



# General Permit to Discharge Under the Texas Pollutant Discharge Elimination System

## **Stormwater Discharges Associated with Construction Activities TXR150000**

Effective March 5, 2018

# Texas Commission on Environmental Quality

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



## GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces  
TPDES General Permit No. TXR150000, issued March 5, 2013

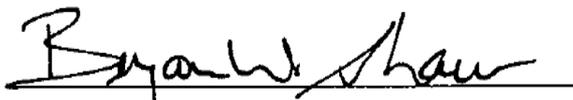
Construction sites that discharge stormwater associated with construction activity  
located in the state of Texas  
may discharge to surface water in the state

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

This general permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: March 5, 2018

ISSUED DATE: 2-8-18

  
For the Commission

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

Table of Contents

Part I. Flow Chart and Definitions .....	5
Section A. Flow Chart to Determine Whether Coverage is Required .....	5
Section B. Definitions.....	6
Part II. Permit Applicability and Coverage .....	13
Section A. Discharges Eligible for Authorization .....	13
1. Stormwater Associated with Construction Activity .....	13
2. Discharges of Stormwater Associated with Construction Support Activities .....	13
3. Non-Stormwater Discharges .....	13
4. Other Permitted Discharges .....	14
Section B. Concrete Truck Wash Out .....	14
Section C. Limitations on Permit Coverage .....	14
1. Post Construction Discharges.....	14
2. Prohibition of Non-Stormwater Discharges.....	14
3. Compliance with Water Quality Standards .....	14
4. Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements .....	14
5. Discharges to the Edwards Aquifer Recharge or Contributing Zone .....	15
6. Discharges to Specific Watersheds and Water Quality Areas .....	16
7. Protection of Streams and Watersheds by Other Governmental Entities.....	16
8. Indian Country Lands.....	16
9. Oil and Gas Production and Transportation .....	16
10. Stormwater Discharges from Agricultural Activities.....	16
11. Endangered Species Act.....	16
12. Other .....	17
Section D. Deadlines for Obtaining Authorization to Discharge .....	17
1. Large Construction Activities .....	17
2. Small Construction Activities .....	17
Section E. Obtaining Authorization to Discharge .....	17
1. Automatic Authorization for Small Construction Activities with Low Potential for Erosion:.....	17
2. Automatic Authorization for Small Construction Activities: .....	18
3. Authorization for Large Construction Activities: .....	19

4.	Waivers for Small Construction Activities:	20
5.	Effective Date of Coverage	20
6.	Notice of Change (NOC)	21
7.	Signatory Requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices	22
8.	Contents of the NOI	22
Section F. Terminating Coverage		23
1.	Notice of Termination (NOT) Required	23
2.	Minimum Contents of the NOT	23
3.	Termination of Coverage for Small Construction Sites and for Secondary Operators at Large Construction Sites	24
4.	Transfer of Day-to-Day Operational Control	24
Section G. Waivers from Coverage		25
1.	Waiver Applicability and Coverage	25
2.	Steps to Obtaining a Waiver	26
3.	Effective Date of a LREW	26
4.	Activities Extending Beyond the LREW Period	26
Section H. Alternative TPDES Permit Coverage		27
1.	Individual Permit Alternative	27
2.	Alternative Authorizations for Certain Discharges	27
3.	Individual Permit Required	27
4.	Alternative Discharge Authorization	27
Section I. Permit Expiration		27
Part III. Stormwater Pollution Prevention Plans (SWP3)		28
Section A. Shared SWP3 Development		29
Section B. Responsibilities of Operators		29
1.	Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications	29
2.	Primary Operators with Day-to-Day Operational Control	30
Section C. Deadlines for SWP3 Preparation, Implementation, and Compliance		30
Section D. Plan Review and Making Plans Available		30
Section E. Revisions and Updates to SWP3s		31
Section F. Contents of SWP3		31
Section G. Erosion and Sediment Control Requirements Applicable to All Sites		40
Part IV. Stormwater Runoff from Concrete Batch Plants		42
Section A. Benchmark Sampling Requirements		42
Section B. Best Management Practices (BMPs) and SWP3 Requirements		44

Section C. Prohibition of Wastewater Discharges..... 46

Part V. Concrete Truck Wash Out Requirements ..... 46

Part VI. Retention of Records..... 47

Part VII. Standard Permit Conditions ..... 47

Part VIII. Fees ..... 48

Appendix A: Automatic Authorization ..... 50

Appendix B: Erosivity Index (EI) Zones in Texas ..... 52

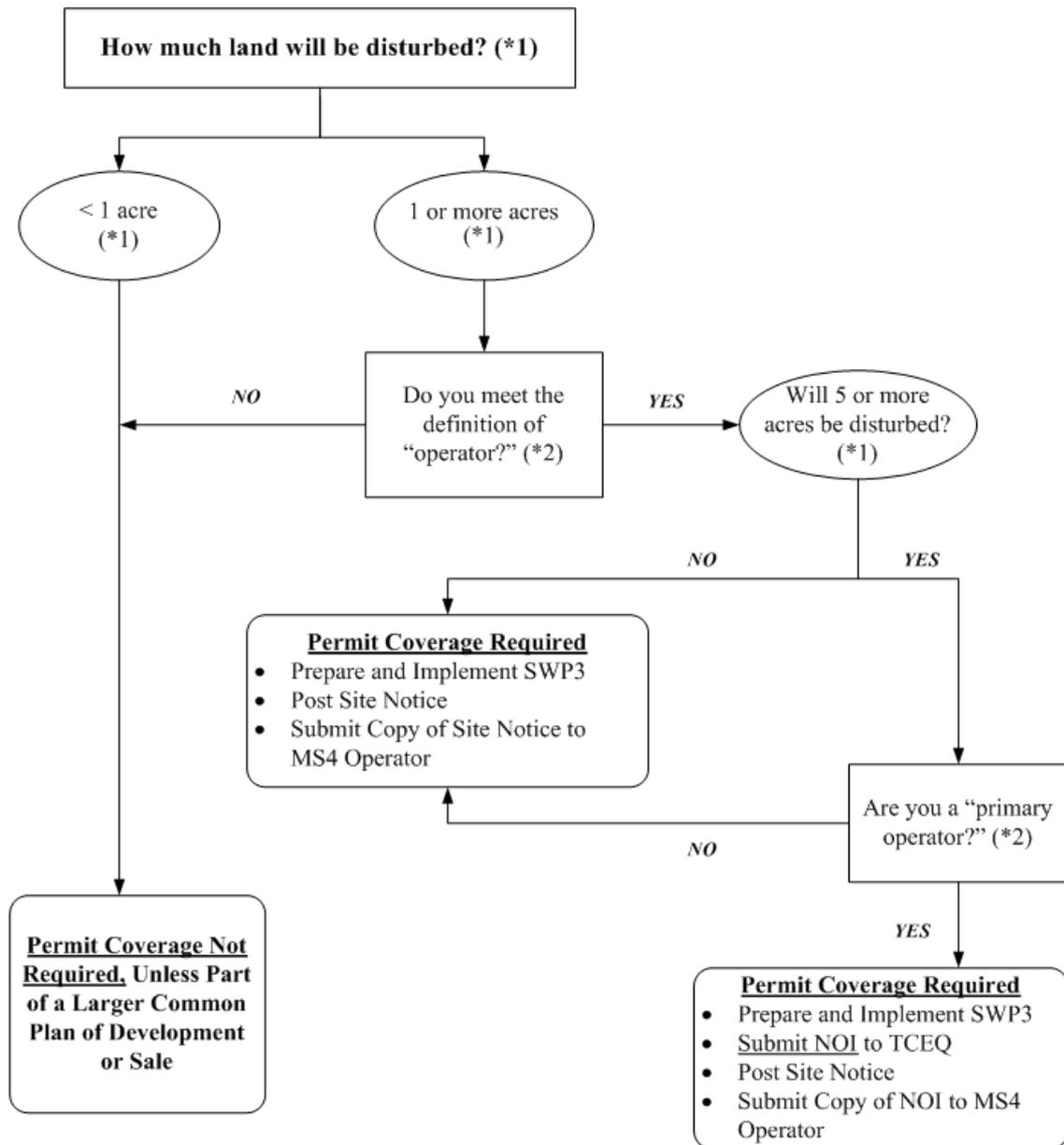
Appendix C: Isoerodent Map ..... 53

Appendix D: Erosivity Indices for EI Zones in Texas ..... 54

Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required

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



(\*1) To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., "Definitions," for an explanation of "common plan of development or sale").

(\*2) Refer to the definitions for "operator," "primary operator," and "secondary operator" in Part I., Section B. of this permit.

## Section B. Definitions

Arid Areas - Areas with an average annual rainfall of 0 to 10 inches.

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

Commencement of Construction - The initial disturbance of soils associated with clearing, grading, or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition).

Common Plan of Development - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common **plan of development (also known as a “common plan of development or sale”) is identified** by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different **parts of the jurisdiction would be considered separate “common plans,” with only the interconnected parts of a project being considered part of a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.).** Where discrete construction projects occur within a larger common plan of development or sale but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that **is part of the same “common plan” is not included in the area** to be disturbed.

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

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

Dewatering – The act of draining rainwater or groundwater from building foundations, vaults, and trenches.

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

Drought-Stricken Area – For the purposes of this permit, an area in which the National **Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period** during which the construction will occur that any of the following conditions are

likely: (1) “Drought to persist or intensify”, (2) “Drought ongoing, some improvement”, (3) “Drought likely to improve, impacts ease”, or (4) “Drought development likely”. See [http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/seasonal\\_drought.html](http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html).

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

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the Texas Commission on Environmental Quality (TCEQ) and the appropriate regional office. The Edwards Aquifer Map Viewer, located at [http://www.tceq.texas.gov/compliance/field\\_ops/eapp/mapdisclaimer.html](http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.html), can be used to determine where the recharge zone is located.

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

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

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

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

- (a) All soil disturbing activities at the site have been completed and a uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

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

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

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

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

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

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

Large Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total

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

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

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

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

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

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

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

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

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

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

- (a) the person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (b) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

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

- (a) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or

- (b) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

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

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

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

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

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

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

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

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

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

**Semiarid Areas** - areas with an average annual rainfall of 10 to 20 inches.

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

**Small Construction Activity** - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and

less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

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

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

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

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

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

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

Thawing Conditions – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32°F. This date can be determined by looking at historical weather data.

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

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

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

Waters of the United States - Waters of the United States or waters of the U.S. means:

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;

- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

## Part II. Permit Applicability and Coverage

### Section A. Discharges Eligible for Authorization

#### 1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff and certain non-stormwater discharges from small and large construction activities may be authorized under this general permit.

#### 2. Discharges of Stormwater Associated with Construction Support Activities

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

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

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

#### 3. Non-Stormwater Discharges

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

- (a) discharges from fire-fighting activities (fire-fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);
- (b) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (c) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

- (d) uncontaminated water used to control dust;
- (e) potable water sources, including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;
- (f) uncontaminated air conditioning condensate;
- (g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and
- (h) lawn watering and similar irrigation drainage.

#### 4. Other Permitted Discharges

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

### Section B. Concrete Truck Wash Out

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

### Section C. Limitations on Permit Coverage

#### 1. Post Construction Discharges

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

#### 2. Prohibition of Non-Stormwater Discharges

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

#### 3. Compliance with Water Quality Standards

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

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

The permittee shall determine whether the authorized discharge is to an impaired water body on the latest EPA-approved CWA Section 303(d) List or waters with an EPA-approved or established TMDL that are found on the latest EPA-approved *Texas*

*Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies.

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

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

#### 5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

Discharges cannot be authorized by this general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer). In addition, commencement of construction (i.e., the initial disturbance of soils associated with clearing, grading, or excavating activities, as well as other construction-related activities such as stockpiling of fill material and demolition) at a site regulated under 30 TAC Chapter 213, may not begin until the appropriate Edwards Aquifer Protection Plan (EAPP) has been approved by the **TCEQ's Edwards Aquifer Protection Program**.

- (a) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone (CZ), operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.
- (b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule is in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.
- (c) For discharges located within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact: TCEQ Water Program Manager  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480  
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact: TCEQ Water Program Manager  
Austin Regional Office  
12100 Park 35 Circle

Room 179, Building A  
Austin, Texas 78753  
(512) 339-2929

#### 6. Discharges to Specific Watersheds and Water Quality Areas

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

#### 7. Protection of Streams and Watersheds by Other Governmental Entities

This general permit does not limit the authority or ability of federal, other state, or local governmental entities from placing additional or more stringent requirements on construction activities or discharges from construction activities. For example, this permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code §401.002.

#### 8. Indian Country Lands

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

#### 9. Oil and Gas Production and Transportation

Stormwater runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the TCEQ and are not eligible for coverage under this general permit. Authorization for stormwater discharges from construction activities that are associated with production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline must be obtained, as required, from the U.S. EPA or the Texas Railroad Commission, as applicable. Discharge of stormwater related to construction activity, from a facility that stores both refined products intended for off-site use and crude oil in aboveground storage tanks, is regulated by the TCEQ and is eligible for coverage under this general permit.

