new reclamation or restoration amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TCEQ executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code §37.9200 as such regulations were constituted on the date this bond was executed.

| Principal   |
|---|
| (Signature(s)) <u>Jodd Cump</u>   |
| (Name(s)) Todd Crump  |
| (Title(s)) Risk Manager   |
| (Corporate seal)  |
| Corporate Surety(ies)   |
| (Name and address)  |
| Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116 |
| State of Incorporation: <u>Massachusetts</u>                            |
| Liability limit: \$ <u>1,373,795,000.00 (U.S. Treasury Limit)</u>       |
| (Signature(s)) Repear Journ Jonas                                       |

(Name(s) and title(s)) <u>Rebeca L. Gómez Porras, Attorney-In-Fact</u>

(Corporate Seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$<u>N/A</u>

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND. This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Certificate No. 8138594 Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company **POWER OF ATTORNEY** KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Byron Creech; Todd Crump; Rebeca L. Gomez Porras; Kristy W. Kretzschmar; Dan Welsh all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons. IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 26th day of June 2018 INSI INSI The Ohio Casualty Insurance Company Liberty Mutual Insurance Company 1919 1912 1991 West American Insurance Company Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees. lang By: David M. Carey, Assistant Secretary STATE OF PENNSYLVANIA SS COUNTY OF MONTGOMERY On this 26th day of June ., 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written. PAST COMMONWEALTH OF PENNSYLVANIA eresa Pastella Notarial Seal Teresa Pastella, Notary Public Teresa Pastella, Notary Public Upper Merion Twp., Montgomery County My Commission Expires March 28, 2021 Member, Pennsylvania Association of Notaries TARY PUB This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed. I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 10 that day of INSU INSU By: 1919 1912 1991 Renee C. Llewellyn, Assistant Secretary

| Martin Marietta  Other XI ntity Requiring Bond: CEQ O Box 10837 Austin, TX 78711-3087 12-239-1000 her |
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| XI<br>ntity Requiring Bond:<br>CEQ<br>O Box 10837 Austin, TX 78711-3087<br>12-239-1000<br>her         |
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| ) Yes 🔿 No  |
| ease attach it here or email it to Rebeca Gomez.<br>EQ Payment Bond for Quarries.docx                 |
| 4564  |
| not available, please submit to Rebeca Gómez when it becomes available.)                              |
| lease mail to the attention of Cindy Cavazos, Water Quality Division                                  |
|   |
| obin Simmons<br>obin.simmons@martinmarietta.com   |
|   |



Rebeca L. Gómez Porras Treasury Analyst

September 20, 2019

Ms. Adriene McClarron Licensing and Permit Specialist IV Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Re: TXI Operations, LP – Tin Top 4 Restoration Bond No. 016220872 Reclamation Bond No. 016220873

Dear Ms. McClarron,

Enclosed please find the required Restoration Bond No. 016220872 in the amount of \$29,500.00 and the Reclamation Bond No. 01622073 in the amount of \$42,000.00, which will cover our Tip Top 4 location.

Please contact me at 919.510.4746 or at rebeca.gomez@martinmarietta.com if you should have any questions regarding this bond.

Respectfully,

Rebeca L. Gómez Porras

Enclosure

ec: Robin Simmons, Martin Marietta

Corporate Headquarters 2710 Wycliff Road, Raleigh, North Carolina 27607-3033 t. (919) 510-4746 f. (919) 788-4372 e. rebeca.gomez@martinmarietta.com www.martinmarietta.com

## PAYMENT BOND

Date bond executed: September 19, 2019 .

Effective Date: \_\_\_\_\_ September 16, 2019\_\_\_.

Principal: (legal name and business address of owner and operator) <u>TXI Operations, L.P., 1503 LBJ Free</u>way, Suite 400, Dallas, TX 75234

Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,") Limited Partnership

State of Incorporation: Delaware

Surety(ies): (name(s) and business address(es)) Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116

Permit number, name, physical and mailing addresses, and <u>reclamation</u> or restoration amount(s) for each quarry guaranteed by this bond (indicate <u>reclamation</u> or restoration amounts separately for each quarry):

Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, TX 76087. Reclamation amount is Forty Two Thousand Dollars and Zero Cents (\$42,000.00).

Total penal sum of bond: \$42,000.00

Surety's bond number: 016220873

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Commission on Environmental Quality, hereinafter called TCEQ, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program area, to comply with permit requirements in order to own or operate each quarry identified above, and Whereas said Principal is required to provide financial assurance for reclamation at the quarry or restoration related to the quarry, as a condition of the permit or other applicable requirements, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of reclamation or restoration at or related to each quarry identified above, fund into the standby trust fund the amount(s) identified above for the quarry,

Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in 30 Texas Administrative Code, Chapter 37 (relating to Financial Assurance) and obtain the TCEQ executive director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TCEQ executive director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TCEQ executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the quarry(ies) into the standby trust fund as directed by the TCEQ executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TCEQ executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TCEQ executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TCEQ executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new reclamation or restoration amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TCEQ executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code  $\hat{A}$ §37.9200 as such regulations were constituted on the date this bond was executed.

| Principal   |
|---|
| (Signature(s)) By an  |
| (Name(s)) Byron Creech  |
| (Title(s)) Vice President and Treasurer   |
| (Corporate seal)  |
| Corporate Surety(ies)   |
| (Name and address)<br>Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116 |
| State of Incorporation: <u>Massachusetts</u>  |
| Liability limit: \$1,373,795,000.00 (U.S. Treasury Limit)                                     |
| (Signature(s)) Rebeca Den Panas   |
|   |

(Name(s) and title(s)) <u>Rebeca L. Gómez Porras, Attorney-In-Fact</u>

(Corporate Seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$<u>N/A</u>\_\_\_\_\_



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

> Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company

Certificate No: 8201316-976435

# POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Byron Creech; Todd Crump; Rebeca L. Gomez-Porras; Kristy W. Kretzschmar; Dan Welsh

all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 28th day of May 2019 .

Liberty Mutual Insurance Company INSUA INSUR INS The Ohio Casualty Insurance Company West American Insurance Company this Power of Attorney call 9:00 am and 4:30 pm EST on any business day 1991 guarantees Bv: \* David M. Carey, Assistant Secretary State of PENNSYLVANIA credit, County of MONTGOMERY 28th day of value On this May 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes ď letter therein contained by signing on behalf of the corporations by himself as a duly authorized officer. loan, lett IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written. PAST ONWER COMMONWEALTH OF PENNSYLVANIA o e Notarial Seal By: Jeresa Pastella Teresa Pastella, Notary Public rate Upper Merion Twp., Montgomery County <u>p</u> My Commission Expires March 28, 2021 r mortgage, te, interest r fember. Pennsylvania Association of Notarie ARY puf Ŧ This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casually Insurance Company, Liberty Mutual /alidity of th Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: Not valid for mo currency rate, i ARTICLE IV - OFFICERS: Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the Sal President may prescribe, shall appoint such attorneys in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety confirm the va 310-832-8240 t any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings. οφ Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the

Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed. I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do

hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

1991

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this day of INSURA INSL





RPORATE By:

Renee C. Llewellyn, Assistant Secretary

LMS-12873 LMIC OCIC WAIC Multi Co\_062018



Rebeca L. Gómez Porras Treasury Analyst

September 20, 2019

Ms. Adriene McClarron Licensing and Permit Specialist IV Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Re: TXI Operations, LP – Tin Top 4 Restoration Bond No. 016220872 Reclamation Bond No. 016220873

Dear Ms. McClarron,

Enclosed please find the required Restoration Bond No. 016220872 in the amount of \$29,500.00 and the Reclamation Bond No. 01622073 in the amount of \$42,000.00, which will cover our Tip Top 4 location.

Please contact me at 919.510.4746 or at rebeca.gomez@martinmarietta.com if you should have any questions regarding this bond.

Respectfully,

Rebeca L. Gómez Porras

Enclosure

ec: Robin Simmons, Martin Marietta

Corporate Headquarters 2710 Wycliff Road, Raleigh, North Carolina 27607-3033 t. (919) 510-4746 f. (919) 788-4372 e. rebeca.gomez@martinmarietta.com www.martinmarietta.com

### PAYMENT BOND

Date bond executed: September 19, 2019 .

Effective Date: \_\_\_\_\_September 16, 2019\_\_\_.

Principal: (legal name and business address of owner and operator) <u>TXI Operations, L.P., 1503 LBJ Free</u>way, Suite 400, Dallas, TX 75234

Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,") Limited Partnership

State of Incorporation: Delaware

Surety(ies): (name(s) and business address(es)) Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116

Permit number, name, physical and mailing addresses, and reclamation or <u>restoration</u> amount(s) for each quarry guaranteed by this bond (indicate reclamation or <u>restoration</u> amounts separately for each quarry):

Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, TX 76087. . Restoration amount is Twenty Nine Thousand Five Hundred Dollars and Zero Cents (\$29,500.00).

Total penal sum of bond: \$29,500.00

Surety's bond number: 016220872

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Commission on Environmental Quality, hereinafter called TCEQ, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program area, to comply with permit requirements in order to own or operate each quarry identified above, and Whereas said Principal is required to provide financial assurance for reclamation at the quarry or restoration related to the quarry, as a condition of the permit or other applicable requirements, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of reclamation or restoration at or related to each quarry identified above, fund into the standby trust fund the amount(s) identified above for the quarry,

Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in 30 Texas Administrative Code, Chapter 37 (relating to Financial Assurance) and obtain the TCEQ executive director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TCEQ executive director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TCEQ executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the quarry(ies) into the standby trust fund as directed by the TCEQ executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TCEQ executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TCEQ executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TCEQ executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new reclamation or restoration amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TCEQ executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code  $\hat{A}$ §37.9200 as such regulations were constituted on the date this bond was executed.

| Principal   |  |
|---|--|
| (Signature(s)) By and   |  |
| (Name(s)) Byron Creech  |  |
| (Title(s)) Vice President and Treasurer   |  |
| (Corporate seal)  |  |
| Corporate Surety(ies)   |  |
| (Name and address)<br>Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116       |  |
| State of Incorporation: <u>Massachusetts</u>  |  |
| Liability limit: \$ <u>1,373,795,000.00 (U.S. Treasury Limit)</u><br>(Signature(s)) Pebeca Llangtan |  |
|   |  |

(Name(s) and title(s)) <u>Rebeca L. Gómez Porras, Attorney-In-Fact</u>

(Corporate Seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$<u>N/A</u>


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This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

> Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company

Certificate No: 8201316-976435

#### POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Byron Creech; Todd Crump; Rebeca L. Gomez-Porras; Kristy W. Kretzschmar; Dan Welsh

all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 28th day of May , 2019

Liberty Mutual Insurance Company INSI INSUR INSUR The Ohio Casualty Insurance Company West American Insurance Company call EST on any business day 1991 lue guarantees. DIAN By: N David M. Carey, Assistant Secretary State of PENNSYLVANIA SS County of MONTGOMERY On this 28th day of Mav ., 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes Š therein contained by signing on behalf of the corporations by himself as a duly authorized officer. loan, lette residual confirm the validity of this Power of Attorney 10-832-8240 between 9:00 am and 4:30 pm IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written. PAS COMMONWEALTH OF PENNSYLVANIA Ы Notarial Seal Jeresa Pastella Teresa Pastella, Notary Public rate ( Upper Merion Twp., Montgomery County My Commission Expires March 28, 2021 mortgage, e, interest r Member, Pennsylvania Association of Notaries ARY PU this F This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: for m rate, ARTICLE IV - OFFICERS: Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the Not valid currency President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings. <u>6</u> Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, 0 shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed. I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1944 INSI INSU INSUR RPOR

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By:

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Renee C. Llewellyn, Assistant Secretary



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SURETY RIDER

| To be attached to and form a part of  |  |
|---|--|
| Bond No. 016220872<br>Cross Ref:  |  |
| Type of<br><sup>Bond:</sup> Restoration Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, TX | ( 76087  |
| dated<br>effective 09-19-2019<br>(MONTH-DAY-YEAR)   |  |
| executed by TXI OPERATIONS, LP<br>(PRINCIPAL)   | , as Principal,                                    |
| and by Liberty Mutual Insurance Company , as Surety,  |  |
| in favor of TEXAS COMMISSION ON ENVIRONMENTAL QUALITY<br>(OBLIGEE)  |  |
| in consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to cha   | anging   |
| Principal Name:   |  |
| FROM: TXI Operations, LP  |  |
| TO: Martin Marietta Materials Southwest, LLC  |  |
|   |  |
|   |  |
| Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein e | expressly stated.                                  |
| This rider<br>is effective May 19, 2023<br>(MONTH-DAY-YEAR)   |  |
| Signed and Sealed May 19, 2023<br>(MONTH-DAY-YEAR)  |  |
| By:   | Studius INSURANCE                                  |
| (PRINCIPAL)<br>Liberty Mutual Insurance Company<br>(SURETY)   | BI INCORPORATED PANY<br>1912<br>BURNAL ALASSACHUSE |
| By: Keleca Min Vonas Rebeca L. Gomez Porras<br>(ATTORNEY-IN-FACT)   | $\sim$   |
|   |  |



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

> Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company

Certificate No: 8204708-976435

For bon please (

#### POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Kristy W. Kretzschmar; Rebeca L. Gomez Porras; Tyler Birch

all of the city of Raleigh NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, state of execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 8th day of January . 2021



provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C, Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 19th day of 2023



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Renee C. Llewellyn, Assistant Secretary

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SURETY RIDER

| To be attached to and form a part of  |                  |
|---|------------------|
| Bond No.016220873<br>Cross Ref:   |                  |
| Type of<br><sup>Bond:</sup> Reclamation Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, T  | X 76087          |
| dated<br>effective 09-19-2019<br>(MONTH-DAY-YEAR)   |                  |
| executed by TXI OPERATIONS, LP<br>(PRINCIPAL)   | , as Principal,  |
| and by Liberty Mutual Insurance Company , as Surety,  |                  |
| in favor of TEXAS COMMISSION ON ENVIRONMENTAL QUALITY<br>(OBLIGEE)  |                  |
| in consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to cha   | inging           |
| Principal Name:   |                  |
| FROM: TXI Operations, LP  |                  |
| TO: Martin Marietta Materials Southwest, LLC  |                  |
|   |                  |
|   |                  |
| Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein e | xpressly stated. |
| This rider<br>is effective May 19, 2023<br>(MONTH-DAY-YEAR)   |                  |
| Signed and Sealed May 19, 2023<br>(MONTH-DAY-YEAR)  |                  |
| MARTIN MARIETTA MATERIALS SOUTHWEST, LLC  |                  |
| By: 794 Bod Tyler Birch<br>(PRINCIPAL) Vice President and Treasurer   | INCORPORATED     |
| Liberty Mutual Insurance Company (SURETY)   |                  |
| By: Rebeca Am Vanas Rebeca L Gomez Porras   | * MASSACT        |
|   |                  |



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Certificate No: 8204708-976435

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all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 8th day of January 2021 .



I. Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 19th day of May 2023



Renee C. Llewellyn, Assistant Secretary



Rebeca L. Gómez Porras Treasury Analyst

September 20, 2019

Ms. Adriene McClarron Licensing and Permit Specialist IV Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Re: TXI Operations, LP – Tin Top 4 Restoration Bond No. 016220872 Reclamation Bond No. 016220873

Dear Ms. McClarron,

Enclosed please find the required Restoration Bond No. 016220872 in the amount of \$29,500.00 and the Reclamation Bond No. 01622073 in the amount of \$42,000.00, which will cover our Tip Top 4 location.

Please contact me at 919.510.4746 or at rebeca.gomez@martinmarietta.com if you should have any questions regarding this bond.

Respectfully,

Rebeca L. Gómez Porras

Enclosure

ec: Robin Simmons, Martin Marietta

Corporate Headquarters 2710 Wycliff Road, Raleigh, North Carolina 27607-3033 t. (919) 510-4746 f. (919) 788-4372 e. rebeca.gomez@martinmarietta.com www.martinmarietta.com

#### PAYMENT BOND

Date bond executed: September 19, 2019 .

Effective Date: \_\_\_\_\_September 16, 2019\_\_\_.

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Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,") Limited Partnership

State of Incorporation: Delaware

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Permit number, name, physical and mailing addresses, and reclamation or <u>restoration</u> amount(s) for each quarry guaranteed by this bond (indicate reclamation or <u>restoration</u> amounts separately for each quarry):

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Total penal sum of bond: \$29,500.00

Surety's bond number: 016220872

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Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

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Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

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| Principal   |  |
|---|--|
| (Signature(s)) By and   |  |
| (Name(s)) Byron Creech  |  |
| (Title(s)) Vice President and Treasurer   |  |
| (Corporate seal)  |  |
| Corporate Surety(ies)   |  |
| (Name and address)<br>Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116       |  |
| State of Incorporation: <u>Massachusetts</u>  |  |
| Liability limit: \$ <u>1,373,795,000.00 (U.S. Treasury Limit)</u><br>(Signature(s)) Pebeca Dang Jan |  |
|   |  |

(Name(s) and title(s)) <u>Rebeca L. Gómez Porras, Attorney-In-Fact</u>

(Corporate Seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$<u>N/A</u>



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all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 28th day of May , 2019

Liberty Mutual Insurance Company INSI INSUR INSUR The Ohio Casualty Insurance Company West American Insurance Company call EST on any business day 1991 lue guarantees. DIAN By: N David M. Carey, Assistant Secretary State of PENNSYLVANIA SS County of MONTGOMERY On this 28th day of Mav ., 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes Š therein contained by signing on behalf of the corporations by himself as a duly authorized officer. loan, lette residual confirm the validity of this Power of Attorney 10-832-8240 between 9:00 am and 4:30 pm IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written. PAS COMMONWEALTH OF PENNSYLVANIA Ы Notarial Seal Jeresa Pastella Teresa Pastella, Notary Public rate ( Upper Merion Twp., Montgomery County My Commission Expires March 28, 2021 mortgage, e, interest r Member, Pennsylvania Association of Notaries ARY PU this F This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: for m rate, ARTICLE IV - OFFICERS: Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the Not valid currency President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings. <u>6</u> Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, 0 shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed. I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1944 INSI INSU INSUR RPOR

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\*

By:

LMS-12873 LMIC OCIC WAIC Multi Co. 062018

1912

1919

Renee C. Llewellyn, Assistant Secretary



Rebeca L. Gómez Porras Treasury Analyst

September 20, 2019

Ms. Adriene McClarron Licensing and Permit Specialist IV Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Re: TXI Operations, LP – Tin Top 4 Restoration Bond No. 016220872 Reclamation Bond No. 016220873

Dear Ms. McClarron,

Enclosed please find the required Restoration Bond No. 016220872 in the amount of \$29,500.00 and the Reclamation Bond No. 01622073 in the amount of \$42,000.00, which will cover our Tip Top 4 location.

Please contact me at 919.510.4746 or at rebeca.gomez@martinmarietta.com if you should have any questions regarding this bond.

Respectfully,

Rebeca L. Gómez Porras

Enclosure

ec: Robin Simmons, Martin Marietta

Corporate Headquarters 2710 Wycliff Road, Raleigh, North Carolina 27607-3033 t. (919) 510-4746 f. (919) 788-4372 e. rebeca.gomez@martinmarietta.com www.martinmarietta.com

#### PAYMENT BOND

Date bond executed: September 19, 2019 .

Effective Date: \_\_\_\_\_ September 16, 2019\_\_\_.

Principal: (legal name and business address of owner and operator) <u>TXI Operations, L.P., 1503 LBJ Free</u>way, Suite 400, Dallas, TX 75234

Type of Organization: (insert "individual," "joint venture," "partnership," or "corporation,") Limited Partnership

State of Incorporation: Delaware

Surety(ies): (name(s) and business address(es)) Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116

Permit number, name, physical and mailing addresses, and <u>reclamation</u> or restoration amount(s) for each quarry guaranteed by this bond (indicate <u>reclamation</u> or restoration amounts separately for each quarry):

Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, TX 76087. Reclamation amount is Forty Two Thousand Dollars and Zero Cents (\$42,000.00).

Total penal sum of bond: \$42,000.00

Surety's bond number: 016220873

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Texas Commission on Environmental Quality, hereinafter called TCEQ, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the appropriate program area, to comply with permit requirements in order to own or operate each quarry identified above, and Whereas said Principal is required to provide financial assurance for reclamation at the quarry or restoration related to the quarry, as a condition of the permit or other applicable requirements, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of reclamation or restoration at or related to each quarry identified above, fund into the standby trust fund the amount(s) identified above for the quarry,

Or, if the Principal shall fund into the standby trust fund in such amount(s) within 15 days after a written directive is issued by the executive director or commission to begin reclamation or restoration or within 15 days after an order to begin final reclamation or restoration is issued by the United States district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in 30 Texas Administrative Code, Chapter 37 (relating to Financial Assurance) and obtain the TCEQ executive director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TCEQ executive director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TCEQ executive director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the quarry(ies) into the standby trust fund as directed by the TCEQ executive director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TCEQ executive director provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TCEQ executive director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TCEQ executive director.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new reclamation or restoration amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TCEQ executive director.