#### 10. Stormwater Discharges from Agricultural Activities

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

#### 11. Endangered Species Act

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

## 12. Other

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

## Section D. Deadlines for Obtaining Authorization to Discharge

## 1. Large Construction Activities

- (a) New Construction - Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
- (b) Ongoing Construction - Operators of large construction activities continuing to operate after the effective date of this permit, and authorized under the TPDES Construction General Permit TXR150000 (effective on March 5, 2013), must submit an NOI to renew authorization or a NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim or grace period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the 2013 TPDES general permit.

## 2. Small Construction Activities

- (a) New Construction - Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
- (b) Ongoing Construction - Discharges from ongoing small construction activities that commenced prior to the effective date of this general permit, and that do not meet the conditions to qualify for termination of this permit as described in Part II.F of this general permit, must meet the requirements to be authorized, either under this general permit or a separate TPDES permit, within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the 2013 TPDES Construction General Permit.

## Section E. Obtaining Authorization to Discharge

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

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

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

- (a) the construction activity occurs in a county and during the corresponding date range(s) listed in Appendix A;
- (b) the construction activity is initiated and completed, including either final or temporary stabilization of all disturbed areas, within the time frame identified in Appendix A for the location of the construction site;

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

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

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

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

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

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

## 2. Automatic Authorization for Small Construction Activities:

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

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

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

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

- (d) provide a copy of the signed and certified construction site notice to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least two days prior to commencement of construction activities.

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

### 3. Authorization for Large Construction Activities:

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

- (a) develop a SWP3 according to the provisions of this general permit that covers either the entire site or all portions of the site where the applicant is the operator. The SWP3 must be developed and implemented prior to obtaining coverage and prior to commencing construction activities;
- (b) primary operators of large construction activities must submit an NOI prior to commencing construction activity at a construction site. A completed NOI must be submitted to TCEQ electronically using the online e-Permits system **on TCEQ's** website. Operators with an electronic reporting waiver must submit a completed NOI to TCEQ at least seven (7) days prior to prior to commencing construction activity to obtain provisional coverage seven (7) days from the postmark date for delivery to the TCEQ. An authorization is no longer provisional when the executive director finds the NOI is administratively complete and an authorization number is issued to the permittee for the construction site indicated on the NOI.

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

If the primary operator changes due to responsibility at the site being transferred from one primary operator to another after the initial NOI is submitted, the new primary operator must submit a paper NOI or an electronic NOI at least ten (10)

days prior to assuming operational control of a construction site and commencing construction activity.

Operators that submit NOIs electronically must use the online e-Permits system available through the TCEQ website.

- (c) all operators of large construction activities must post a site notice in accordance with Part III.D.2 of this permit. The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and must be maintained in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public, local, state, and federal authorities);
- (d) two days prior to commencing construction activities, all primary operators must:
  - i. provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and
  - ii. list in the SWP3 the names and addresses of all MS4 operators receiving a copy;
- (e) all persons meeting the definition of **“secondary operator” in Part I of this permit** are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI, or prior to commencement of construction activities, a primary operator is required to submit an NOI and the secondary operator has provided notification to the operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this general permit, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available; and
- (f) all secondary operators of large construction activities must post a copy of the signed and certified Secondary Operator construction site notice and provide a copy of the signed and certified site notice to the operator of any MS4 receiving the discharge at least two days prior to the commencement construction activities.

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

Effective September 1, 2018, applicants must submit an NOI using the online e-Permits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

#### 4. Waivers for Small Construction Activities:

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

#### 5. Effective Date of Coverage

- (a) Operators of small construction activities as described in either Part II.E.1 or II.E.2 above are authorized immediately following compliance with the applicable conditions of Part II.E.1 or II.E.2. Secondary operators of large construction

activities as described in Part II.E.3 above are authorized immediately following compliance with the applicable conditions in Part II.E.3. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the **requirements of the operator's** responsibilities under that rule. Construction may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.

- (b) Primary operators of large construction activities as described in Part II.E.3 above that electronically submit an NOI are authorized immediately following confirmation of receipt of the electronic form by the TCEQ, unless otherwise notified by the executive director. Operators with an electronic reporting waiver are provisionally authorized seven (7) days from the date that a completed paper NOI is postmarked for delivery to the TCEQ, unless otherwise notified by the executive director. An authorization is no longer provisional when the executive director finds the NOI is administratively complete and an authorization number is issued to the permittee for the construction site indicated on the NOI.

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

- (c) Operators are not prohibited from submitting late NOIs or posting late notices to obtain authorization under this general permit. The TCEQ reserves the right to take appropriate enforcement action for any unpermitted activities that may have occurred between the time construction commenced and authorization was obtained.
- (d) If operators that submitted NOIs have active authorizations for construction activities that are ongoing when the term of the current general permit expires and a new general permit is issued, a 90-day interim (grace) period is granted to provide coverage that is administratively continued until operators with active authorizations can obtain coverage under the newly issued CGP. The 90-day grace period starts on the effective date of the newly issued CGP. Deadlines for obtaining coverage for operators of small and large construction are provided in Part II.D.1 and 2 above.

## 6. Notice of Change (NOC)

If relevant information provided in the NOI changes, the operator that has submitted the NOI must submit an NOC to TCEQ at least fourteen (14) days before the change occurs, if possible. Where a 14-day advance notice is not possible, the operator must submit an NOC to TCEQ within 14-days of discovery of the change. If the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be submitted to TCEQ in an NOC within 14 days after discovery. The NOC shall be submitted on a form provided by the executive director, or by letter if an NOC form is not available. A copy of the NOC form or letter must also be placed in the SWP3 and provided to the operator of any MS4 receiving the discharge. A list that includes the names and addresses of all MS4 operators receiving a copy of the NOC (or NOC letter) must be included in the SWP3.

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

A transfer of operational control from one operator to another, including a transfer of the ownership of a company. Coverage under this general permit is not transferable

from one operator to another or one company to another, and may not be included in an NOC.

A transfer of ownership of a company may include, but is not limited to, the following: changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing number (or charter number) that is on record with the Texas Secretary of State must be changed.

An NOC is not required for notifying TCEQ of a decrease in the number of acres disturbed. This information must be included in the SWP3 and retained on site.

Effective September 1, 2018, applicants must submit an NOC using the online e-Permits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

#### 7. Signatory Requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices

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

#### 8. Contents of the NOI

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

- (a) the TPDES CGP authorization number for existing authorizations under this general permit, where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;
- (b) the name, address, and telephone number of the operator filing the NOI for permit coverage;
- (c) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;
- (d) the number of acres that will be disturbed by the applicant;
- (e) confirmation that the project or site will not be located on Indian Country lands;
- (f) confirmation that a SWP3 has been developed in accordance with this general permit, that it will be implemented prior to commencement of construction activities, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;
- (g) name of the receiving water(s);
- (h) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and
- (i) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters or Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d) as not meeting applicable state water quality standards.

## Section F. Terminating Coverage

### 1. Notice of Termination (NOT) Required

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

Authorization of large construction must be terminated by submitting an NOT on a paper form to TCEQ supplied by the executive director or electronically via the online e-Permits system available through the TCEQ website. Authorization to discharge under this general permit terminates at midnight on the day a paper NOT is postmarked for delivery to the TCEQ or immediately following confirmation of the receipt of the NOT submitted electronically by the TCEQ. Compliance with the conditions and requirements of this permit is required until an NOT is submitted.

Effective September 1, 2018, applicants must submit an NOT using the online e-Permits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

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

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

### 2. Minimum Contents of the NOT

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

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

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

Authorization to discharge under this general permit terminates immediately upon removal of the applicable site notice. Compliance with the conditions and requirements of this permit is required until the site notice is removed.

4. Transfer of Day-to-Day Operational Control
  - (a) When the primary operator of a large construction activity changes or operational control over activities necessary to ensure compliance with the SWP3 and other permit conditions is transferred to another primary operator, the original operator must do the following:
    - i. submit an NOT within ten (10) days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least ten (10) days prior to the transfer of operational control, in accordance with condition (c) below; and
    - ii. submit a copy of the NOT from the primary operator terminating its coverage under the permit and its operational control of the construction site and submit a copy of the NOI from the new primary operator to the operator of any MS4 receiving the discharge in accordance with Part II.F.1 above.
  - (b) For transfer of operational control, operators of small construction activities and secondary operators of large construction activities who are not required to submit an NOI must do the following:
    - i. the existing operator must remove the original site notice, and the new operator must post the required site notice prior to the transfer of operational control, in accordance with the conditions in Part II.F.4.(c) i or ii below; and
    - ii. a copy of the site notice, which must be completed and provided to the operator of any MS4 receiving the discharge, in accordance with Part II.F.3 above.
  - (c) Each operator is responsible for determining its role as an operator as defined in Part I.B and obtaining authorization under the permit, as described above in Part

II.E. 1 – 3. Where authorization has been obtained by submitting an NOI for coverage under this general permit, permit coverage is not transferable from one operator to another. A transfer of operational control can include changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State. A transfer of operational control can also occur when one of the following criteria is met, as applicable:

- i. Another operator has assumed control over all areas of the site that do not meet the definition for final stabilization;
- ii. all silt fences and other temporary erosion controls have either been removed, scheduled for removal as defined in the SWP3, or transferred to a new operator, provided that the original permitted operator has attempted to notify the new operator in writing of the requirement to obtain permit coverage. Records of this notification (or attempt at notification) shall be retained by the operator transferring operational control to another operator in accordance with Part VI of this permit. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal; or
- iii. a homebuilder has purchased one or more lots from an operator who obtained coverage under this general permit for a common plan of development or sale. The homebuilder is considered a new operator and shall comply with the requirements of this permit. Under these circumstances, the homebuilder is only responsible for compliance with the general permit requirements as they apply to the lot(s) it has operational control over in a larger common plan of development, and the original operator remains responsible for common controls or discharges, and must amend its SWP3 to remove the lot(s) transferred to the homebuilder.

## Section G. Waivers from Coverage

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

### 1. Waiver Applicability and Coverage

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

The operator must submit either a signed paper Low Rainfall Erosivity Waiver (LREW) certification form to the TCEQ, supplied by the executive director, or complete the form electronically via the online e-Permits system available through the TCEQ website. The form is a certification by the operator that the small construction activity will commence and be completed within a period when the value of the calculated R factor is less than five (5).

The paper LREW certification form must be postmarked for delivery to the TCEQ at least seven (7) days before construction activity begins or, if submitted electronically, construction may begin at any time following the receipt of written confirmation from TCEQ that a complete electronic application was submitted and acknowledged.

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

Effective September 1, 2018, applicants must submit an LREW using the online e-Permits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

## 2. Steps to Obtaining a Waiver

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

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

Alternatively, the operator may calculate a site-specific R factor utilizing the following online calculator: <http://ei.tamu.edu/index.html>, or using another available resource.

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

## 3. Effective Date of a LREW

Unless otherwise notified by the executive director, operators of small construction activities seeking coverage under a LREW are provisionally waived from the otherwise applicable requirements of this general permit seven (7) days from the date that a completed paper LREW certification form is postmarked for delivery to TCEQ, or immediately upon receiving confirmation of approval of an electronic submittal, made via the online e-Permits system available through the TCEQ website.

Effective September 1, 2018, applicants seeking coverage under a LREW must submit an application for a LREW using the online e-Permits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

## 4. Activities Extending Beyond the LREW Period

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

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

## Section H. Alternative TPDES Permit Coverage

### 1. Individual Permit Alternative

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

### 2. Alternative Authorizations for Certain Discharges

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

### 3. Individual Permit Required

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

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

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

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

### 4. Alternative Discharge Authorization

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

## Section I. Permit Expiration

1. This general permit is effective for a term not to exceed five (5) years. All active discharge authorizations expire on the date provided on page one (1) of this permit. Following public notice and comment, as provided by 30 TAC §205.3 (relating to Public Notice, Public Meetings, and Public Comment), the commission may amend,

revoke, cancel, or renew this general permit. All authorizations that are active at the time the permit term expires will be administratively continued as indicated in Part II.I.2 below and in Part II.D.1(b) and D.2(b) of this permit.

2. If the executive director publishes a notice of the intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.
3. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit. No new NOIs will be accepted nor new authorizations honored under the general permit after the expiration date.

### Part III. Stormwater Pollution Prevention Plans (SWP3)

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

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

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

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

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

The SWP3 is intended to serve as a road map for how the construction operator will comply with the effluent limits and other conditions of this permit and does not establish the effluent **limits that apply to the construction site's discharges**. These limits are established in Part III.G of the permit.

## Section A. Shared SWP3 Development

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

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

## Section B. Responsibilities of Operators

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

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

  - (a) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;
  - (b) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;
  - (c) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMPs as necessary to remain compliant with the conditions of this general permit; and
  - (d) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If a primary operator has not been authorized or has abandoned the site, the secondary operator is considered to be the responsible party and must obtain authorization

as a primary operator under the permit, until the authority for day-to-day operational control is transferred to another primary operator. The new primary operator must update or develop a new SWP3 that will reflect the transfer of operational control and include any additional updates to the SWP3 to meet requirements of the permit.

## 2. Primary Operators with Day-to-Day Operational Control

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

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

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

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

## Section D. Plan Review and Making Plans Available

1. The SWP3 must be retained on-site at the construction site or, if the site is inactive or does not have an on-site location to store the plan, a notice must be posted describing the location of the SWP3. The SWP3 must be made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site. If the SWP3 is retained off-site, then it shall be made available as soon as reasonably possible. In most instances, it is reasonable that the SWP3 shall be made available within 24 hours of the request.
2. Operators with authorization for construction activity under this general permit must post a TCEQ site notice at the construction site at a place readily available for viewing by the general public, and local, state, and federal authorities.
  - (a) Primary and secondary operators of large construction activities must each post a TCEQ construction site notice, respective to their role as an operator at the construction site, as required above and according to requirements in Part II.E.3 of this general permit.
  - (b) Primary and secondary operators of small construction activities must post the TCEQ site notice as required in Part III.D.2.(a) above and for the specific type of small construction described in Part II.E.1 and 2 of the permit.
  - (c) If the construction project is a linear construction project, such as a pipeline or highway, the notices must be placed in a publicly accessible location near where construction is actively underway. Site notices for small and large construction

activities at these linear construction sites may be located, as necessary, along the length of the project, but must still be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:

- i. the site-specific TPDES authorization number for the project if assigned;
  - ii. the operator name, contact name, and contact phone number;
  - iii. a brief description of the project; and
  - iv. the location of the SWP3.
3. This permit does not provide the general public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the general public access to a construction site.

#### Section E. Revisions and Updates to SWP3s

The permittee must revise or update the SWP3 within seven days of when any of the following occurs:

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

#### Section F. Contents of SWP3

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

1. A site or project description, which includes the following information:
  - (a) a description of the nature of the construction activity;
  - (b) a list of potential pollutants and their sources;
  - (c) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities;
  - (d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including areas where construction support activities (defined in Part I.B of this general permit) occur;
  - (e) data describing the soil or the quality of any discharge from the site;
  - (f) a map showing the general location of the site (e.g. a portion of a city or county map);
  - (g) a detailed site map (or maps) indicating the following:

- i. drainage patterns and approximate slopes anticipated after major grading activities;
- ii. areas where soil disturbance will occur;
- iii. locations of all controls and buffers, either planned or in place;
- iv. locations where temporary or permanent stabilization practices are expected to be used;
- v. locations of construction support activities, including those located off-site;
- vi. surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicate whether those waters are impaired;
- vii. locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
- viii. vehicle wash areas; and
- ix. designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).

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

- (h) the location and description of support activities authorized under the **permittee's NOI, including asphalt plants, concrete plants, and other activities** providing support to the construction site that is authorized under this general permit;
  - (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;
  - (j) a copy of this TPDES general permit;
  - (k) the NOI and the acknowledgement of provisional and non-provisional authorization for primary operators of large construction sites, and the site notice for small construction sites and for secondary operators of large construction sites;
  - (l) stormwater and allowable non-stormwater discharge locations, including storm drain inlets on site and in the immediate vicinity of the construction site where construction support activities will occur; and
  - (m) locations of all pollutant-generating activities at the construction site and where construction support activities will occur, such as the following: Paving operations; concrete, paint and stucco washout and water disposal; solid waste storage and disposal; and dewatering operations.
2. A description of the BMPs that will be used to minimize pollution in runoff.

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

- (a) General Requirements
  - i. Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.
  - ii. Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications.

- iii. Controls must be developed to minimize the offsite transport of litter, construction debris, and construction materials.

(b) Erosion Control and Stabilization Practices

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

- i. Erosion control and stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.
- ii. The following records must be maintained and either attached to or referenced in the SWP3, and made readily available upon request to the parties listed in Part III.D.1 of this general permit:
  - (A) the dates when major grading activities occur;
  - (B) the dates when construction activities temporarily or permanently cease on a portion of the site; and
  - (C) the dates when stabilization measures are initiated.
- iii. Erosion control and stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days. Stabilization measures that provide a protective cover must be initiated immediately in portions of the site where construction activities have permanently ceased. **The term “immediately” is used to define the deadline for initiating stabilization measures. In the context of this requirement, “immediately” means** as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Except as provided in (A) through (D) below, these measures must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures:
  - (A) Where the immediate initiation of vegetative stabilization measures after construction activity has temporarily or permanently ceased due to frozen conditions, non-vegetative controls must be implemented until thawing conditions (as defined in Part I.B of this general permit) are present, and vegetative stabilization measures can be initiated as soon as practicable.
  - (B) In arid areas, semi-arid areas, or drought-stricken areas, as they are defined in Part I.B of this general permit, where the immediate initiation of vegetative stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, other types of erosion control and stabilization measures must be initiated at the site as soon as practicable. Where vegetative controls are infeasible due to arid conditions, and within 14 calendar days of a temporary or permanent cessation of construction activity in any portion of the site, the operator shall immediately install non-

vegetative erosion controls in areas of the construction site where construction activity is complete or has ceased. If non-vegetative controls are infeasible, the operator shall install temporary sediment controls as required in Part III.F.2.(b).iii.(C) below.

- (C) In areas where non-vegetative controls are infeasible, the operator may alternatively utilize temporary perimeter controls. The operator must document in the SWP3 the reason why stabilization measures are not feasible, and must demonstrate that the perimeter controls will retain sediment on site to the extent practicable. The operator must continue to inspect the BMPs at the frequencies established in Part III.F.7.(c) for unstabilized sites.
- (D) The requirement for permittees to initiate stabilization is triggered as soon as it is known with reasonable certainty that construction activity at the site or in certain areas of the site will be stopped for 14 or more additional calendar days. If the initiation or completion of vegetative stabilization is prevented by circumstances beyond the control of the permittee, the permittee must employ and implement alternative stabilization measures immediately. When conditions at the site changes that would allow for vegetative stabilization, then the permittee must initiate or complete vegetative stabilization as soon as practicable.

- iv. Final stabilization must be achieved prior to termination of permit coverage.
- v. TCEQ does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left un-vegetated or un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

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

i. Sites With Drainage Areas of Ten or More Acres

(A) Sedimentation Basin(s)

- (1) A sedimentation basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone permanent stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations shall be included in the SWP3.
- (2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.



- (a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and the generation of dust. The SWP3 shall include a description of controls utilized to accomplish this requirement.
  - (b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.
  - (c) The SWP3 must include a description of potential pollutant sources in discharges of stormwater from all areas of the construction site where construction activity, including construction support activities, will be located, and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
  - (d) Permittees shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.
  - (e) Permittees shall design and utilize appropriate controls to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.
  - (f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part III.G of this general permit.
  - (g) For demolition of any structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980, and the receiving waterbody is impaired for polychlorinated biphenyls (PCBs):
    - i. Implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures to precipitation and to stormwater; and
    - ii. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.
5. Documentation of Compliance with Approved State and Local Plans
- (a) Permittees must ensure that the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
  - (b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for which the permittee receives written notice.
  - (c) If the permittee is required to prepare a separate management plan, including but not limited to a WPAP or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.
6. Maintenance Requirements
- (a) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, as soon as the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness

of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

- (b) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator shall replace or modify the control as soon as practicable after making the discovery.
- (c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.
- (d) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee shall work with the owner or operator of the property to remove the sediment.

## 7. Inspections of Controls

- (a) Personnel provided by the permittee must inspect disturbed areas (cleared, graded, or excavated) of the construction site that do not meet the requirements of final stabilization in this general permit, all locations where stabilization measures have been implemented, areas of construction support activity covered under this permit, stormwater controls (including pollution prevention controls) for evidence of, or the potential for, the discharge of pollutants, areas where stormwater typically flows within the construction site, and points of discharge from the construction site.
  - i. Personnel conducting these inspections must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site.
  - ii. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC §305.128.
- (b) Requirements for Inspections
  - i. Inspect all stormwater controls (including sediment and erosion control measures identified in the SWP3) to ensure that they are installed properly, appear to be operational, and minimizing pollutants in discharges, as intended.
  - ii. Identify locations on the construction site where new or modified stormwater controls are necessary.
  - iii. Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.
  - iv. Identify any incidents of noncompliance observed during the inspection.
  - v. Inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
  - vi. If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or

suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).

- vii. Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in Part III.F.6 above.

(c) Inspection frequencies:

- i. Inspections of construction sites must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, unless as otherwise provided below in Part III.F.7.(c).ii – v below.
- ii. Inspection frequencies must be conducted at least once every month in areas of the construction site that meet final stabilization or have been temporarily stabilized.
- iii. Inspection frequencies for construction sites, where runoff is unlikely due to the occurrence of frozen conditions at the site, must be conducted at least once every month until thawing conditions begin to occur (See definitions for thawing conditions in Part I.B). The SWP3 must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those conditions persisted, instead of at the interval of once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- iv. In arid, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of when drought conditions occurred at the site, which resulted in inspections being conducted monthly, while those conditions persisted, instead of at the interval of once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- v. As an alternative to the inspection schedule in Part III.F.7.(c).i above, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection.
- vi. The inspection procedures described in Part III.F.7.(c).i. – v above can be performed at the frequencies and under the applicable conditions indicated for each schedule option, provided that the SWP3 reflects the current schedule and that any changes to the schedule are made in accordance with the following provisions: the inspection frequency schedule can only be changed a maximum of one time each month; the schedule change must be implemented at the beginning of a calendar month; and the reason for the **schedule change documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).**

(d) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.7.(a) above.

- i. Inspection of linear construction sites could require the use of vehicles that could compromise areas of temporary or permanent stabilization, cause

additional disturbance of soils, and result in the increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, but representative inspections may be performed.

- ii. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.7.(a) above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

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

- iii. The SWP3 for a linear construction site must reflect the current inspection schedule. Any changes to the inspection schedule must be made in accordance with the following provisions:
  - (A) the schedule may be changed a maximum of one time each month;
  - (B) the schedule change must be implemented at the beginning of a calendar month, and
  - (C) the reason for the schedule change must be documented in the SWP3 (**e.g., end of “dry” season and beginning of “wet” season**).
- (e) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.
- (f) Inspection Reports
  - i. A report summarizing the scope of any inspection must be completed within 24-hours following the inspection. The report must also include the date(s) of the inspection and major observations relating to the implementation of the SWP3. Major observations in the report must include: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
  - ii. Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
  - iii. The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.
- (g) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed

within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

8. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge, as listed in Part II.A.3 of this permit.
9. The SWP3 must include the information required in Part III.B of this general permit.
10. The SWP3 must include pollution prevention procedures that comply with Part III.G.4 of this general permit.

### Section G. Erosion and Sediment Control Requirements Applicable to All Sites

Except as provided in 40 CFR §§125.30-125.32, any discharge regulated under this general permit, with the exception of sites that obtained waivers based on low rainfall erosivity, must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

1. *Erosion and sediment controls.* Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:
  - (a) Control stormwater volume and velocity within the site to minimize soil erosion in order to minimize pollutant discharges;
  - (b) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge point(s);
  - (c) Minimize the amount of soil exposed during construction activity;
  - (d) Minimize the disturbance of steep slopes;
  - (e) Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
  - (f) If earth disturbance activities are located in close proximity to a surface water in the state, provide and maintain appropriate natural buffers if feasible and as necessary, around surface water in the state, depending on site-specific topography, sensitivity, and proximity to water bodies. Direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible. If providing buffers is infeasible, the permittee shall document the reason that natural buffers are infeasible and shall implement additional erosion and sediment controls to reduce sediment load;
  - (g) Preserve native topsoil at the site, unless the intended function of a specific area of the site dictates that the topsoil be disturbed or removed, or it is infeasible; and
  - (h) Minimize soil compaction. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, either:
    - i. restrict vehicle and equipment use to avoid soil compaction; or

- ii. prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible;

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

- (i) TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute “**surface water**” for the purposes of triggering the buffer requirement in Part III.G.1.(f) above.
2. *Soil stabilization.* Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. **In the context of this requirement, “immediately” means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.** Temporary stabilization must be completed no more than 14 calendar days after initiation of soil stabilization measures, and **final stabilization must be achieved prior to termination of permit coverage.** In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative non-vegetative stabilization measures must be employed as soon as practicable. Refer to Part III.F.2.(b) for complete erosion control and stabilization practice requirements. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
  3. *Dewatering.* Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls.
  4. *Pollution prevention measures.* Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
    - (a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
    - (b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater;
    - (c) Minimize the exposure of waste materials by closing waste container lids at the end of the work day. For waste containers that do not have lids, where the container itself is not sufficiently secure enough to prevent the discharge of pollutants absent a cover and could leak, the permittee must provide either a cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment); and
    - (d) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.
  5. *Prohibited discharges.* The following discharges are prohibited:

- (a) Wastewater from wash out of concrete, unless managed by an appropriate control;
  - (b) Wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - (c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - (d) Soaps or solvents used in vehicle and equipment washing; and
  - (e) Toxic or hazardous substances from a spill or other release.
6. *Surface outlets.* When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

Part IV. Stormwater Runoff from Concrete Batch Plants

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

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

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

Section A. Benchmark Sampling Requirements

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

Table 1. Benchmark Parameters

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

(\*1) All analytical results for these parameters must be obtained from a laboratory that is accredited based on rules located in 30 TAC §25.4 (a) or through the National Environmental Laboratory Accreditation Program (NELAP). Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(1)(iv).