In Witness Whereof, the Principal and Surety(ies) have executed this Payment Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 30 Texas Administrative Code  $\hat{A}$ §37.9200 as such regulations were constituted on the date this bond was executed.

| Principal   |  |  |  |  |
|---|--|--|--|--|
| (Signature(s)) By an  |  |  |  |  |
| (Name(s)) Byron Creech  |  |  |  |  |
| (Title(s)) Vice President and Treasurer   |  |  |  |  |
| (Corporate seal)  |  |  |  |  |
| Corporate Surety(ies)   |  |  |  |  |
| (Name and address)<br>Liberty Mutual Insurance Company, 175 Berkeley Street, Boston, MA 02116 |  |  |  |  |
| State of Incorporation: <u>Massachusetts</u>  |  |  |  |  |
| Liability limit: \$ <u>1,373,795,000.00 (U.S. Treasury Limit)</u>                             |  |  |  |  |
| (Signature(s)) Rebeca Dong Panas  |  |  |  |  |
|   |  |  |  |  |

(Name(s) and title(s)) <u>Rebeca L. Gómez Porras, Attorney-In-Fact</u>

(Corporate Seal)

(For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond premium: \$<u>N/A</u>\_\_\_\_\_



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

> Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company

Certificate No: 8201316-976435

#### POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Byron Creech; Todd Crump; Rebeca L. Gomez-Porras; Kristy W. Kretzschmar; Dan Welsh

all of the city of Raleigh state of NC each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 28th day of May 2019 .

Liberty Mutual Insurance Company INSUA INSUR INS The Ohio Casualty Insurance Company West American Insurance Company this Power of Attorney call 9:00 am and 4:30 pm EST on any business day 1991 guarantees Bv: \* David M. Carey, Assistant Secretary State of PENNSYLVANIA credit, County of MONTGOMERY 28th day of value On this May 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes ď letter therein contained by signing on behalf of the corporations by himself as a duly authorized officer. loan, lett IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written. PAST ONWER COMMONWEALTH OF PENNSYLVANIA o e Notarial Seal By: Jeresa Pastella Teresa Pastella, Notary Public rate Upper Merion Twp., Montgomery County <u>p</u> My Commission Expires March 28, 2021 r mortgage, te, interest r fember. Pennsylvania Association of Notarie ARY puf Ŧ This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casually Insurance Company, Liberty Mutual /alidity of th Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows: Not valid for mo currency rate, i ARTICLE IV - OFFICERS: Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the Sal President may prescribe, shall appoint such attorneys in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety confirm the va 310-832-8240 t any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority. ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings. οφ Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary. Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the

Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed. I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do

hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this day of INSURA INSL





RPORATE By:

Renee C. Llewellyn, Assistant Secretary

LMS-12873 LMIC OCIC WAIC Multi Co\_062018

#### Leah Whallon

| From:           | Tim Glusac <tglusac@westwardenv.com></tglusac@westwardenv.com>   |
|-----------------|--|
| Sent:           | Wednesday, January 22, 2025 5:59 PM  |
| То:             | Leah Whallon   |
| Cc:             | Curt Campbell; Jesse Martindale  |
| Subject:        | Application to Renew Permit No. WQ0005278000; Martin Marietta Materials Southwest,<br>LLC; MM Tin Top Quarry 4; Response to Notice of Deficiency Letter  |
| Attachments:    | 250122_0.0_wq0005278000-nod1.pdf; 250122_1.0_10006-508_MMM-deq-Fees-<br>Receipt.pdf; 250122_2.0_Item 5 - 250109_Industrial Administrative Report.pdf; 250122_<br>3.0_Epay-Voucher proof.pdf; 250122_4.0_20972_PLS_2024-11-08.docx; 250122_6.0<br>_Updated_Adjacent_Property_Map-2.pdf; 250122_6.1_10006-508_Landowner List_v2.pdf;<br>250122_6.2.1_Item 5B.1 - 250115_10006-508_LandOwnerLabels.docx; 250122_6.2.2_Item<br>5B.2 - 250115_10006-508_LandOwnerLabels2.docx; 250122_7.0_Financial Assurance<br>Docs.pdf; 250122_9.0_Industrial Discharge Renewal Spanish NORI_v2.docx |
| Follow Up Flag: | Follow up  |
| Flag Status:    | Flagged  |

Hello Leah,

Please see the below and attached responses to items addressed in the Notice of Deficiency letter (attached as "250122\_0.0\_wq0005278000-nod1"):

Item 1 - See attachment "250122\_1.0\_10006-508\_MMM-deq-Fees-Receipt"

Item 2 – See attachment "250122\_2.0\_Item 5 - 250109\_Industrial Administrative Report"

Item 3 - See attachment "250122\_3.0\_Epay-Voucher proof"

Item 4 - See attachment "250122\_4.0\_20972\_PLS\_2024-11-08"

Item 5 – Administrative report 1.0, Items 10.d-f relate to the "Owner of treatment facility" and "owner of land where treatment facility is or will be" however, this facility is not a treatment facility. Please advise further.

Item 6 – See attachments "250122\_6.0\_Updated\_Adjacent\_Property\_Map-2", "250122\_6.1\_10006-508\_Landowner List\_v2", "250122\_6.2.1\_Item 5B.1 - 250115\_10006-508\_LandOwnerLabels", and "250122\_6.2.2\_Item 5B.2 - 250115\_10006-508\_LandOwnerLabels2"

Item 7 – See attachment "250122\_7.0\_Financial Assurance Docs"

Item 8 – The information provided looks correct except there is a double period at the end of the first sentence; "... to authorize the discharge of stormwater at an intermittent and flow-variable rate.."

Item 9 – See attachment "250122\_9.0\_Industrial Discharge Renewal Spanish NORI\_v2"

Please let us know if you have any questions or need anything else from us. Thank you,



Tim Glusac Project Manager

Westward Environmental, Inc.

450 E John Carpenter Fwy., Suite B25 / Irving, Texas 75062

817.741.7324 Phone

940.231.5203 Cell

www.westwardenv.com



The information contained in this message is confidential or privileged and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, distribution, copying, or use of this communication, electronic or otherwise, is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone, or by reply to the sender via email, and please delete this message and any accompanying attachments from your computer. Thank you for your cooperation.

Jon Niermann, *Chairman* Bobby Janecka, *Commissioner* Catarina R. Gonzales, *Commissioner* Kelly Keel, *Executive Director* 



#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2024

Mr. Jesse Martindale Senior Environmental Engineer Martin Marietta Materials Southwest, LLC 1503 Lyndon B. Johnson Freeway, Suite 400 Dallas, Texas 75234

RE: Application to Renew Permit No.: WQ0005278000 (EPA I.D. No. TX0139483) Applicant Name: Martin Marietta Materials Southwest, LLC (CN606114726) Site Name: MM Tin Top Quarry 4 (RN110829454) Type of Application: Renewal without changes

#### VIA EMAIL

Dear Mr. Martindale:

We have received the application for the above referenced permit, and it is currently under review. Your attention to the following item(s) are requested before we can declare the application administratively complete. Please submit responses to the following items via email.

- 1. TCEQ Records show an outstanding balance owed by the applicant for \$500.00. Please see the enclosed Fee Attachment for details regarding the outstanding fees. Please provide proof of payment for the balance owed (check or ePay voucher number).
- 2. Administrative Report A previous version of the administrative report application form was submitted. Please complete and provide the current version of the industrial administrative report (TCEQ-10411 rev. date 01/08/2024).
- 3. Administrative Report 1.0 Item 1.h Receipt of the application fee could not be verified. Please provide the check or voucher number.
- 4. Administrative Report 1.0, Item 9.f The plain language summary was not provided in the application. Please provide a completed summary in plain language in English and Spanish using form (TCEQ-20972).
- 5. Administrative Report 1.0, Items 10.d-f Please provide a revised page that lists the owner of the facility/quarry and owner of the land.

6. Administrative Report 1.1, Affected Landowner Information Please provide an updated affected landowner map that labels the adjacent and downstream properties in consecutive numeric order (i.e. 1,2,3) and not the property tax numbers or N/A. If information about a property is not available, please provide a written explanation.

Please include a cross-referenced landowner list (in numeric order) on a separate page from the map.

Please also provide the landowner list formatted for mailing labels (Avery 5160 – all capital letters, no punctuation) in a Microsoft Word document.

- 7. Technical Report, Worksheet 10.0 The financial assurance documents were not provided in the application. Please send the required financial assurance documents for the restoration plan and reclamation plan,
- 8. The following is a portion of the NORI which contains information relevant to your application. Please read it carefully and indicate if it contains any errors or omissions. The complete notice will be sent to you once the application is declared administratively complete.

APPLICATION. Martin Marietta Materials Southwest, LLC, 1503 Lyndon B. Johnson Freeway, Suite 400, Dallas, Texas 75234, which operates a sand and gravel quarry, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005278000 (EPA I.D. No. TX0139483) to authorize the discharge of stormwater at an intermittent and flow-variable rate.. The site is located at 7205 Bethel Road, near the city of Weatherford, in Parker County, Texas 76087. The discharge route is from the plant site to Sanchez Creek, thence to the Brazos River below Possum Kingdom Lake. TCEQ received this application on December 2, 2024. The permit application will be available for viewing and copying at Weatherford Public Library, 1014 Charles Street, Weatherford, in Parker County, Texas prior to the date this notice is published in the newspaper. The application, including any updates, and associated notices are available electronically at the following webpage: <a href="https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications">https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications.</a>

This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.823333,32.606944&level=18

Further information may also be obtained from Martin Marietta Materials Southwest, LLC at the address stated above or by calling Mr. Curt G. Campbell, P.E., Westward Environmental, Inc., at 830-249-8284.

9. The application indicates that public notices in Spanish are required. After confirming the portion of the NORI above does not contain any errors or omissions, please use the attached template to translate the NORI into Spanish. Only the first and last paragraphs are unique to this application and require translation. Please provide the translated Spanish NORI in a Microsoft Word document.

Mr. Jesse Martindale Page 3 December 12, 2024 Permit No. WQ0005278000

Please submit the complete response, addressed to my attention by December 26, 2024. If you should have any questions, please do not hesitate to contact me by phone at (512) 239-0084 or by email at <u>leah.whallon@tceq.texas.gov</u>

Sincerely,

Jean Whallon

Leah Whallon Applications Review and Processing Team (MC148) Water Quality Division Texas Commission of Environmental Quality

lcw

Enclosures Fee Attachment Industrial Discharge Renewal Spanish NORI

cc: Mr. Curt G. Campbell, P.E., SVP Engineering & Natural Resources, Westward Environmental, Inc., P.O. Box 2205, Boerne, Texas 78006

#### Jesse Martindale

| From:    | steers@tceq.texas.gov                |  |  |  |
|----------|--------------------------------------|--|--|--|
| Sent:    | Wednesday, December 11, 2024 4:22 PM |  |  |  |
| То:      | Jesse Martindale                     |  |  |  |
| Subject: | TCEQ ePay Receipt for 582EA000638174 |  |  |  |

EXTERNAL SENDER - PLEASE ASSESS AND VERIFY

This is an automated message from the TCEQ ePay system. Please do not reply. Trace Number: 582EA000638174 Date: 12/11/2024 04:21 PM Payment Method: CC - Authorization 0000037910 TCEQ Amount: \$500.00 Texas.gov Price: \$511.51\*

\* This service is provided by Texas.gov, the official website of Texas. The price of this service includes funds that support the ongoing operations and enhancements of Texas.gov, which is provided by a third party in partnership with the State.

Actor: JESSE D MARTINDALE Email: jesse.martindale@martinmarietta.com

Payment Contact: JESSE MARTINDALE Phone: 972-647-3742 Company: MARTIN MARIETTA Address: 1503 LBJ FWY SUITE 400, DALLAS, TX 75234

Fees Paid: Fee Description AR Number Amount Consolidated Water Quality Fee (WWI + WQA) 23008289 \$500.00

TCEQ Amount: \$500.00

Voucher: 735113 Trace Number: 582EA000638174 Date: 12/11/2024 04:21 PM Payment Method: CC - Authorization 0000037910 Voucher Amount: \$500.00 Fee Paid: Consolidated Water Quality Fee (WWI + WQA) Billing Name: MARTIN MARIETTA MATERIALS SOUT Billing Address: 1503 LYNDON B JOHNSON FWY STE, DALLAS, TX 75234 6007

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To print out a copy of the receipt and vouchers for this transaction either click on or copy and paste the following url into your browser:

https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww3.tceq.texas.gov%2Fepay%2Findex.cfm%3F fuseaction%3Dcor.search%26trace\_num\_txt%3D582EA000638174&data=05%7C02%7Cjesse.martindale%40martinmarie tta.com%7Cb2640017b9bf489119ed08dd1a322a50%7C7d72ca91e6dd4a08bb9f3788ae7af510%7C0%7C0%7C63869552 4951439841%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIIYiOilwLjAuMDAwMCIsIIAiOiJXaW4zMiIsIkF OljoiTWFpbCIsIIdUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=mvjxAyAl4L51xmw54eSpsf%2FTYyR82xC%2F1CVB3O7HSqE% 3D&reserved=0. This e-mail transmission and any attachments are believed to have been sent free of any virus or other defect that might affect any computer system into which it is received and opened. It is, however, the recipient's responsibility to ensure that the e-mail transmission and any attachments are virus free, and the sender accepts no responsibility for any damage that may in any way arise from their use.



## INDUSTRIAL WASTEWATER PERMIT APPLICATION CHECKLIST

Complete and submit this checklist with the industrial wastewater permit application.

APPLICANT NAME: <u>Martin Marietta Materials Southwest, LLC</u> PERMIT NUMBER (If new, leave blank): WQ00<u>05278000</u> Indicate if each of the following items is included in your application.

|                              | Y           | Ν           |                          | Y           | Ν           |
|------------------------------|-------------|-------------|--------------------------|-------------|-------------|
| Administrative Report 1.0    | $\boxtimes$ |             | Worksheet 8.0            |             | $\boxtimes$ |
| Administrative Report 1.1    | $\boxtimes$ |             | Worksheet 9.0            |             | $\boxtimes$ |
| SPIF                         | $\boxtimes$ |             | Worksheet 10.0           | $\boxtimes$ |             |
| Core Data Form               | $\boxtimes$ |             | Worksheet 11.0           |             | $\boxtimes$ |
| Summary of Application (PLS) | $\boxtimes$ |             | Worksheet 11.1           |             | $\boxtimes$ |
| Public Involvement Plan Form |             | $\boxtimes$ | Worksheet 11.2           |             | $\boxtimes$ |
| Technical Report 1.0         | $\boxtimes$ |             | Worksheet 11.3           |             | $\boxtimes$ |
| Worksheet 1.0                |             | $\boxtimes$ | Original USGS Map        | $\boxtimes$ |             |
| Worksheet 2.0                |             | $\boxtimes$ | Affected Landowners Map  | $\boxtimes$ |             |
| Worksheet 3.0                |             | $\boxtimes$ | Landowner Disk or Labels | $\boxtimes$ |             |
| Worksheet 3.1                |             | $\boxtimes$ | Flow Diagram             |             | $\boxtimes$ |
| Worksheet 3.2                |             | $\boxtimes$ | Site Drawing             | $\boxtimes$ |             |
| Worksheet 3.3                |             | $\boxtimes$ | Original Photographs     | $\boxtimes$ |             |
| Worksheet 4.0                | $\boxtimes$ |             | Design Calculations      |             | $\boxtimes$ |
| Worksheet 4.1                |             | $\boxtimes$ | Solids Management Plan   |             | $\boxtimes$ |
| Worksheet 5.0                |             | $\boxtimes$ | Water Balance            |             | $\boxtimes$ |
| Worksheet 6.0                |             | $\boxtimes$ |                          |             |             |
| Worksheet 7.0                | $\boxtimes$ |             |                          |             |             |

# For TCEQ Use Only Segment Number \_\_\_\_\_County \_\_\_\_\_County \_\_\_\_\_ Expiration Date \_\_\_\_\_\_Region \_\_\_\_\_

Permit Number \_\_\_\_\_

REPORTAL OUNT

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### INDUSTRIAL WASTEWATER PERMIT APPLICATION ADMINISTRATIVE REPORT 1.0

This report is required for all applications for TPDES permits and TLAPs, except applications for oil and gas extraction operations subject to 40 CFR Part 435. Contact the Applications Review and Processing Team at 512-239-4671 with any questions about completing this report.

Applications for oil and gas extraction operations subject to 40 CFR Part 435 must use Oil and Gas Exploration and Production Administrative Report (<u>TCEO Form-20893 and 20893-inst</u><sup>1</sup>).

#### Item 1. Application Information and Fees (Instructions, Page 26)

a. Complete each field with the requested information, if applicable.

Applicant Name: Martin Marietta Materials Southwest, LLC

Permit No.: <u>WQ0005278000</u>

EPA ID No.: TX0139483

Expiration Date: May 29, 2025

b. Check the box next to the appropriate authorization type.

□ Industrial Wastewater (wastewater and stormwater)

☑ Industrial Stormwater (stormwater only)

Reverse Osmosis Water Treatment (reverse osmosis water treatment wastewaters only)

c. Check the box next to the appropriate facility status.

 $\boxtimes$  Active  $\square$  Inactive

d. Check the box next to the appropriate permit type.

| $\square$ IIDES I CHIIIC $\square$ IEAI $\square$ IIDES WITH IEAI COMPONEN | 🖾 TPDES Permit | $\Box$ TLAP | TPDES with TLAP component |
|--|----------------|-------------|---------------------------|
|--|----------------|-------------|---------------------------|

- e. Check the box next to the appropriate application type.
  - □ New
  - $\square$  Renewal with changes  $\square$  Renewal without changes
  - $\square$  Major amendment with renewal  $\square$  Major amendment without renewal
  - □ Minor amendment without renewal
  - □ Minor modification without renewal
- f. If applying for an amendment or modification, describe the request: N/A

| For TCEQ Use Only                                  |                   |
|--|-------------------|
| Segment Number<br>Expiration Date<br>Permit Number | County<br>_Region |

<sup>&</sup>lt;sup>1</sup> <u>https://www.tceq.texas.gov/publications/search\_forms.html</u>

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#### g. Application Fee

| EPA Classification  | New       | Major Amend.<br>(with or<br>without<br>renewal) | Renewal<br>(with or<br>without<br>changes) | Minor Amend. /<br>Minor Mod.<br>(without<br>renewal) |
|---|-----------|---|--|--|
| Minor facility not subject to EPA categorical effluent guidelines | □ \$350   | □ \$350   | □ \$315                                    | □ \$150  |
| (40 CFR Parts 400-471)  |           |   |  |  |
| Minor facility subject to EPA categorical effluent guidelines     | □ \$1,250 | □ \$1,250                                       | ⊠ \$1,215                                  | □ \$150  |
| (40 CFR Parts 400-471)  |           |   |  |  |
| Major facility  | $N/A^2$   | □ \$2,050                                       | □ \$2,015                                  | □ \$450  |

#### h. Payment Information

#### Mailed

Check or money order No.: Click to enter text

Check or money order amt.: Click to enter text.

Named printed on check or money order: Click to enter text.

#### Epay

Voucher number: 742934 / 742935

Copy of voucher attachment: <u>See attachment</u>

#### Item 2. Applicant Information (Instructions, Pages 26)

- a. Customer Number, if applicant is an existing customer: <u>CN606114726</u> **Note:** Locate the customer number using the TCEQ's Central Registry Customer Search<sup>3</sup>.
- b. Legal name of the entity (applicant) applying for this permit: <u>Martin Marietta Materials</u> <u>Southwest, LLC</u>

**Note:** The owner of the facility must apply for the permit. The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.

c. Name and title of the person signing the application. (**Note:** The person must be an executive official that meets signatory requirements in 30 TAC § 305.44.)

Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Kirk R. Light</u>

Title: <u>President, Martin Marietta Materials Southwest, LLC</u> Credential: <u>N/A</u>

d. Will the applicant have overall financial responsibility for the facility?
 ☑ Yes □ No

<sup>&</sup>lt;sup>2</sup> All facilities are designated as minors until formally classified as a major by EPA.

<sup>&</sup>lt;sup>3</sup> <u>https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch</u>

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**Note:** The entity with overall financial responsibility for the facility must apply as a coapplicant, if not the facility owner.