- (\*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- (\*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March

April through June

July through September

October through December

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

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

**The operator's investigation** must identify the following:

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

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

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

Minimum SWP3 Requirements – The following are required in addition to other SWP3 requirements listed in this general permit, which include, but are not limited to the applicable requirements located in Part III.F.7 of this general permit, as follows:

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

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

- (a) Drainage – The site map must include the following information:
    - i. the location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
    - ii. a depiction of the drainage area and the direction of flow to the outfall(s);
    - iii. structural controls used within the drainage area(s);
    - iv. the locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
    - v. the locations of the following: any bag house or other dust control device(s); recycle/sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
  - (b) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
  - (c) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated as needed.
  - (d) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.
2. Measures and Controls - The SWP3 must include a description of management **controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part IV.B.1 of this permit**, and a schedule for implementation of the measures and controls. This must include, at a minimum:

- (a) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.
  - i. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.
  - ii. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
- (b) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
- (c) Inspections - Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC §305.128. Inspections of facilities in operation must be performed once every seven days. Inspections of facilities that are not in operation must be performed at a minimum of once per month. The current inspection frequency being implemented at the facility must be recorded in the SWP3. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.
- (d) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.
- (e) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.
- (f) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

3. Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following.
  - (a) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include, but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of **this permit and with the permittee’s SWP3**. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
  - (b) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part IV.B.1, **“Description of Potential Pollutant Sources”**); and pollution prevention measures and controls identified in the SWP3 (as required in Part IV.B.2, **“Measures and Controls”**). **The revisions may include a schedule for implementing the necessary changes.**
  - (c) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC §305.128, relating to Signatories to Reports.
  - (d) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part IV.B.2.(c) of this general permit.

### Section C. Prohibition of Wastewater Discharges

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

### Part V. Concrete Truck Wash Out Requirements

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

- A. Discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
- B. Concrete truck wash out water shall be disposed in areas at the construction site where structural controls have been established to prevent discharge to surface water

in the state, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent discharge to surface water in the state. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

- C. Wash out of concrete trucks during rainfall events shall be minimized. The discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck wash out as the result of rainfall or stormwater runoff.
- D. The disposal of wash out water from concrete trucks, made under authorization of this general permit must not cause or contribute to groundwater contamination.
- E. If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated site map.

#### Part VI. Retention of Records

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

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

#### Part VII. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued (CWA and TWC), and is grounds for enforcement action, for terminating, revoking and reissuance, or modification, or denying coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit, based on rules located in TWC §23.086, 30 TAC §305.66 and 40 CFR §122.41 (a).
- B. Authorization under this general permit may be modified, suspended, revoked and reissued, terminated or otherwise suspended for cause, based on rules located in TWC §23.086, 30 TAC §305.66 and 40 CFR §122.41(f). Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for modifying, revoking and reissuing, terminating or, otherwise suspending authorization under this permit, based on rules located in TWC §23.086, 30 TAC §305.66 and 40 CFR §122.41 (h). Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.
- C. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.

- D. Inspection and entry shall be allowed under TWC Chapters 26-28, Texas Health and Safety Code §§361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC §26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- E. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:
1. negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA §402, or any requirement imposed in a pretreatment program approved under CWA §§402(a)(3) or 402(b)(8);
  2. knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
  3. knowingly violating CWA §303 and placing another person in imminent danger of death or serious bodily injury.
- F. All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
- G. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- H. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- I. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- J. The permittee shall comply with the monitoring and reporting requirements in 40 CFR §122.41(j) and (l), as applicable.
- K. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(1)(iv).

#### Part VIII. Fees

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

- D. Effective September 1, 2018, applicants seeking coverage under an NOI or LREW must submit their application using the online e-Permits system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

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

Andrews: Nov. 15 - Apr. 30	Ector: Nov. 15 - Apr. 30
Archer: Dec. 15 - Feb. 14	Edwards: Dec. 15 - Feb. 14
Armstrong: Nov. 15 - Apr. 30	El Paso: Jan. 1 - Jul. 14, or May 15 - Jul. 31, or Jun. 1 - Aug. 14, or Jun. 15 - Sept. 14, or Jul. 1 - Oct. 14, or Jul. 15 - Oct. 31, or Aug. 1 - Apr. 30, or Aug. 15 - May 14, or Sept. 1 - May 30, or Oct. 1 - Jun. 14, or Nov. 1 - Jun. 30, or Nov. 15 - Jul. 14
Bailey: Nov. 1 - Apr. 30, or Nov. 15 - May 14	Fisher: Dec. 15 - Feb. 14
Baylor: Dec. 15 - Feb. 14	Floyd: Nov. 15 - Apr. 30
Borden: Nov. 15 - Apr. 30	Foard: Dec. 15 - Feb. 14
Brewster: Nov. 15 - Apr. 30	Gaines: Nov. 15 - Apr. 30
Briscoe: Nov. 15 - Apr. 30	Garza: Nov. 15 - Apr. 30
Brown: Dec. 15 - Feb. 14	Glasscock: Nov. 15 - Apr. 30
Callahan: Dec. 15 - Feb. 14	Hale: Nov. 15 - Apr. 30
Carson: Nov. 15 - Apr. 30	Hall: Feb. 1 - Mar. 30
Castro: Nov. 15 - Apr. 30	Hansford: Nov. 15 - Apr. 30
Childress: Dec. 15 - Feb. 14	Hardeman: Dec. 15 - Feb. 14
Cochran: Nov. 1 - Apr. 30, or Nov. 15 - May 14	Hartley: Nov. 15 - Apr. 30
Coke: Dec. 15 - Feb. 14	Haskell: Dec. 15 - Feb. 14
Coleman: Dec. 15 - Feb. 14	Hockley: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Collingsworth: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28	Howard: Nov. 15 - Apr. 30
Concho: Dec. 15 - Feb. 14	Hudspeth: Nov. 1 - May 14
Cottle: Dec. 15 - Feb. 14	Hutchinson: Nov. 15 - Apr. 30
Crane: Nov. 15 - Apr. 30	Irion: Dec. 15 - Feb. 14
Crockett: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30	Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14
Crosby: Nov. 15 - Apr. 30	Jones: Dec. 15 - Feb. 14
Culberson: Nov. 1 - May 14	Kent: Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30
Dallam: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30	Kerr: Dec. 15 - Feb. 14
Dawson: Nov. 15 - Apr. 30	Kimble: Dec. 15 - Feb. 14
Deaf Smith: Nov. 15 - Apr. 30	King: Dec. 15 - Feb. 14
Dickens: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30	Kinney: Dec. 15 - Feb. 14
Dimmit: Dec. 15 - Feb. 14	Knox: Dec. 15 - Feb. 14
Donley: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28	Lamb: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Eastland: Dec. 15 - Feb. 14	

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

Lubbock: Nov. 15 - Apr. 30

Lynn: Nov. 15 - Apr. 30

Martin: Nov. 15 - Apr. 30

Mason: Dec. 15 - Feb. 14

Maverick: Dec. 15 - Feb. 14

McCulloch: Dec. 15 - Feb. 14

Menard: Dec. 15 - Feb. 14

Midland: Nov. 15 - Apr. 30

Mitchell: Nov. 15 - Apr. 30

Moore: Nov. 15 - Apr. 30

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

Nolan: Dec. 15 - Feb. 14

Oldham: Nov. 15 - Apr. 30

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

Pecos: Nov. 15 - Apr. 30

Potter: Nov. 15 - Apr. 30

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

Randall: Nov. 15 - Apr. 30

Reagan: Nov. 15 - Apr. 30

Real: Dec. 15 - Feb. 14

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

Runnels: Dec. 15 - Feb. 14

Schleicher: Dec. 15 - Feb. 14

Scurry: Nov. 15 - Apr. 30

Shackelford: Dec. 15 - Feb. 14

Sherman: Nov. 15 - Apr. 30

Stephens: Dec. 15 - Feb. 14

Sterling: Nov. 15 - Apr. 30

Stonewall: Dec. 15 - Feb. 14

Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30

Taylor: Dec. 15 - Feb. 14

Terrell: Nov. 15 - Apr. 30

Terry: Nov. 15 - Apr. 30

Throckmorton: Dec. 15 - Feb. 14

Tom Green: Dec. 15 - Feb. 14

Upton: Nov. 15 - Apr. 30

Uvalde: Dec. 15 - Feb. 14

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

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

Wichita: Dec. 15 - Feb. 14

Wilbarger: Dec. 15 - Feb. 14

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

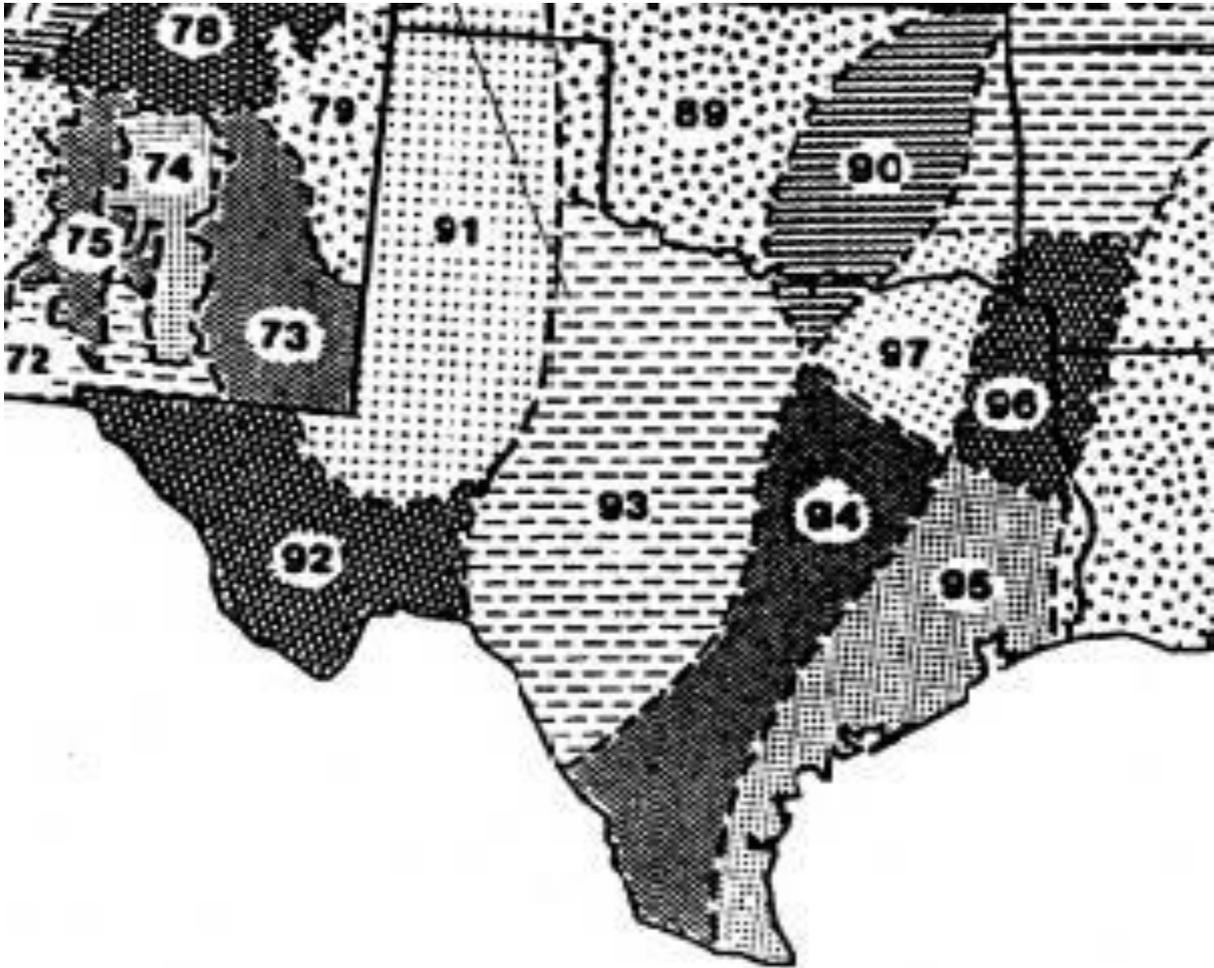
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Young: Dec. 15 - Feb. 14

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

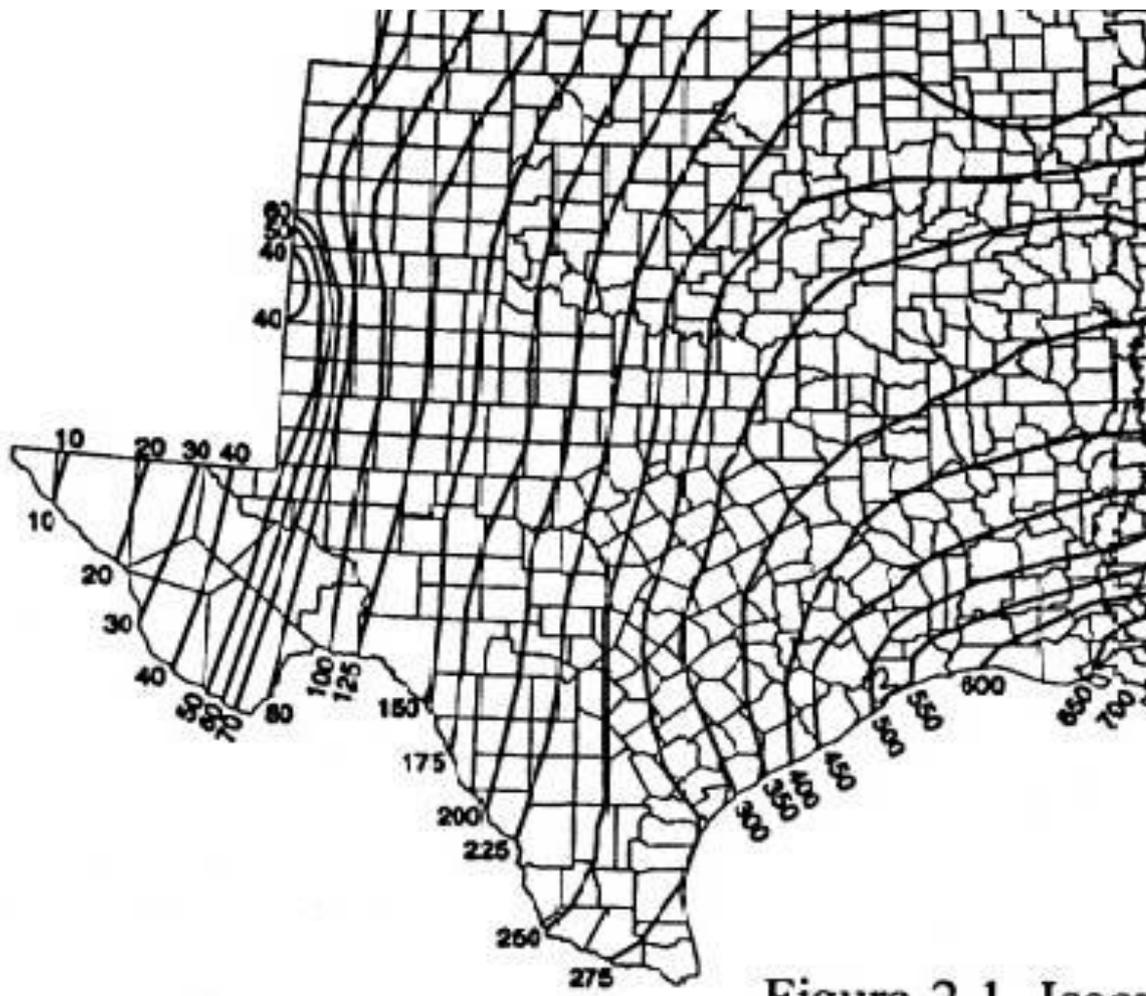
Zavala: Dec. 15 - Feb. 14

Appendix B: Erosivity Index (EI) Zones in Texas



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

Appendix C: Isoerodent Map



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

Appendix D: Erosivity Indices for EI Zones in Texas

**Periods:**

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

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

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

**Project Name**  
**Example Storm Water Pollution Prevention Plan**  
**For Small Construction Sites**

**Corpus Christi, Texas**

Prepared for:  
**Company Name**  
**Address**  
**Contact Info**

Prepared by:  
**Employee or Consultant Name**  
**Address**  
**Contact Info**

Date Created:  
**10/8/06**

# Table of Contents

1. Permit Applicability and Background .....	3
1.1    PURPOSE .....	3
1.2    BACKGROUND .....	3
1.3    ALLOWABLE NON-STORMWATER DISCHARGES .....	4
1.4    SENSITIVE WATERS AND INDIAN COUNTRY LANDS .....	4
2. General Requirements.....	5
2.1    DEADLINES .....	5
2.2    INCORPORATION OF OTHER PLANS.....	5
2.3    PLAN ADMINISTRATION .....	5
2.4    OTHER PARTIES .....	5
2.5    SWPPP UPDATES.....	6
3. Specific Requirements .....	7
3.1    SITE DESCRIPTION .....	7
3.2    GENERAL AREA MAP .....	9
3.3    DETAILED SITE MAP.....	10
3.4    EROSION AND SEDIMENT CONTROL BMPS.....	12
3.5    OTHER CONSTRUCTION ACTIVITY BMPS.....	13
3.6    STABILIZATION PRACTICES.....	14
3.7    PERMANENT AND OTHER STORMWATER CONTROLS.....	14
3.8    APPROVED STATE AND LOCAL PLANS .....	14
3.9    INSPECTION AND MAINTENANCE .....	14
APPENDIX A.....	16
APPENDIX B.....	17
APPENDIX C.....	18
APPENDIX D.....	19
APPENDIX E .....	20

# 1. Permit Applicability and Background

## 1.1 PURPOSE

This Stormwater Pollution Prevention Plan (SWPPP) was prepared to comply with Texas Pollutant Discharge Elimination System (TPDES) permit as defined in the Construction General Permit TXR 150000 Part III Section F. The purpose of this SWPPP is to:

1. Identify potential pollutants that are reasonably expected to affect the quality of stormwater discharges from the construction site, including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used solely by the permitted project;
2. Describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of the Permit.

Implementation of the components of this SWPPP is required as a condition of compliance with the General Permit, a copy of which is attached in Appendix A. The Texas Commission on Environmental Quality (TCEQ) has been granted authority to administer the TPDES program and is therefore the regulatory authority overseeing the implementation of this SWPPP.

## 1.2 BACKGROUND

The TPDES General Permit TXR150000 has a 5-year permit term from the effective date of March 5, 2003 and is required for all projects that will disturb more than 5 acres of total area, or are part of a larger common plan that will disturb more than 5 acres. A Notice of Intent, a copy of which is included in Appendix B, was submitted to the State on **Date of Submittal**.

Following public notice and comment, as provided by 30 TAC § 205.3 (relating to Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit. If the TCEQ publishes a notice of its intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized, discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.

The General Permit authorizes the discharge of stormwater from construction activities until the Permit's expiration date. The General Permit also authorizes the discharge of stormwater from offsite support activities, provided that certain activities are met as outlined in the General Permit (Part II A. 2.). The General Permit also authorizes certain non-stormwater discharges, provided conditions contained in the Permit (Part II A. 3.).

Upon final stabilization of the last lot to be built by the operator in the applicable subdivision, a Notice of Termination (NOT) will be submitted to the TCEQ. Coverage under the General Permit will be deemed terminated 2 days after submittal of the NOT, a copy of which is in Appendix B. The Operator will retain this SWPPP, including all Appendices and Inspection Reports, for a period of no less than 3 years from the date of submission of the NOT.

### 1.3 ALLOWABLE NON-STORMWATER DISCHARGES

The following non-stormwater discharges sites authorized under the General Permit are also authorized under the General Permit:

- (a) discharges from fire fighting activities;
- (b) fire hydrant flushings;
- (c) vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, an dust;
- (d) water used to control dust;
- (e) potable water sources including waterline flushings;
- (f) air conditioning condensate;
- (g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents;
- (h) any discharge authorized under a separate NPDES, TPDES, or TCEQ permit may be combined with discharges authorized under the General Permit.

### 1.4 SENSITIVE WATERS AND INDIAN COUNTRY LANDS

There are no discharges of stormwater from this site to impaired waters as listed in the most recent Clean Water Act Section 303d list of impaired water bodies found at:

[http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/wqm/305\\_303.html](http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/wqm/305_303.html). No construction activities will occur on Indian Country lands, nor shall any discharges enter Indian Country lands.

## 2. General Requirements

### 2.1 DEADLINES

The SWPPP provides for compliance with the terms and schedule of the General Permit beginning with the initiation of construction activities and following through to the completion of construction activities and final stabilization.

Additional and supporting deadlines for the General Permit provide for the authorization to discharge stormwater from this construction site.

### 2.2 INCORPORATION OF OTHER PLANS

The requirements of the General Permit are satisfied by incorporating by reference other plans developed for this construction activity. Supporting signatures of responsible parties for any shared plans shall be made in accordance with 30 TAC § 305.44 and shall be included in Appendix C.

### 2.3 PLAN ADMINISTRATION

The SWPPP preparer is: **Name of person or position, Company, phone number** a list of qualifications for the SWPPP preparer is included in Appendix D

The Operator for this site is: **Name of Company**

The person responsible for day-to-day operations at the site is: **Name of person or position with phone number**

The person responsible for conducting BMP inspections on this site is: **Name of person, position, or company with phone number** a list of qualifications for the person conducting BMP inspections on this site is included in Appendix D.

The SWPPP has been prepared in accordance with the General Permit requirements. Copies of the SWPPP will be kept on-site and be made available to State, Federal, local or other agencies having authority upon request. The SWPPP will also be available to all operators identified as having responsibilities to carry out provisions contained in the SWPPP.

### 2.4 OTHER PARTIES

The following is a list of control measures and BMPs that have been, or will be, installed, maintained and inspected by another party. The signature from the other party is in accordance with 30 TAC § 305.44 and shall be included in Appendix C.

BMP	Location	Signature

## 2.5 SWPPP UPDATES

The SWPPP will be amended whenever there is a change in design, construction, operation or maintenance of the construction site that has a significant effect on the potential for the discharge of pollutants to surface waters and that has not been addressed in the normal implementation of the SWPPP. The SWPPP will also be updated whenever it is found to be ineffective in meeting the requirements of the General Permit. In the event a State, Federal, local or other agency, or the BMP inspector notifies the Permittee that the SWPPP or individual BMPs does not meet one or more of the provisions of the General Permit, within a period of seven days the Permittee will make the required changes to the SWPPP or individual BMPs.

### 3. Specific Requirements

#### 3.1 SITE DESCRIPTION

Type of Construction Activity: Residential Single Family

**List of potential pollutants:**

Potential Pollutant:	Source
Paint	Painting activities
Concrete Wastes	Pouring activities
Wood Debris	
Insulation Debris	
Roofing Debris	
Grout and Mortar Compound	
Sealants	
Human wastes	Port-o-potty
Sediment	Exposed soils

**Construction schedule of events:**

Activity	Begin Date	End Date	Description
Utility Connections	April 2006	May 2006	Connect household sewer, drinking water, and electricity
Foundation	May 2006	July 2006	Excavate/fill foundation area, build form boards, pour concrete, finish concrete
Framing	July 2006	August 2006	Create house frame using wood products

Total area disturbed: 0.25 acres

Soil types: general description of primary soil type, i.e. sandy loam/silt/clay

No asphalt or concrete plants supporting this site are authorized under this permit.

Receiving water bodies: Oso Creek

## 3.2 GENERAL AREA MAP

Attach Copy of General Area Map

### 3.3 DETAILED SITE MAP

Attach Copy of Detailed Site Map Showing  
Drainage Patterns  
Areas of Disturbance  
Locations of Erosion and Sediment Controls  
Location of Stabilization Practices  
Adjacent Surface Waters



1. Install and maintain silt fence to prevent run-on and run-off of sedimentation. Silt fence is inspected and maintained to stay effective.
2. Construction entry location, gravel or small stone to prevent tracking off site. Located as high as possible on the slope to reduce run-on and run-off.
3. Portable restroom placed over ground, not driveway or street.
4. Construction waste collection area. All construction waste will be cleaned up from site daily, and removed as containment area becomes full.
5. Storm drain inlet covers cleaned and maintained as needed.
6. Exposed soils will be stabilized as soon as possible to prevent sedimentation.