#### Item 3. Co-applicant Information (Instructions, Page 27)

Check this box if there is no co-applicant.; otherwise, complete the below questions.

a. Legal name of the entity (co-applicant) applying for this permit: <u>Click to enter text.</u>

**Note:** The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.

- b. Customer Number (if applicant is an existing customer): <u>CNClick to enter text.</u>
   Note: Locate the customer number using the TCEO's Central Registry Customer Search.
- c. Name and title of the person signing the application. (**Note:** The person must be an executive official that meets signatory requirements in 30 TAC § 305.44.)

Prefix: Click to enter text.Full Name (Last/First Name): Click to enter text.Title: Click to enter text.Credential: Click to enter text.

d. Will the co-applicant have overall financial responsibility for the facility?

🗆 Yes 🛛 No

**Note:** The entity with overall financial responsibility for the facility must apply as a coapplicant, if not the facility owner.

#### Item 4. Core Data Form (Instructions, Pages 27)

a. Complete and attach one Core Data Form (TCEQ Form 10400) for each customer (applicant and co-applicant(s)). If the customer type selected on the Core Data Form is Individual, complete Attachment 1 of the Administrative Report. Attachment: <u>Appendix B: Core Data Form</u>

#### Item 5. Application Contact Information (Instructions, Page 27)

Provide names of two individuals who can be contacted about this application. Indicate if the individual can be contacted about administrative or technical information, or both.

a.  $\Box$  Administrative Contact .  $\boxtimes$  Technical Contact

Prefix: Mr. Full Name (Last/First Name): Curt G. Campbell, PE

Title: <u>VP Engineering & Natural Resources</u> Credential: <u>Professional Engineer (PE)</u>

Organization Name: Westward Environmental, Inc.

Mailing Address: PO Box 2205

City/State/Zip: <u>Boerne, TX 78006</u>

Phone No: <u>830-249-8284</u> Email: <u>ccampbell@westwardenv.com</u>

b.  $\boxtimes$  Administrative Contact  $\boxtimes$  Technical Contact

Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Jesse Martindale</u>

Title:Senior Environmental EngineerCredential: N/A

Organization Name: Martin Marietta Materials Southwest, LLC

Mailing Address: 1503 Lyndon B Johnson Freeway, Ste. 400City/State/Zip: Dallas, TX7523475234

Phone No: <u>972-647-3742</u> Email: <u>jesse.martindale@martinmarietta.com</u>

Attachment: <u>N/A</u>

#### Item 6. Permit Contact Information (Instructions, Page 28)

Provide two names of individuals that can be contacted throughout the permit term.

- a. Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Jesse Martindale</u>
  Title: <u>Senior Environmental Engineer</u> Credential: <u>N/A</u>
  Organization Name: <u>Martin Marietta Materials Southwest, LLC</u>
  Mailing Address: <u>1503 Lyndon B. Johnson Freeway Ste. 400</u> City/State/Zip: <u>Dallas, TX 75234</u>
  Phone No: <u>972-647-3742</u> Email: <u>jesse.martindale@martinmarietta.com</u>
- b. Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Curt G. Campbell, PE</u>

Title: <u>SVP Engineering & Natural Resources</u> Credential: <u>Professional Engineer (PE)</u>

Organization Name: Westward Environmental, Inc.

Mailing Address: <u>PO Box 2205</u>

City/State/Zip: <u>Boerne, TX 78006</u>

Phone No: <u>830-249-8284</u> Email: <u>ccampbell@westwardenv.com</u>

Attachment: <u>N/A</u>

#### Item 7. Billing Contact Information (Instructions, Page 28)

The permittee is responsible for paying the annual fee. The annual fee will be assessed for permits **in effect on September 1 of each year**. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (form TCEQ-20029).

Provide the complete mailing address where the annual fee invoice should be mailed and the name and phone number of the permittee's representative responsible for payment of the invoice.

Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Jesse Martindale</u>

Title: Senior Environmental EngineerCredential: N/A

Organization Name: Martin Marietta Materials Southwest, LLC

Mailing Address: 1503 Lyndon B. Johnson Freeway Ste. 400City/State/Zip: Dallas, TX7523475234

Phone No: <u>972-647-3742</u> Email: <u>jesse.martindale@martinmarietta.com</u>

#### Item 8. DMR/MER Contact Information (Instructions, Page 28)

Provide the name and mailing address of the person delegated to receive and submit DMRs or MERs. **Note:** DMR data must be submitted through the NetDMR system. An electronic reporting account can be established once the facility has obtained the permit number.

Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Jesse Martindale</u>

Title: <u>Senior Environmental Engineer</u> Credential: <u>N/A</u>

Organization Name: Martin Marietta Materials Southwest, LLC

Mailing Address: 1503 Lyndon B. Johnson Freeway Ste. 400City/State/Zip: Dallas, TX7523475234

Phone No: <u>972-647-3742</u> Email: <u>jesse.martindale@martinmarietta.com</u>

#### Item 9. Notice Information (Instructions, Pages 28)

a. Individual Publishing the Notices

Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Curt G. Campbell, PE</u>

Title: <u>SVP Engineering & Natural Resources</u> Credential: <u>Professional Engineer (PE)</u>

Organization Name: <u>Westward Environmental, Inc.</u>

Mailing Address: <u>PO Box 2205</u>

City/State/Zip: <u>Boerne, TX 78006</u>

Phone No: <u>830-249-8284</u> Email: <u>ccampbell@westwardenv.com</u>

b. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package (only for NORI, NAPD will be sent via regular mail)

E-mail: <u>ccampbell@westwardenv.com</u>

□ Fax: <u>Click to enter text</u>.

□ Regular Mail (USPS)

Mailing Address: <u>Click to enter text.</u>

City/State/Zip Code: Click to enter text.

c. Contact in the Notice

Prefix: <u>Mr.</u> Full Name (Last/First Name): <u>Curt G. Campbell, PE</u>

Title: <u>SVP Engineering & Natural Resources</u> Credential: <u>Professional Engineer (PE)</u>

Organization Name: Westward Environmental, Inc.

Phone No: <u>830-249-8284</u> Email: <u>ccampbell@westwardenv.com</u>

d. Public Viewing Location Information

**Note:** If the facility or outfall is located in more than one county, provide a public viewing place for each county.

Public building name: <u>Weatherford Public Library</u> Location within the building: <u>See library</u> <u>staff</u>

Physical Address of Building: <u>1014 Charles Street</u>

City: <u>Weatherford</u> County: <u>Parker</u>

e. Bilingual Notice Requirements

This information is required for new, major amendment, minor amendment or minor modification, and renewal applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine if an alternative language notice(s) is required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

```
🖾 Yes 🛛 No
```

If no, publication of an alternative language notice is not required; skip to Item 8 (Regulated Entity and Permitted Site Information.)

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

🗆 Yes 🖾 No

3. Do the students at these schools attend a bilingual education program at another location?

🖾 Yes 🛛 No

4. Would the school be required to provide a bilingual education program, but the school has waived out of this requirement under 19 TAC §89.1205(g)?

🗆 Yes 🖾 No 🗆 N/A

- 5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? <u>Spanish</u>
- f. Summary of Application in Plain Language Template Complete and attach the Summary of Application in Plain Language Template (TCEQ Form 20972), also known as the plain language summary or PLS. Attachment: <u>See attached.</u>
- g. Complete and attach one Public Involvement Plan (PIP) Form (TCEQ Form 20960) for each application for a new permit or major amendment. Attachment: <u>N/A</u>

# Item 10. Regulated Entity and Permitted Site Information (Instructions Page 29)

a. TCEQ issued Regulated Entity Number (RN), if available: <u>RN110829454</u>

**Note:** If your business site is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search the TCEQ's Central Registry to determine the RN or to see if the larger site may already be registered as a Regulated Entity. If the site is found, provide the assigned RN.

- b. Name of project or site (name known by the community where located): <u>MM Tin Top #4</u>
- c. Is the location address of the facility in the existing permit the same?

 $\boxtimes$  Yes  $\square$  No  $\square$  N/A (new permit)

**Note:** If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.

d. Owner of treatment facility:

Prefix: <u>N/A</u> Full Name (Last/First Name): <u>N/A</u>

or Organization Name: N/A

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|    | Mailing Address: <u>N/A</u>  | City/State/Zip: <u>N/A</u>   |   |
|----|--|--|---|
|    | Phone No: <u>N/A</u> Email: <u>N/A</u>   |  |   |
| e. | . Ownership of facility: $\Box$ Public $\Box$ Private  | □ Both □ Federal   |   |
| f. | . Owner of land where treatment facility is or will be   | 2: <u>N/A</u>  |   |
|    | Prefix: <u>N/A</u> Full Name (Last/First Name): <u>N/A</u>   |  |   |
|    | or Organization Name: <u>N/A</u>   |  |   |
|    | Mailing Address: <u>N/A</u>  | City/State/Zip: <u>N/A</u>   |   |
|    | Phone No: <u>N/A</u> Email: <u>N/A</u>   |  |   |
|    | <b>Note:</b> If not the same as the facility owner, attach a at least six years (In some cases, a lease may not su $N/A$ | a long-term lease agreement in effect for<br>affice - see instructions). Attachment: |   |
| g. | . Owner of effluent TLAP disposal site (if applicable)   | ): <u>N/A</u>  |   |
|    | Prefix: <u>N/A</u> Full Name (Last/First Name): <u>N/A</u>   |  |   |
|    | or Organization Name: <u>N/A</u>   |  |   |
|    | Mailing Address: <u>N/A</u>  | City/State/Zip: <u>N/A</u>   |   |
|    | Phone No: <u>N/A</u> Email: <u>N/A</u>   |  |   |
|    | <b>Note:</b> If not the same as the facility owner, attach a at least six years. Attachment: $N/A$                       | a long-term lease agreement in effect for  | • |
| h. | . Owner of sewage sludge disposal site (if applicable  | ·):  |   |
|    | Prefix: <u>N/A</u> Full Name (Last/First Name): <u>N</u>   |  |   |
|    | or Organization Name: <u>N/A</u>   |  |   |
|    | Mailing Address: <u>N/A</u>  | City/State/Zip: <u>N/A</u>   |   |
|    | Phone No: <u>N/A</u> Email: <u>N/A</u>   |  |   |
|    | Note: If not the same as the facility symper attach a  | long torm loose agreement in effect for  |   |

**Note:** If not the same as the facility owner, attach a long-term lease agreement in effect for at least six years. Attachment: N/A

#### Item 11. TDPES Discharge/TLAP Disposal Information (Instructions, **Page 31**)

a. Is the facility located on or does the treated effluent cross Native American Land?