### 3.4 EROSION AND SEDIMENT CONTROL BMPS

(print additional pages if necessary)

BMP	Installation Date	Description	Removal Date
Silt Fence	Before construction begins	Silt fence will be installed in accordance with NCTCOG iSWM guidelines in locations necessary to prevent sedimentation as noted in the detailed site map	No more than 48 hours prior to final stabilization
Curlex, other rolled erosion control product	Before construction begins	Curlex, or a similar rolled erosion control product will be placed over exposed soils on the perimeter of the site to prevent erosion	No more than 48 hours prior to final stabilization
Final Stabilization/Sodding	Within 48 hours after construction activities cease	Final stabilization of the site will consist of placing sod on all exposed soil areas. Any temporary control measures (silt fence, curlex, etc...) will be removed prior to sodding.	None
Construction Entrance	Before construction begins	A gravel construction entrance will be placed on site to prevent off site tracking by delivery vehicles	No more than 48 hours prior to final stabilization
Other? (List)			

### 3.5 OTHER CONSTRUCTION ACTIVITY BMPS

(print additional pages if necessary)

BMP	Installation Date	Description	Removal Date
Sanitary Facilities/Port-o-Potty	No later than day of activity beginning	Sanitary facilities (port-o-potties) will be placed on grassed areas, or over bare soil to prevent leakage onto impervious surfaces and entering the storm drain system	Last day of activities
Concrete Washout Areas	At least 48 hours prior to concrete delivery	If no concrete washout areas are provided for the entire subdivision, an area of the lot will be created and designed in accordance with NCTCOG iSWM guidelines	Within 48 hours after last concrete delivery
Onsite Debris and Waste Management	Before construction begins	A location on the lot will be identified for waste and construction debris storage until it has been removed for disposal in accordance with NCTCOG iSWM guidelines. Constructions wastes will be cleaned up daily. No solid materials will be discharged to surface waters.	Within 48 hours after construction activities cease
Chemical Management	Before any chemicals are used on site	Chemicals used on site, including paints/solvents/sealants etc..., are kept in small quantities and stored in closed containers under cover and kept out of direct contact with stormwater. Any spills will be cleaned up immediately, and the waste disposed of according to Federal, State and local regulations.	
Onsite Construction Material Storage		Construction materials stored on site will be covered, when applicable, or otherwise stored in a manner to reduce the possibility of a pollutant escaping the site	
Other? (List)			

### 3.6 STABILIZATION PRACTICES

Site stabilization will consist of: sodding, mulching exposed soils; preserving existing trees and vegetation

Dates of major grading under this permit:

Begin \_\_\_\_\_ End \_\_\_\_\_

Begin \_\_\_\_\_ End \_\_\_\_\_

Dates of temporary or permanent stoppage of construction

Temp: Stop \_\_\_\_\_ Resume \_\_\_\_\_

Permanent: \_\_\_\_\_

Date of stabilization installation: \_\_\_\_\_

### 3.7 PERMANENT AND OTHER STORMWATER CONTROLS

No permanent stormwater controls will be installed on site during construction activities covered by this SWPPP.

No asphalt or concrete batch plants will be authorized for this site under this SWPPP.

No velocity dissipating devices will be installed on this site during the activities covered by this SWPPP.

### 3.8 APPROVED STATE AND LOCAL PLANS

This Stormwater Pollution Prevention Plan (SWPPP) was prepared to comply with Texas Pollutant Discharge Elimination System (TPDES) permit as defined in the Construction General Permit TXR 150000 Part III Section F.

Currently, there are no erosion and sediment or stormwater permits issued by the City for this site.

### 3.9 INSPECTION AND MAINTENANCE

A person qualified to assess the effectiveness and appropriateness of pollution control measures and familiar with this SWPPP will conduct regular inspections of the construction site. Inspections will include a review of all areas of soil disturbance, structural and non-structural control measures, material storage areas and vehicle access points. Inspections will be conducted (select 1) a) once every seven days (on the same day of the week every week) or b) once every fourteen days AND after every rainfall

greater than 0.5 inch. Areas that have already been stabilized, or where runoff is unlikely to be frozen or snow covered ground will be inspected on at least a monthly basis. The list of qualifications for the inspector is included in Appendix D.

Inspections are intended to identify areas where the pollutant control measures at the site are ineffective and are allowing, or could potentially allow, pollutants to enter surface waters. Receiving water will be inspected to ascertain whether control measures are effective in preventing significant impacts. Locations where vehicles enter or exit the site will be inspected for evidence of offsite sediment tracking.

If inspection results determine site conditions and/or control measures are found to have changes, the SWPPP will be updated within a period of 7 calendar days of notification. If control measures need to be modified to assure effectiveness or if additional measures are determined to be necessary, implementation will be completed prior to the next anticipated storm event or as soon as practicable.

Inspection forms are located in Appendix E.

Maintenance of the pollution control measures incorporated into this project must be maintained on a regular basis to assure effectiveness. This includes repairs to all erosion and sediment controls, including cleanout of all sediment traps and built up sediments at the intervals or conditions required. Those controls found to be ineffective during routing inspections will be repaired before the next anticipated storm event or as soon as practicable. A more detailed description of the maintenance procedures can be found in the latest edition of the NCTCOG iSWM Design Manual for Construction.

**APPENDIX A**

TCEQ Construction General Permit TXR 150000

## **APPENDIX B**

Notice of Intent, Construction Site Notice,  
Notice of Change, Notice of Termination

## **APPENDIX C**

### Other Operator Plans

## **APPENDIX D**

### Qualifications for Preparer/Inspector

## **APPENDIX E**

### Inspection Forms

## Inspection of Controls Forms

Complete this form and retain in your SWPPP every 7 days; OR, every 14 days and within 24 hours of a ½ inch rainfall event.

Inspector (name/title): \_\_\_\_\_ Location: \_\_\_\_\_

Inspection Date: \_\_\_\_\_ Day: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm

Scope of inspection: 14 Day Inspection \_\_\_\_\_ Weekly Inspection \_\_\_\_\_ Day of week normally conducted: \_\_\_\_\_  
0.5 Rainfall Event \_\_\_\_\_

Inspection Type:	On Site? (Y/N)	Areas of Concern (Describe in detail in the BMP section)
Disturbed Soil Areas		
Material Storage Areas		
Structural Controls		
Sediment & Erosion Controls		
Entrance(s) and Exit(s)		

Discharges:

Nature of discharge (silt, gravel, sand, other pollutant)	Location on-site of discharge

Best Management Practices Inspected: (make additional copies of form if needed)

BMP and Location	OK (no action required)	BMP failed (describe failure)	Required Maintenance (describe corrective actions needed)
Additional BMPs Needed			
Location	Best Management Practice		Replacing Existing BMP?

Describe all incidents of non-compliance (i.e. major discharges, BMP failures):

---



---



---



---



---



---



---



---

Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the storm water pollution prevention plan and this permit. The report must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports)

I certify that there were no incidents of non-compliance with TXR150000 permit requirements regarding stormwater protection at the location identified in this report for the day of this inspection

Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_

# **Amendments to the Concrete Batch Plants Air Quality Standard Permit**

## **Summary Document**

### **I. Executive Summary**

#### *Protectiveness*

The Texas Commission on Environmental Quality (TCEQ or commission) adopts amendments to the air quality standard permit for concrete batch plants. While the standard permit is protective of public health, the TCEQ initiates the amendments to account for the 2006 AP-42 emission factors and engine requirements as promulgated by the United States Environmental Protection Agency (EPA). The pollutants of concern at concrete batch plants are particulate matter less than or equal to 2.5 microns in diameter (PM<sub>2.5</sub>) and particulate matter less than or equal to ten microns in diameter (PM<sub>10</sub>).

On February 11, 2010, the EPA no longer allowed use of the 1997 policy that granted sources and permitting authorities to use a demonstration of compliance with the National Ambient Air Quality Standards (NAAQS) requirements for PM<sub>10</sub> as a surrogate for meeting the NAAQS requirements for PM<sub>2.5</sub>. The amendments to this standard permit include controls, which will meet the requirements for PM<sub>2.5</sub> and reference federal engine requirements. The federal engine requirements regulate hazardous air pollutants, PM, and nitrogen oxides (NO<sub>x</sub>) that engines emit at varied amounts. Based on the size of the engines used at concrete batch plants, particulate matter, volatile organic compounds, carbon monoxide, lead, nitrogen dioxide, formaldehyde, and sulfur dioxide are emitted, but not at levels of concern. On-site engine requirements are in section IV of this Summary Document, and section (6), Engines, of the standard permit.

The amendments to the standard permit will be effective for standard permits issued on or after December 21, 2012. These amendments include revisions identified since the last review of the concrete batch plant standard permit, including the addition of separate applicability, definitions, and planned maintenance, startup, and shutdown (MSS) sections, and other minor corrections or edits. The commission adds definitions of terms to avoid confusion and to improve enforceability. The amendments include the removal of references to the concrete batch plant permits by rule (PBRs) as they are no longer available for new or modified facilities. Those plants still under these PBRs would not be registering for a standard permit until there is a change in the facility that makes the facility no longer applicable to the PBR. In this case, the facility would need to apply for a different method of authorization.

### *Recordkeeping*

The amendments include new requirements for owners or operators to keep copies of material data safety sheets for all additives and other chemicals that are used and additional dust suppression records. The amendments to the standard permit also clarify and expand recordkeeping requirements for relocations, and temporary plants.

### *Public Notice*

The amendments condense the public notice section to reference the notice requirements in Title 30 Texas Administrative Code (30 TAC) Chapter 39, Public Notice. The specific sign posting requirements that the adoption deletes from the standard permit are part of the public notice requirements that 30 TAC Chapter 39 fully explains. Applicants also receive detailed public notice guidance as part of the standard permit registration process.

### *Best Available Control Technology (BACT)*

The commission made the following changes to account for BACT:

- updated production limits and control methods;
- removed fog rings as control options;
- included a new filter requirement that considers standards for PM<sub>10</sub> and PM<sub>2.5</sub>;
- increased the flow rate required for suction shroud fabric filter baghouses from 4000 actual cubic feet per minute (acfm) to 5000 acfm
- added requirements regarding warning devices and automatic shut-off devices that signal full storage silos;
- added a requirement that addresses visible emissions;
- added a distance requirement to the nearest rock crusher, concrete crusher, or hot mix asphalt plant to avoid potential cumulative emissions higher than the permit limit;
- prohibited owners or operators from using concrete additives that emit VOCs.

### *Maintenance Startup and Shutdown*

Planned maintenance activities will be authorized either under permit by rule or claimed under 30 TAC§ 116.119, De Minimis Facilities or Sources. Emissions from planned startup and shutdown activities will be authorized by this permit.

Emissions will also be generated during startup and shutdown of the facility. Startup and shutdown emissions are indistinguishable from production emissions. Although there may be minor emissions associated with startup and shutdown, particulate emission factors used to quantify production emissions are considered to have enough conservatism to include any incidental increases that may be attributed to startup and shutdown. In addition, emissions from planned startup and shutdown of combustion units should not result in any quantifiable hourly emissions change for products of combustion. Although there may be transitional and incidental spikes before units stabilize during startups (5 to 15 minutes), overall products of combustion are expected to be within hourly range limits for normal loads during production operations. In addition, owners or operators cannot use the amended standard permit in conjunction with permits for the same facility issued under 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification unless the owner or operator uses the permit for planned maintenance.

## **II. Explanation and Background of Amendments to Air Quality Standard Permit**

The amendments to the standard permit provide a preconstruction authorization that may be used for any concrete batch plant complying with the standard permit requirements and do not relieve the owner or operator from any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, TCEQ rules, or any additional state or federal regulations. The commission considered other means of permitting these plants such as creating a PBR or using a case-by-case new source review (NSR) permit. In the interest of maintaining flexibility, amending the current standard permit is the most logical course of action. The location pattern of concrete batch plants around the state follows high population density and construction. Although the plants are located throughout the state, many are along the Interstate 35 corridor. Owners or operators of large concrete batch plants sometimes also operate other facilities such as asphalt and rock crusher plants at the same site. Because of the number of authorizations that the Air Permits Division (APD) processes, it is necessary to maintain and improve the standard permit. Since October of 2011, APD processed 65 concrete batch plant standard permits. The average number of these permits over the last five years was 94 per year. In the past year, three concrete batch plants applied for a case-by-case NSR permit. In the past 5 years, there were a total of 18 concrete batch plant case-by-case NSR permits processed.

## **III. Overview of Amendments to the Air Quality Standard Permit**

The commission adopts amendments to the air quality standard permit authorizing concrete batch plants under authority of the Texas Health and Safety Code, § 382.05195, Standard Permit, and 30 TAC Chapter 116, Subchapter F, Standard Permits. The commission adopts these amendments to account for the 2006 AP-42 emission factors, to address 24-hour  $PM_{2.5}$ , annual  $PM_{2.5}$  NAAQS, and to include engine emission and operation requirements. The standard permit amendments authorize concrete batch plants, including permanent concrete batch plants, specialty concrete batch plants under

30 cubic yards per hour, and temporary concrete plants. Those facilities that cannot meet the standard permit conditions or a Concrete Batch Plants with Enhanced Controls air quality standard permit may apply for a case-by-case review of an air quality permit under 30 TAC § 116.111, General Application.

#### **IV. Permit Condition Analysis and Justification**

The amendments to this standard permit require owners or operators of concrete batch plants to comply with the updated 2006 AP-42 emission factors, maintain filter system control efficiency, keep additional records, abide by MSS requirements, discontinue the use of water fog rings for dust control, and maintain a copy of the manufacturer's specifications for suction shrouds or other pickup devices. Due to the nature of the materials used, dust control measures for capturing PM<sub>10</sub> also capture PM<sub>2.5</sub>. Concrete batch plants shall meet the applicable conditions of the standard permit.