 $\Box$  Yes  $\boxtimes$  No

b. Attach an original full size USGS Topographic Map (or an 8.5"×11" reproduced portion for renewal or amendment applications) with all required information. Check the box next to each item below to confirm it has been included on the map.

| One-mile radius                   | Three-miles downstream information |
|-----------------------------------|------------------------------------|
| Applicant's property boundaries   | Treatment facility boundaries      |
| ⊠ Labeled point(s) of discharge   | Highlighted discharge route(s)     |
| Effluent disposal site boundaries | □ All wastewater ponds             |

Sewage sludge disposal site Attachment: <u>See Figure 03</u>

If no, or a new application, provide an accurate location description: <u>N/A</u>

d. Are the point(s) of discharge in the existing permit correct?

 $\boxtimes$  Yes  $\square$  No or New Permit

If no, or a new application, provide an accurate location description:  $\underline{N/A}$ 

e. Are the discharge route(s) in the existing permit correct?

 $\boxtimes$  Yes  $\square$  No or New Permit

If no, or a new permit, provide an accurate description of the discharge route: N/A

- f. City nearest the outfall(s): <u>Weatherford, TX</u>
- g. County in which the outfalls(s) is/are located: <u>Parker</u>
- h. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

🗆 Yes 🖾 No

If yes, indicate by a check mark if:  $\Box$  Authorization granted  $\Box$  Authorization pending

For new and amendment applications, attach copies of letters that show proof of contact and provide the approval letter upon receipt. Attachment: N/A

For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge: N/A

i. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

 $\Box$  Yes No or New Permit  $\boxtimes$  <u>N/A</u>

If no, or a new application, provide an accurate location description: <u>N/A</u>

- j. City nearest the disposal site: N/A
- k. County in which the disposal site is located: N/A
- l. For TLAPs, describe how effluent is/will be routed from the treatment facility to the disposal site:  $\underline{\rm N/A}$
- m. For TLAPs, identify the nearest water course to the disposal site to which rainfall runoff might flow if not contained:  $\underline{\rm N/A}$

#### Item 12. Miscellaneous Information (Instructions, Page 33)

a. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

🗆 Yes 🖾 No

If yes, list each person: N/A

b. Do you owe any fees to the TCEQ?

🗆 Yes 🖾 No

If yes, provide the following information:

Account no.: <u>N/A</u>

Total amount due: <u>N/A</u>

c. Do you owe any penalties to the TCEQ?

🗆 Yes 🖾 No

If yes, provide the following information:

Enforcement order no.: N/AAmount due: N/A
## Item 13. Signature Page (Instructions, Page 33)

Permit No: <u>WQ0005278000</u>

Applicant Name: Martin Marietta Materials Southwest, LLC

Certification: I, <u>Kirk R. Light</u>, 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.

Signatory name (typed or printed): <u>Kirk R. Light</u>

Signatory title: President

| Signature:                                    |        | Date: |      |
|---|--------|-------|------|
| (Use blue ink)                                |        |       |      |
| Subscribed and Sworn to before me by the said |        |       |      |
| on this                                       | day of | ,     | , 20 |
| My commission expires on the                  | day of | ,     | , 20 |

Notary Public

[SEAL]

County, Texas

**Note:** *If co-applicants are necessary, each entity must submit an original, separate signature page.* 

# INDUSTRIAL WASTEWATER PERMIT APPLICATION ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

## Item 1. Affected Landowner Information (Instructions, Page 35)

- a. Attach a landowner map or drawing, with scale, as applicable. Check the box next to each item to confirm it has been provided.
  - $\boxtimes$  The applicant's property boundaries.
  - ☑ The facility site boundaries within the applicant's property boundaries.
  - ☑ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone.
  - The property boundaries of all landowners surrounding the applicant's property. (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
  - The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream.
  - The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge.
  - □ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides.
  - □ The boundaries of the effluent disposal site (e.g., irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property.
  - □ The property boundaries of all landowners surrounding the applicant's property boundaries where the effluent disposal site is located.
  - □ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners within one-quarter mile of the applicant's property boundaries where the sewage sludge land application site is located.
  - □ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (e.g., sludge surface disposal site or sludge monofil) is located.

Attachment: See Figure 002 - Facility boundary is the same as Property Line

- b. 🖾 that the landowners list has also been provided as mailing labels in electronic format (Avery 5160).
- c. Check this box to confirm a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.Provide the source of the landowners' names and mailing addresses: <u>Parker County Tax Assessors Map</u>

e. As required by Texas Water Code § 5.115, is any permanent school fund land affected by this application?

🗆 Yes 🖾 No

If yes, provide the location and foreseeable impacts and effects this application has on the land(s): N/A

## Item 2. Original Photographs (Instructions, Page 37)

Provide original ground level photographs. Check the box next to each of the following items to indicate it is included.

□ At least one original photograph of the new or expanded treatment unit location.

At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.

□ At least one photograph of the existing/proposed effluent disposal site.

 $\boxtimes$  A plot plan or map showing the location and direction of each photograph.

Attachment: <u>Please refer to Appendix D: Restoration Plan (Attachment A, Figure 5 and Attachment B) for ground level photographs and location information</u>

# INDUSTRIAL WASTEWATER PERMIT APPLICATION

## SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

This form applies to TPDES permit applications only. Complete and attach the Supplemental Permit information Form (SPIF) (TCEQ Form 20971).

Attachment: Click to enter text.

## WATER QUALITY PERMIT

# PAYMENT SUBMITTAL FORM

# Use this form to submit the Application Fee, if mailing the payment. (Instructions, Page 36-37)

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- Do not mail this form with the application form.
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

## Mail this form and the check or money order to:

| BY REGULAR U.S. MAIL                      | BY OVERNIGHT/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, Texas 78711-3088                  | Austin, Texas 78753                       |

## Fee Code: WQP Permit No: <u>WQ000Click to enter text.</u>

- 1. Check or Money Order Number: <u>Click to enter text.</u>
- 2. Check or Money Order Amount: Click to enter text.
- 3. Date of Check or Money Order: <u>Click to enter text.</u>
- 4. Name on Check or Money Order: <u>Click to enter text.</u>
- 5. APPLICATION INFORMATION

Name of Project or Site: Click to enter text.

Physical Address of Project or Site: Click to enter text.

If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application. Attachment: <u>Click to enter text.</u>

## Staple Check or Money Order in This Space

# ATTACHMENT 1

## INDIVIDUAL INFORMATION

## Item 1. Individual information (Instructions, Page 38)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., or Miss): <u>N/A</u>

Full legal name (first, middle, and last): <u>N/A</u>

Driver's License or State Identification Number: N/A

Date of Birth: <u>N/A</u>

Mailing Address: <u>N/A</u> City, State, and Zip Code: <u>N/A</u>

Phone No.: <u>N/A</u>

Fax No.: N/A

E-mail Address: <u>N/A</u>

CN: <u>N/A</u>

## INDUSTRIAL WASTEWATER PERMIT APPLICATION CHECKLIST OF COMMON DEFICIENCIES

Below is a list of common deficiencies found during the administrative review of industrial wastewater permit applications. To ensure the timely processing of this application, please review the items below and indicate each item is complete and in accordance applicable rules at 30 TAC Chapters 21, 281, and 305 by checking the box next to the item. If an item is not required this application, indicate by checking N/A where appropriate. Please do not submit the application until all items below are addressed.

- Core Data Form (TCEQ Form No. 10400)
  (Required for all applications types. Must be completed in its entirety and signed. Note: Form may be signed by applicant representative.)
- Correct and Current Industrial Wastewater Permit Application Forms (*TCEQ Form Nos. 10055 and 10411. Version dated 5/10/2019 or later.*)
- □ Water Quality Permit Payment Submittal Form (Page 14) (Original payment sent to TCEQ Revenue Section. See instructions for mailing address.)

 7.5 Minute USGS Quadrangle Topographic Map Attached (Full-size map if seeking "New" permit.
 8 ½ x 11 acceptable for Renewals and Amendments.)

- 🗆 N/A 🛛 Current/Non-Expired, Executed Lease Agreement or Easement Attached
- □ N/A ⊠ Landowners Map (See instructions for landowner requirements.)

## Things to Know:

- All the items shown on the map must be labeled.
- The applicant's complete property boundaries must be delineated which includes boundaries of contiguous property owned by the applicant.
- The applicant cannot be its own adjacent landowner. You must identify the landowners immediately adjacent to their property, regardless of how far they are from the actual facility.
- If the applicant's property is adjacent to a road, creek, or stream, the landowners on the opposite side must be identified. Although the properties are not adjacent to applicant's property boundary, they are considered potentially affected landowners. If the adjacent road is a divided highway as identified on the USGS topographic map, the applicant does not have to identify the landowners on the opposite side of the highway.

□ N/A ⊠ Landowners Labels and Cross Reference List (See instructions for landowner requirements.)

- Electronic Application Submittal (See application submittal requirements on page 23 of the instructions.)
- Original signature per 30 TAC § 305.44 Blue Ink Preferred (If signature page is not signed by an elected official or principle executive officer, a copy of signature authority/delegation letter must be attached.)

Summary of Application (in Plain Language)

Click on the voucher number to see the voucher details.

| Voucher | Fee Description  | AR Number  | Amount     |
|---------|--|------------|------------|
| 742934  | WW PERMIT - MINOR FACILITY SUBJECT TO 40 CFR 400-471 - RENEWAL |            | \$1,200.00 |
| 742935  | 30 TAC 305.53B WQ RENEWAL NOTIFICATION FEE                     |            | \$15.00    |
|         | TC   | EQ Amount: | \$1,215.00 |



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

# SUMMARY OF APPLICATION IN PLAIN LANGUAGE FOR TPDES OR TLAP PERMIT APPLICATIONS

## Summary of Application (in plain language) Template and Instructions for Texas Pollutant Discharge Elimination System (TPDES) and Texas Land Application (TLAP) Permit Applications

Applicants should use this template to develop a plain language summary of your facility and application as required by Title 30, Texas Administrative Code (30 TAC), Chapter 39, Subchapter H. You may modify the template as necessary to accurately describe your facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how you will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

Fill in the highlighted areas below to describe your facility and application in plain language. Instructions and examples are provided below. Make any other edits necessary to improve readability or grammar and to comply with the rule requirements. After filling in the information for your facility delete these instructions.

If you are subject to the alternative language notice requirements in 30 TAC Section 39.426, **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

# ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS INDUSTRIAL WASTEWATER/STORMWATER

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.

Martin Marietta Materials Southwest, LLC (CN606114726) operates MM – Tin Top #4 (RN110829454), a sand & gravel mining facility. The facility is located at 7205 Bethel Road, in Weatherford, Parker County, Texas 76087. This application is for a renewal to discharge stormwater on an intermittent and flow-variable basis.

Discharges from the facility are expected to contain total suspended solids and nitrate + nitrite N. Stormwater is treated by flowing through a swale to a settling pond prior to discharge.

# PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP

#### AGUAS RESIDUALES Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí /AGUAS PLUVIALES

*El siguiente resumen se proporciona para esta solicitud de permiso de calidad del agua pendiente que está siendo revisada por la Comisión de Calidad Ambiental de Texas según lo requerido por el Capítulo 39 del Código Administrativo de Texas 30. La información proporcionada en este resumen puede cambiar durante la revisión técnica de la solicitud y no es una representación ejecutiva fedérale de la solicitud de permiso.* 

Martin Marietta Materials Southwest, LLC (CN606114726) opera MM – Tin Top #4 RN110829454, un instalación de minería de arena y grava . La instalación está ubicada en 7205 Bethel Road, en Weatherford, Condado de Parker, Texas 76087. Esta solicitud es para una renovación para descargar aguas pluviales de forma intermitente y de flujo variable.

Se espera que las descargas de la instalación contengan sólidos suspendidos totales y nitrato + nitrito N . Aguas pluviales . está tratado por fluyendo a través de un pantano hasta un estanque de sedimentación antes de la descarga.

## INSTRUCTIONS

- 1. Enter the name of applicant in this section. The applicant name should match the name associated with the customer number.
- 2. Enter the Customer Number in this section. Each Individual or Organization is issued a unique 11-digit identification number called a CN (e.g. CN123456789).
- 3. Choose "operates" in this section for existing facility applications or choose "proposes to operate" for new facility applications.
- 4. Enter the name of the facility in this section. The facility name should match the name associated with the regulated entity number.
- 5. Enter the Regulated Entity number in this section. Each site location is issued a unique 11-digit identification number called an RN (e.g. RN123456789).
- 6. Choose the appropriate article (a or an) to complete the sentence.
- 7. Enter a description of the facility in this section. For example: steam electric generating facility, nitrogenous fertilizer manufacturing facility, etc.
- 8. Choose "is" for an existing facility or "will be" for a new facility.
- 9. Enter the location of the facility in this section.
- 10. Enter the City nearest the facility in this section.
- 11. Enter the County nearest the facility in this section.
- 12. Enter the zip code for the facility address in this section.
- 13. Enter a summary of the application request in this section. For example: renewal to discharge 25,000 gallons per day of treated domestic wastewater, new application to discharge process wastewater and stormwater on an intermittent and flow-variable basis, or major amendment to reduce monitoring frequency for pH, etc. If more than one outfall is included in the application, provide applicable information for each individual outfall.
- 14. List all pollutants expected in the discharge from this facility in this section. If applicable, refer to the pollutants from any federal numeric effluent limitations that apply to your facility.
- 15. Enter the discharge types from your facility in this section (e.g., stormwater, process wastewater, once through cooling water, etc.)
- 16. Choose the appropriate verb tense to complete the sentence.
- 17. Enter a description of the wastewater treatment used at your facility. Include a description of each process, starting with initial treatment and finishing with the outfall/point of disposal. Use additional lines for individual discharge types if necessary.

Questions or comments concerning this form may be directed to the Water Quality Division's Application Review and Processing Team by email at <u>WQ-ARPTeam@tceq.texas.gov</u> or by phone at (512) 239-4671.

## **Example 1: Industrial Wastewater TPDES Application (ENGLISH)**

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations of the permit application.

ABC Corporation (CN60000000) operates the Starr Power Station (RN1000000000), a twounit gas-fired electric generating facility. Unit 1 has a generating capacity of 393 megawatts (MWs) and Unit 2 has a generating capacity of 528 MWs. The facility is located at 1356 Starr Street, near the City of Austin, Travis County, Texas 78753.

This application is for a renewal to discharge 870,000,000 gallons per day of once through cooling water, auxiliary cooling water, and also authorizes the following waste streams monitored inside the facility (internal outfalls) before it is mixed with the other wastewaters authorized for discharge via main Outfall 001, referred to as "previously monitored effluents" (low-volume wastewater, metal-cleaning waste, and stormwater (from diked oil storage area yards and storm drains)) via Outfall 001. Low-volume waste sources, metal-cleaning waste, and stormwater drains on a continuous and flow-variable basis via internal Outfall 101.

The discharge of once through cooling water via Outfall 001 and low-volume waste and metal-cleaning waste via Outfall 101 from this facility is subject to federal effluent limitation guidelines at 40 CFR Part 423. The pollutants expected from these discharges based on 40 CFR Part 423 are: free available chlorine, total residual chlorine, total suspended solids, oil and grease, total iron, total copper, and pH. Temperature is also expected from these discharges. Additional potential pollutants are included in the Industrial Wastewater Application Technical Report, Worksheet 2.0.

Cooling water and boiler make-up water are supplied by Lake Starr Reservoir. The City of Austin municipal water plant (CN60000000, PWS 00000) supplies the facility's potable water and serves as an alternate source of boiler make-up water. Water from the Lake Starr Reservoir is withdrawn at the intake structure and treated with sodium hypochlorite to prevent biofouling and sodium bromide as a chlorine enhancer to improve efficacy and then passed through condensers and auxiliary equipment on a once-through basis to cool equipment and condense exhaust steam.

Low-volume wastewater from blowdown of boiler Units 1 and 2 and metal-cleaning wastes receive no treatment prior to discharge via Outfall 101. Plant floor and equipment drains and stormwater runoff from diked oil storage areas, yards, and storm drains are routed through an oil and water separator prior to discharge via Outfall 101. Domestic wastewater, blowdown, and backwash water from the service water filter, clarifier, and sand filter are routed to the Starr Creek Domestic Sewage Treatment Plant, TPDES Permit No. WQ0010000001, for treatment and disposal. Metal-cleaning waste from equipment cleaning is generally disposed of off-site.

## **Example 2: Domestic Wastewater TPDES Renewal application**

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 Texas Administrative Code Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations of the permit application.

The City of Texas (CN00000000) operates the City of Texas wastewater treatment plant (RN00000000), an activated sludge process plant operated in the complete mix mode. The facility is located at 123 Texas Street, near the City of More Texas, Texas County, Texas 71234.

This application is for a renewal to discharge at an annual average flow of 1,200,000 gallons per day of treated domestic wastewater via Outfalls 001 and 002.

Discharges from the facility are expected to contain five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), total suspended solids (TSS), ammonia nitrogen (NH<sub>3</sub>-N), and *Escherichia coli*. Additional potential pollutants are included in the Domestic Technical Report 1.0, Section 7. Pollutant Analysis of Treated Effluent and Domestic Worksheet 4.0 in the permit application package. Domestic wastewater is treated by an activated sludge process plant and the treatment units include a bar screen, a grit chamber, aeration basins, final clarifiers, sludge digesters, a belt filter press, chlorine contact chambers and a dechlorination chamber.

## **Example 3: Domestic Wastewater TPDES New Application**

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 Texas Administrative Code Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations of the permit application.

The City of Texas (CN00000000) proposes to operate the City of Texas wastewater treatment plant (RN00000000), an activated sludge process plant operated in the extended aeration mode. The facility will be located at 123 Texas Street, in the City of More Texas, Texas County, Texas 71234.

This application is for a new application to discharge at a daily average flow of 200,000 gallons per day of treated domestic wastewater.

Discharges from the facility are expected to contain five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), total suspended solids (TSS), ammonia nitrogen (NH<sub>3</sub>-N), and *Escherichia coli*. Additional potential pollutants are included in the Domestic Technical Report 1.0, Section 7. Pollutant Analysis of Treated Effluent in the permit application package. Domestic wastewater will be treated by an activated sludge process plant and the treatment units will include a bar screen, a grit chamber, aeration basins, final clarifiers, sludge digesters, a belt filter press, chlorine contact chambers and a dechlorination chamber.

## **Example 4: Domestic Wastewater TLAP Renewal application**

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 Texas Administrative Code Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations

#### of the permit application.

The City of Texas (CN00000000) operates the City of Texas wastewater treatment plant (RN00000000), an activated sludge process plant operated in the complete mix mode. The facility is located at 123 Texas Street, near the City of More Texas, Texas County, Texas 71234.

This application is for a renewal to dispose a daily average flow not to exceed 76,500 gallons per day of treated domestic wastewater via public access subsurface drip irrigation system with a minimum area of 32 acres. This permit will not authorize a discharge of pollutants into water in the state.

Land application of domestic wastewater from the facility are expected to contain five-day biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), and *Escherichia coli*. Additional potential pollutants are included in the Domestic Technical Report 1.0, Section 7. Pollutant Analysis of Treated Effluent in the permit application package. Domestic wastewater is treated by an activated sludge process plant and the treatment units include a bar screen, an equalization basin, an aeration basin, a final clarifier, an aerobic sludge digester, tertiary filters, and a chlorine contact chamber. In addition, the facility includes a temporary storage that equals to at least three days of the daily average flow.