##### *Applicability*

Section (1) of the amended standard permit outlines the applicability requirements. Subsection (A) summarizes the authorized permit conditions. Subsection (B) specifies that emission increases already prohibited by an issued NSR permit for the site cannot be authorized by this standard permit. Subsection (C) states that the owner or operator of the authorized concrete batch plant is also subject to all applicable state or federal regulations.

##### *Definitions*

Section (2) contains definitions of auxiliary tank, concrete batch plant, cohesive hard surface, dust suppressing fencing or other barrier, permanent concrete batch plant, related project segments, right-of-way of a public works project, site, specialty concrete batch plant, stationary internal combustion engine, temporary concrete batch plant, and traffic areas. The addition of a definition section presents a clear and consistent standard permit format that improves enforceability. The definition of auxiliary tank was added to clarify that petroleum product and fuel storage tanks are not applicable to the requirements in this standard permit referencing auxiliary tank. Cohesive hard surface, dust suppressing fencing or other barrier, and traffic areas are included to specify road dust control requirements. The definition of concrete batch plant is included to clarify applicability of the standard permit. The definitions of permanent, specialty, and temporary concrete batch plants are included to clearly distinguish between the types of plants as there are distinct requirements for each type. The definition of related project segments is included since it is in other terms in section (2). The definition of right-of-way of a public works project references 30 TAC § 116.20, Portable Facilities Definitions, since it is directly related to the standard permit. The definition of site in the standard permit restates the definition found in 30 TAC Chapter 122, Federal Operating Permits Program. The definition of stationary internal combustion engine is included to help clarify applicability of stationary engine requirements.

### *Administrative Requirements*

The commission adopts minor word usage changes, grammar edits, and reference updates to clarify the intent of subsection (3)(A)-(D). Subsections (3)(E) and (3)(F) clarify when owners or operators must comply with the most recent version of the concrete batch plant standard permit (CBPSP). In subsection (3)(G), owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation using subsection (8)(F), are exempt from public notice requirements in section (4) of this standard permit. Those that are exempt from public notice seeking registration should receive a final decision within 45 days of the executive director's receipt of the registration request. The standard permit effective July 10, 2003 requires certain concrete batch plants to be registered using the PBR. Since owners or operators of new plants will no longer register under obsolete PBRs, the amendment deletes the PBR references in subsection (3)(I). The commission also adds recordkeeping requirements in subsection (3)(J). These additions include: references to 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements and 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, production rates, repair and maintenance of abatement systems, material data safety sheets, road cleaning, stockpile dust suppression, warning device system tests, visible emissions observations, demonstration of compliance with the engine section, and the type of fuel used in engines. The commission removes references to 30 TAC § 101.6 and § 101.7 as these sections no longer exist. The commission also adds a requirement to document abatement equipment failure or visible emissions.

### *Public Notice*

The commission references the notice requirements in 30 TAC Chapter 39 to avoid confusion and maintain consistency. This chapter includes newspaper publication, sign posting, and other requirements. The THSC, § 382.058, Notice of and Hearing on Construction of Concrete Plant Under Permit by Rule, Standard Permit, or Exemption requires concrete batch plant standard permits to comply with 30 TAC Chapter 39.

### *General Requirements*

The amendments include applicable filter efficiency requirements that ensure PM<sub>2.5</sub> levels meet the newly promulgated federal standards.

Subsection (B) discusses filter and collection system requirements, visible emission standards, and lighting requirements. The amendments include a change to the efficiency requirements of filter systems in order to achieve BACT and specifically address PM<sub>2.5</sub>.

Subsections (C) and (D) include requirements for silo loading operations. The amendments remove outdated 30 TAC Chapter 101 references, separate the requirements into different paragraphs, and add additional descriptions to aid in enforcement. The amendments also include a more detailed description of requirements regarding automatic shut-off systems to prevent overfill of bulk storage silos.

Subsection (E) includes a reference to more information regarding dust suppressant chemicals.

The amendments to subsections (E), (F), and (G) are minor word usage, grammar edits and reference changes.

Subsection (H) prohibits visible emissions from exceeding a cumulative 30 seconds in any six-minute period. Including these visible emissions requirements should influence the use of best management practices (BMPs), such as road dust control required in the permit. Including this requirement will also provide a method for determining how well the BMPs are controlling a potential nuisance condition.

Subsection (I) indicates a 550 feet limit from the concrete batch facility to the nearest rock crusher, concrete crusher, or hot mix asphalt plant to reduce the potential for cumulative effects from both plants operating simultaneously and to be protective of the PM<sub>2.5</sub> and PM<sub>10</sub> NAAQS based on the results of the modeling. The distance requirement also helps to maintain consistency with other standard permits.

Subsection (J) states that owners or operators of sites that operate more than one concrete batch plant shall comply with site production limits because this standard permit does not prevent multiple concrete batch operations at a single site.

Subsection (K) prohibits concrete additives from emitting VOCs.

Subsection (L) lists out the references to applicable standard permit renewal, fee, contested case hearing, and public notice requirements.

Section (6) authorizes stationary compression ignition internal combustion engines and cites the potentially applicable Code of Federal Regulations (CFRs) for emission requirements. An exemption for an owner or operator of a concrete batch plant is the operation of a nonroad engine as defined in 40 CFR § 89.2, Definitions. A portable or transportable engine that remains at a single location for less than or equal to 12 consecutive months, is not considered a stationary source, and does not require authorization under 30 TAC Chapter 106, Permits by Rule, 30 TAC Chapter 116, or 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds. Requirements in this section reflect modeling assumptions about engines commonly used at concrete batch plants. Based on the review of an average of 94 concrete batch plant standard permits per year, the APD's working knowledge is that many concrete batch plants that

have engines use a diesel compression ignition internal combustion engine up to 1,000 horsepower (hp) as a source of power. Owners or operators must maintain and operate all engines according to the manufacturer's instructions.

#### *Maintenance, Startup, and Shutdown (MSS) Activities*

Section (7) of this standard permit addresses emissions from planned startup and shutdown activities from those facilities authorized by this standard permit. Startup and shutdown emissions are not distinguishable from production emissions.

Owners or operators are also required to maintain records of planned maintenance activities authorized by a PBR or with 30 TAC § 116.119, De Minimis Facilities or Sources.

#### *Additional Requirements for Temporary Concrete Plants*

The commission moves the definition for temporary concrete plant to the definitions section. In addition, the commission adopts minor word usage, grammar edits, numbering, and reference changes to clarify the intent of the requirements.

Subsection (A) includes a new production limit and subsection (B) includes an increased airflow for a suction shroud or other pickup device in order to maintain BACT.

Subsection (C) requires that the owner or operator shelter the truck loading point by an intact three-sided curtain or equivalent dust control technology.

Subsection (D) includes property line distance requirements.

The commission deletes requirements regarding the use of water fog ring equipment used for dust control, since the commission no longer considers it to be BACT. The commission adds clarification of the correct placement of the suction shroud or other pickup device. A change in the cartridge filter system requirements maintains BACT. The commission deletes a reference to 30 TAC § 111.155, since this section of Chapter 111 was repealed on June 11, 2006.

Subsection (E) provides an alternative to distance requirements. This alternative requires the facility to have dust suppressing fencing and other barriers.

Subsection (F) details conditions required for TCEQ to approve an already permitted plant to relocate. In this amendment, the commission has expanded temporary facilities to include registered facilities that are moving to a site in which any facility has been located at the site at any time during the previous two years, and the site was subject to public notice. This facility is not necessarily specific to a particular batching operation.

Subsection (G) lists the recordkeeping requirements for relocating a plant.

#### *Additional Requirements for Permanent Concrete Plants*

*Subsection (A) includes a new production limit to specify the intended production rate of a facility that owners or operators can register using this standard permit. The*

*commission changes the title from "Additional Requirements for Other Concrete Plants" to "Additional Requirements for Permanent Concrete Plants" to clarify the type of plants that the section references.*

Subsection (B) includes a new minimum actual cubic feet per minute requirement for the filter system. This change maintains BACT. Also, minor word usage, grammar edits, numbering, and reference changes clarify the intent of the requirements. The commission moves the road dust requirements for consistency.

The commission adds the requirement of having an intact three-sided curtain or equivalent dust control technology below the mixer truck- receiving funnel in subsection (C) for improved capture efficiency.

Subsection (D) includes property line distance requirements.

Subsection (E) provides an alternative to distance requirements. This alternative requires the facility to have dust suppressing fencing and other barriers.

Subsection (F) requires permanent concrete batch plants to pave roads for traffic dust control. All other areas of the permanent concrete batch plant can use the options in subsection (5)(E) of the standard permit.

#### *Additional Requirements for Specialty Concrete Batch Plants*

The amendments remove the option of using a fog ring for dust control because TCEQ no longer considers it BACT. Also, TCEQ adopts minor word usage, grammar edits, and reference changes to clarify the intent of the requirements.

### **V. Protectiveness Review**

TCEQ calculated emission rates using emission factors and methodology from the following documents: EPA AP-42 Chapter 11.12, Concrete Batching; the background document for Chapter 11.12, Concrete Batching Background Document; and EPA AP-42 Chapter 12.2.4, Aggregate Handling and Storage Piles. The commission derived the emission rate calculations from the plant production rate and the average material composition of concrete provided in Chapter 11.12. The commission estimated emissions using an average concrete production rate of 300 cubic yards per hour. The commission calculated emission rates as if the site produced emissions from all emission points at all times during operation. The commission estimated emission rate calculations for the plant stockpiles using the emission factors listed in the EPA document, Development of Emission Factors for Fugitive Dust Sources. Emission rate calculations for the engine and generator were estimated using Model Year 2000 Tier 1 EPA emission standards for engines with power greater than 560 kilowatts (751 hp). The commission calculated the emission rates as if the engine runs at all times during operation.

Site wide PM<sub>10</sub> is 37 percent of the total PM and PM<sub>2.5</sub> is 5.9 percent of total PM. This does not include emissions from engines. The commission considers all engine particulate to be PM<sub>2.5</sub>. Engine particulate is 16 percent of the total particulate. The

commission evaluated nickel since it has the highest short-term emission rate and lowest effects screening level (ESL) out of all trace metals. The permit allows a generator-set engine not to exceed 1000 hp. The fuel used in a typical generator-set is diesel. All off-road engines are required to use the same ultra-low sulfur diesel fuel (15 parts per million) as mobile transportation engines. As diesel fuel is a petroleum distillate containing hydrocarbons; TCEQ does not expect it to contain lead and expects it to contain only traces of other metals. While formaldehyde is a contaminant, the commission modeled it for engines of 1000 hp and its emissions were negligible based on modeling results. The commission does not expect these engines to be major sources of hazardous air pollutants.

TCEQ performed an air quality analysis (AQA) in support of the concrete batch plant standard permit protectiveness review. The AQA included dispersion modeling of a model concrete batch plant at two maximum hourly production levels, 30 cubic yards per hour (cu. yd/hr) and 300 cu. yd/hr. The AQA considered for the 30 cu. yd/hr plant an annual production of 262,800 cubic yards per year (cu. yd/yr) and considered for the 300 cu. yd/hr plant a daily production limit of 6,000 cubic yards per day and annual production of 2,190,000 cu. yd/yr. The emission generating facilities or activities included in the AQA are material handling operations, truck loading, stockpiles, cement silos, and an internal combustion engine to generate power for equipment at the site. The analysis represented the operating schedule of facilities or activities at the site as 24 hours per day. The air contaminants evaluated were carbon monoxide, nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>, nickel particulate, and formaldehyde.

The commission performed the AQA using the ISCST3 (version 02035) model. Modelers have been using the ISC model in permitting for more than 20 years. Developers created the model to be easy to use and to address complex atmospheric processes in a relatively simple way that all users can understand. Developers based the ISCST3 model on the Gaussian distribution equation and it is inherently conservative due to the main simplifying assumptions made in its derivation.

These assumptions are:

- Conditions are steady-state (for each hour, emissions, wind speed, and direction are constant) and the dispersion from source to receptor is effectively instantaneous;
- There is no plume history as model calculations in each hour are independent of those in other hours;
- Mass is conserved (no removal due to interaction with terrain, deposition, or chemical transformation) and is reflected at the surface; and
- Plume spread from the centerline follows a normal Gaussian distribution and only vertical and crosswind dispersion occurs. The model ignores dispersion downwind.

The commission applied the model in a screening mode to ensure predictions were conservative and applicable for any location in the state. The rationale for using ISCST3 is that the standard permit has statewide applicability. The ISCST3 model handles

surface characteristics simplistically, using either rural or urban dispersion coefficients. Using the current EPA preferred refined dispersion model, AERMOD, would have required considering site-specific characteristics. Rather than the two choices of surface characteristics for ISCST3, AERMOD would have required dozens to capture a sufficient variation across the state. With dozens of choices of surface characteristics, the reasonable worst case for all concrete batch plants across the state would be unclear. In addition, the commission used ISCST3 as a screening technique in the context of this protectiveness review, since the purpose of such techniques is to eliminate the need for more detailed modeling when those sources clearly will not cause or contribute to ambient concentrations in excess of the NAAQS.