TIN TOP #4 INDUSTRIAL WASTEWATER PERMIT APPLICATION MARTIN MARIETTA MATERIALS SOUTHWEST, LLC 7205 BETHEL ROAD, PARKER COUNTY, TEXAS 76087

| 22201             | REV | DESCRIPTION |
|-------------------|-----|-------------|
| S.A.T.E.O. A.T.A. |     |             |
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| 1/22/2025         |     |             |
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OF 01

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

| ID_NUMBER | PROP_ID | OWNER_NAME  | MAIL_LINE1                   | MAIL_CITY   | MAIL_STATE | MAIL_ZIP |
|-----------|---------|---|------------------------------|-------------|------------|----------|
| 1         | 90902   | WEATHERFORD BUCKING BULLS REAL ESTATE LLC                             | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX         | 76132    |
| 2         | 52432   | SIMPSON BOB R   | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX         | 76132    |
| 3         | 52427   | SIMPSON BOB R   | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX         | 76132    |
| 4         | 97214   | SIMPSON BOB R   | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX         | 76132    |
| 5         | 45034   | WALKER GENE &INDEPENDENT EXECUTOR ESTATE OF                           | 2344 MISTLETOE AVE           | FORT WORTH  | TX         | 76110    |
| 6         | 39617   | SIMPSON BOB R   | 6608 BRYANT IRVIN RD         | FORT WORTH  | TX         | 76132    |
| 7         | N/A     | No Information Available via Parker County Appraisal District website |                              |             |            |          |
| 8         | 114398  | HINSON BUFFY & MICHAEL  | 1009 TIMBER HILLS DR         | WEATHERFORD | TX         | 76087    |
| 9         | 114399  | SOUTHWORTH BECKY L & BUTLER SHELIA                                    | 1001 TIMBER HILLS DR         | WEATHERFORD | TX         | 76087    |
| 10        | 114351  | MARRS MICHAEL R & GARY S  | 1000 TIMBER HILLS DR         | WEATHERFORD | TX         | 76087    |
| 11        | 52422   | LAUGHLIN PAUL & MICHELLE SLY  | 7205 BETHEL RD               | WEATHERFORD | TX         | 76087    |
| 12        | 99830   | SHEEHAN GEOFFREY THOMAS   | 220 ADAMS DR STE 280 PMB 135 | WEATHERFORD | TX         | 76086    |
| 13        | 90188   | PARKEY SHERI BETH   | 7303 BETHEL RD               | WEATHERFORD | TX         | 76087    |
| 14        | 82888   | BERGER CHARLES FREDERICK  | P.O. BOX 1161                | FORT WORTH  | TX         | 76101    |
| 15        | 45032   | WALKER GENE &INDEPENDENT EXECUTOR ESTATE OF                           | 2344 MISTLETOE AVE           | FORT WORTH  | TX         | 76110    |

| BOB SIMPSON                   | GENE WALKER                  | SHERI BETH PARKEY        |
|-------------------------------|------------------------------|--------------------------|
| 6608 BRYANT IRVIN ROAD        | 2344 MISTLETOE AVENUE        | 7303 BETHEL ROAD         |
| FORT WORTH, TX 76132          | FORT WORTH, TX 76110         | WEATHERFORD, TX 76087    |
| BOB SIMPSON                   | GENE WALKER                  | SHERI BETH PARKEY        |
| 6608 BRYANT IRVIN ROAD        | 2344 MISTLETOE AVENUE        | 7303 BETHEL ROAD         |
| FORT WORTH, TX 76132          | FORT WORTH, TX 76110         | WEATHERFORD, TX 76087    |
| BOB SIMPSON                   | GENE WALKER                  | SHERI BETH PARKEY        |
| 6608 BRYANT IRVIN ROAD        | 2344 MISTLETOE AVENUE        | 7303 BETHEL ROAD         |
| FORT WORTH, TX 76132          | FORT WORTH, TX 76110         | WEATHERFORD, TX 76087    |
| BOB SIMPSON                   | GENE WALKER                  | SHERI BETH PARKEY        |
| 6608 BRYANT IRVIN ROAD        | 2344 MISTLETOE AVENUE        | 7303 BETHEL ROAD         |
| FORT WORTH, TX 76132          | FORT WORTH, TX 76110         | WEATHERFORD, TX 76087    |
|                               |                              |                          |
|                               |                              |                          |
| GEOFFREY THOMAS SHEEHAN       | PAUL LAUGHLIN & MICHELLE SLY | MICHAEL R & GARY S MARRS |
| 220 ADAMS DR STE. 280 PMB 135 | 7205 BETHEL RD.              | 1000 TIMBER HILLS DRIVE  |
| WEATHERFORD, TX 76087         | WEATHERFORD, TX 76087        | WEATHERFORD, TX 76087    |
| GEOFFREY THOMAS SHEEHAN       | PAUL LAUGHLIN & MICHELLE SLY | MICHAEL R & GARY S MARRS |
| 220 ADAMS DR STE. 280 PMB 135 | 7205 BETHEL RD.              | 1000 TIMBER HILLS DRIVE  |
| WEATHERFORD, TX 76087         | WEATHERFORD, TX 76087        | WEATHERFORD, TX 76087    |
| GEOFFREY THOMAS SHEEHAN       | PAUL LAUGHLIN & MICHELLE SLY | MICHAEL R & GARY S MARRS |
| 220 ADAMS DR STE. 280 PMB 135 | 7205 BETHEL RD.              | 1000 TIMBER HILLS DRIVE  |
| WEATHERFORD, TX 76087         | WEATHERFORD, TX 76087        | WEATHERFORD, TX 76087    |
| GEOFFREY THOMAS SHEEHAN       | PAUL LAUGHLIN & MICHELLE SLY | MICHAEL R & GARY S MARRS |
| 220 ADAMS DR STE. 280 PMB 135 | 7205 BETHEL RD.              | 1000 TIMBER HILLS DRIVE  |
| WEATHERFORD, TX 76087         | WEATHERFORD, TX 76087        | WEATHERFORD, TX 76087    |

| BECKY SOUTHWORTH & SHELIA BUTLER<br>1001 TIMBER HILLS DR<br>WEATHERFORD, TX 76087 | BUFFY & MICHAEL HINSON<br>1009 TIMBER HILLS DRIVE<br>WEATHERFORD, TX 76087 | WEATHERFORD BUCKING BULLS<br>REAL ESTATE LLC<br>6608 BRYANT IRVIN ROAD<br>FORT WORTH, TX 76132 |
|---|--|--|
| BECKY SOUTHWORTH & SHELIA BUTLER<br>1001 TIMBER HILLS DR<br>WEATHERFORD, TX 76087 | BUFFY & MICHAEL HINSON<br>1009 TIMBER HILLS DRIVE<br>WEATHERFORD, TX 76087 | WEATHERFORD BUCKING BULLS<br>REAL ESTATE LLC<br>6608 BRYANT IRVIN ROAD<br>FORT WORTH, TX 76132 |
| BECKY SOUTHWORTH & SHELIA BUTLER<br>1001 TIMBER HILLS DR<br>WEATHERFORD, TX 76087 | BUFFY & MICHAEL HINSON<br>1009 TIMBER HILLS DRIVE<br>WEATHERFORD, TX 76087 | WEATHERFORD BUCKING BULLS<br>REAL ESTATE LLC<br>6608 BRYANT IRVIN ROAD<br>FORT WORTH, TX 76132 |
| BECKY SOUTHWORTH & SHELIA BUTLER<br>1001 TIMBER HILLS DR<br>WEATHERFORD, TX 76087 | BUFFY & MICHAEL HINSON<br>1009 TIMBER HILLS DRIVE<br>WEATHERFORD, TX 76087 | WEATHERFORD BUCKING BULLS<br>REAL ESTATE LLC<br>6608 BRYANT IRVIN ROAD<br>FORT WORTH, TX 76132 |
|   |  |  |
|   |  |  |
| CHARLES FREDERICK BERGER<br>PO BOX 1161<br>FORT WORTH, TX 76101                   |  |  |
| CHARLES FREDERICK BERGER<br>PO BOX 1161<br>FORT WORTH, TX 76101                   |  |  |
| CHARLES FREDERICK BERGER<br>PO BOX 1161<br>FORT WORTH, TX 76101                   |  |  |
| CHARLES FREDERICK BERGER<br>PO BOX 1161<br>FORT WORTH, TX 76101                   |  |  |

RE: Application to Renew Permit No. WQ0005278000; Martin Marietta Materials Southwest, LLC; MM Tin Top Quarry 4; Notice of Deficiency 30-Day Will Return Letter



Jesse Martindale <Jesse.Martindale@martinmarietta.com> To O Tim Glusac Cc O Curt Campbell

Here are the bonds we have for the site.

| 016220873 | MARTIN MARIETTA MATERIALS SOUTH-<br>WEST, LLC | Reclamation Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, TX 76087 | \$42,000.00 | WQ 0005278000 |
|-----------|---|---|-------------|---------------|
| 016220872 | MARTIN MARIETTA MATERIALS SOUTH-<br>WEST, LLC | Restoration Permit No WQ 0005278000; TXI Tin Top 4, 7205 Bethel Rd, Weatherford, TX 76087 | \$29,500.00 | WQ 0005278000 |

#### Jesse D. Martindale

Sr. Environmental Engineer | North District, Southwest Division Martin Marietta

1503 LBJ Fwy, Suite 400, Dallas, TX 75234 t. (972) 647-3742 m. (817) 307-9128 e. jesse.martindale@martinmarietta.com www.martinmarietta.com

Rease consider the environment before printing this email.

# Comisión de Calidad Ambiental del Estado de Texas



## AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA RENOVACION

## PERMISO NO. WQ0005278000

**SOLICITUD.** Martin Marietta Materials Southwest, LLC, 1503 Lyndon B. Johnson Freeway, Suite 400, Dallas, Texas 75234 ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para renovar el Permiso No. WQ0005278000 (EPA I.D. No. TX0139483) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la descarga de aguas pluviales de forma intermitente y de caudal variable. La planta está ubicada 7205 Bethel Road, Weatherford en el Condado de Parker, Texas 76087. La ruta de descarga es del sitio de la planta a Arroyo Sanchez, luego hasta el Rio Brazos debajo del Lago Possum Kingdom. La TCEQ recibió esta solicitud el 2 de diciembre de 2024. La solicitud para el permiso estará disponible para leerla y copiarla en Biblioteca pública de Weatherford, 1014 Charles Street, Weatherford, en el Condado de Parker, Texas antes de la fecha de publicación de este aviso en el periódico. Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.823333,32.60694&level=18

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.

**COMENTARIO PUBLICO / REUNION PUBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud.** El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

### OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO

**CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE **INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS: su nombre,** dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios. . [For renewal applications that **do not** include a major amendment, include the following sentence:] Si ciertos criterios se cumplen, la TCEQ puede actuar sobre una solicitud para renovar un permiso sin proveer una oportunidad de una audiencia administrativa de lo contencioso.

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Ademas, puede pedir que la TCEQ ponga su nombre en una or mas de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado especifico. Si desea que se agrega su nombre en una de las listas designe cual lista(s) y envia por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

CONTACTOS E INFORMACIÓN A LA AGENCIA. Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía http://www14.tceq.texas.gov/epic/eComment/ o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Martin Marietta Materials Southwest, LLC a la dirección indicada arriba o llamando a Curt G. Campbell, P.E., Westward Environmental, Inc. al 830-249-8284.

Fecha de emission \_\_\_\_\_ [Date notice issued]