The AQA used a polar receptor grid with 36 radials spaced every 10 degrees from true north. Each radial includes a receptor every 100 feet out to 1000 feet from the center point. To streamline the AQA, the commission used surface meteorological data from Austin and upper-air data from Victoria for the years 1983, 1984, 1986, 1987, and 1988. Since the analysis is primarily for short-term concentrations, this five-year data set would include worst-case, short-term meteorological conditions that could occur anywhere in the state. The wind directions were set at 10-degree intervals to coincide with the receptor radials. This would provide predictions along the plume centerline, which provides a conservative result.

Downwash structures were not included in the analysis since no significant structures would likely exist at these types of sites that would influence dispersion. In addition, downwash is not applicable to area sources.

The commission represented emissions from all material handling activities as a series of co-located circular area sources 100 feet in diameter at 5, 10, 15, and 20 feet high. The model assumes that all material handling emissions are well distributed throughout the site; therefore, an area source is appropriate. The modeling includes material handling activities that take place from ground level to about 20 feet in height. The circular area minimizes bias of any one wind direction or source orientation. The model represents emissions from baghouses as a single point source 40 feet high with no vertical momentum or buoyancy. The model represents emissions from engines using the commission's existing data as specified in the description of section (6) of this standard permit.

An emission rate of 1.0 pound per hour (lb/hr) predicts a generic impact for each source. Modelers used generic modeling (independent of time and space) as a first step. If the emissions easily passed the first step, the analysis was complete. The modeling was further refined for the remaining pollutants and to consider time and location of predicted high concentrations. Modelers multiplied the generic impact by each air contaminant-specific emission rate to calculate a maximum predicted concentration for each source and for all pollutants. Modelers added the maximum predicted concentration for each source together to get a total predicted concentration.

The commission performed air contaminant-specific modeling for the 24-hour PM<sub>10</sub> and PM<sub>2.5</sub>, and 1-hour NO<sub>2</sub> NAAQS demonstrations. The air contaminant-specific modeling considered the form of the applicable NAAQS, i.e. high sixth high over 5 years for PM<sub>10</sub>,

5-year average of the high first highs for PM<sub>2.5</sub> and 5-year average of the 98th percentile of the maximum 1-hour daily concentrations for NO<sub>2</sub>, including EPA's proposed PM rule published in the Federal Register 77 FR 38890.

The commission modeled NO<sub>2</sub>, using a NO<sub>2</sub>/NO<sub>x</sub> ratio of 0.5. EPA's March 1, 2011 guidance memo states, "Although well-documented data on in-stack NO<sub>2</sub>/NO<sub>x</sub> ratios is still limited for many source categories, we also feel that it would be appropriate in the absence of such source-specific in-stack data to adopt a default in-stack ratio of 0.5 as being adequately conservative in most cases and a better alternative to use than the Tier 1 full conversion." Since the maximum concentration location tends to be within 200 feet of the source and travel time of the emissions would be relatively short, there would not be sufficient time for the NO<sub>x</sub> to NO<sub>2</sub> conversion to take place. Therefore, an in-stack ratio of 0.5 is reasonable for this analysis.

The commission modeled maximum hourly emission rates for 1-hour, 3-hour, and 8-hour standards. The commission modeled 30 cu. yd/hr plant, emission rates for 24-hour standards based on maximum hourly production. For the 300 cu. yd/hr plant, the commission modeled emission rates for 24-hour standards based on maximum daily production of 6,000 cu. yd/day, which is the maximum hourly rate multiplied by (6,000/7,200), where 6,000 cu. yd/day is the daily production limit and 7,200 cu. yd/day is the theoretical maximum daily production at 300 cu. yd/hr. The commission modeled annual emission rates based on annual maximum production rates.

The AQA evaluated both rural and urban dispersion coefficients. The commission reported the higher concentration of the two options as the maximum predicted concentration. The commission selected the flat terrain option since the majority of the emissions are fugitive emissions that would closely follow the terrain.

The results of the review for all pollutants show that the standard permit is protective. The modeling and toxicology report are available to the public upon request. Contact TCEQ regarding modeling and toxicology information requests at (512)239-1250.

## **VI. Public Notice and Comment Period**

In accordance with 30 TAC § 116.603, Public Participation in Issuance of Standard Permits, the TCEQ published notice of this standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan areas: Austin; Dallas; and Houston. The date for these publications was August 27, 2012. The public comment period ran from the date of publication until October 5, 2012.

## **VII. Public Meetings**

The commission held a public meeting on October 3, 2012, 10:00 a.m., at TCEQ Building E, Room 201E, 12100 Park 35 Circle, Austin, Texas.

## VIII. Analysis of Comments

The commission received written comments from Roger Albert with Associated General Contractors of Texas (AGC), Janet Krolczyk with CEMEX Construction Materials South, LLC (CEMEX), Ralph Richards with Jobe Materials, L.P. (Jobe), Sonya C. Alcocer-Charles with Martin Marietta Materials (MMM), Rich Szecsy with Texas Aggregates and Concrete Association (TACA), and Thomas P. Zais with Ready Mix TXI Operations, L.P. (TXI) suggesting technical changes to the concrete batch plant standard permit amendment. The commission also received an oral comment from Chris Pepper with the Texas Aggregates and Concrete Association regarding the timing of submitting renewal applications.

MMM and TACA asked TCEQ to clarify when they would expect newly constructed or modified facilities to use the new standard air permit.

**The amendments to the standard permit will be effective for standard permits issued after December 21, 2012. The commission has updated the technical summary and permit to state when newly constructed or modified facilities and renewals will be applicable to the amended standard permit.**

MMM and TACA asked TCEQ to clarify when owners or operators applying for amendments or renewals would be required to use the new standard air permit.

**Applicants for new concrete batch plant standard permits (CBPSPs) issued after December 21, 2012 will be required to register and comply with the 2012 amended CBPSP. Applicants for renewals issued in the period between December 21, 2012 and December 22, 2014 will register for the 2012 amended CBPSP, but will not be required to comply with the new CBPSP requirements until December 22, 2014. Applicants for renewals issued after December 22, 2014 will be required to register and comply with the 2012 amended CBPSP. The commission has updated the technical summary and permit to state when newly constructed or modified facilities and renewals will be applicable to the amended standard permit.**

TACA requests that TCEQ state all of the previous permitting options that may continue to operate under historical authorizations so long as the owner or operator does not modify the plant.

**The commission has updated the technical summary and permit to state when newly constructed or modified facilities and renewals will be applicable to the amended standard permit. The technical summary also includes a discussion about when plants can operate using historical authorizations.**

Jobe asked if public notice and reregistering is required for facilities that undergo operational changes that change whether the facility is temporary, permanent, or specialty.

**If a facility undergoes an operational change that affects whether it is a temporary, permanent, or specialty concrete plant, re-registration is required. Public notice is also required unless the facility is changing to a facility type for which public notice is not required (such as a temporary concrete plant that is located in, or contiguous to, the right-of-way of a public works project). No change was made as a result of this comment.**

MMM, TACA, and TXI requested a definition of auxiliary tank.

**TCEQ added a definition of auxiliary tank that excludes diesel or fuel storage tanks.**

TACA and TXI asked for updates to the definitions of the different types of concrete batch plants for clarity.

**TCEQ updated the definitions to replace “plant” with “concrete batch plant.” TCEQ did not remove “but not for other unrelated projects” from the definition of temporary concrete plant because it is integral to the definition. TCEQ has maintained the 180 day site limit in the definition of temporary concrete batch plant because if this definition were limited to only count days when the plant is in production, as suggested by the commenters, the facility might be present at the site for substantially longer than 180 days. Although TCEQ acknowledges that many factors can cause project delays, in general, TCEQ believes that a 180-day site limit is reasonable and consistent with the length of time that a temporary project implies.**

AGC requested the addition of a definition for contiguous.

**Determining the definition for contiguous is part of site designation. Site designation is outside the scope of this rulemaking. For more information on determining site designation, see the TCEQ guidance document regarding site designation at [www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title\\_V/site.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title_V/site.pdf). No change was made as a result of this comment.**

AGC and CEMEX asked TCEQ to add “stabilized base material” as an acceptable surface in the definition of cohesive hard surface.

**TCEQ did not add “stabilized base material” as an acceptable cohesive hard surface because it was unclear what its definition would be. If a material used is capable of remaining intact and being clean, then it fits the definition of cohesive hard surface. TCEQ kept “in plant road surface” in the definition in the interest of being consistent with Texas Department of Transportation (TXDOT) rules and because it was intended to be any area of the facility. No change was made as a result of this comment.**

AGC, Jobe, and TACA asked about specific scenarios regarding the definition of site.

**Determining site designation is outside the scope of this rulemaking. For more information on determining site designation, see the TCEQ guidance document regarding site designation at [www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title\\_V/site.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title_V/site.pdf). No change was made as a result of this comment.**

CEMEX requested that the commission replace the definition of traffic areas with three new definitions: main traffic areas, auxiliary traffic areas, and unpaved surface areas.

**TCEQ did not make the requested change in the interest of being consistent with TXDOT rules and because road dust control requirements are applicable to all areas of a concrete batch plant. No change was made as a result of this comment.**

MMM stated that the recordkeeping requirements in subsection (3)(J) would require an undue amount of time, effort, and money for owners or operators of concrete batch plants.

**The 30 TAC §101.201, §101.211, and visible emissions recordkeeping requirements were already applicable, but not specifically written in the CBPSP effective July 10, 2003. The production rate recordkeeping requirement was already in the CBPSP effective July 10, 2003. The recordkeeping requirements concerning repairs and maintenance, Material Safety Data Sheets, silo warning device or shut-off system tests, federal engine requirement applicability, and engine fuel use are new, but TCEQ expects that these records would be part of best business practices at a well-operated plant. No change was made as a result of this comment.**

AGC requested that paragraph (3)(J)(i) and (3)(J)(ii) specify all recordkeeping required by 30 TAC §101.201 and §101.211.

**Referencing other rules is sometimes necessary in the interest of maintaining correct and concise requirements. There are a variety of different recordkeeping requirements in 30 TAC §101.201 and §101.211 and not all concrete batch plants will be applicable to all of them. No change was made as a result of this comment.**

Jobe asked if paragraphs (3)(J)(vi) and (vii) related to recordkeeping could be clarified, modified, or deleted since watering roads and stockpiles is not required to be on a specific schedule.

**To provide flexibility for owners or operators in determining when roads and stockpiles need treatment to avoid visible emissions, TCEQ did not create a specific recordkeeping schedule. Maintaining appropriate dust control records supports a determination of compliance with the requirement, and is a valuable tool that can be used in addressing dust complaints. Investigations into potential nuisance conditions may include records of local weather, tape-lift sampling, and plant records of dust control. In the interest of maintaining flexibility for owners and operators**

**while also maintaining TCEQ's enforcement options, TCEQ is maintaining the recordkeeping requirements found in paragraphs (3)(J)(vi) and (vii). No change was made as a result of this comment.**

TACA asked if the filter control efficiency requirement was consistent with the pickup device's suction capacity requirement. MMM and TACA asked TCEQ to clarify why the control efficiency requirements were changed in the amendment.

**According to TCEQ experience and common industry standards, these two requirements are compatible. The control efficiency requirements used in the amendment were based on recent BACT used in several case-by-case new source review air permitting. No change was made as a result of this comment.**

TACA requested that portable, temporary tanks that are small and completely enclosed (pigs) not be required to be equipped with fabric filters.

**The standard permit does not require auxiliary storage tanks to be equipped with fabric filters; however, when transferring raw materials any emissions must be routed to a fabric filter. No change was made as a result of this comment.**

AGC, CEMEX, MMM, and TACA requested that TCEQ leave the dust control options for traffic areas as they existed in the CBPSP effective July 10, 2003.

**After re-evaluating dust control options for traffic areas at temporary sites, TCEQ has changed the standard permit to reinstate the requirements, as they existed in the CBPSP effective July 10, 2003.**

CEMEX commented that the dust control requirements in subsection (5)(E) contradicts the permanent concrete batch plant dust control requirements in subsection (9)(F).

**These subsections do not contradict one another. The dust control requirements for permanent concrete batch plants are intended to be a permanent solution for high traffic areas. The requirements in subsection (9)(F) requires certain areas of permanent concrete batch plants to be paved. The requirements in (5)(E) provide options other than paving for controlling dust in the rest of the plant. No change was made as a result of this comment.**

TACA appreciated that the concrete batch plant standard permit allow co-location of rock crushers, hot mix asphalt plants, and concrete batch plants, but requested a site-specific demonstration in the standard permit that would show individual production rates and site size.

**The commission appreciates the support. The restriction included in the CBPSP is that the rock crusher or hot mix asphalt plant must either be 550 feet away from the concrete batch plant or the operations cannot be running simultaneously. The commission included these restrictions to avoid potential cumulative emissions that would be higher than the permit limit and to allow for a more flexible production limit. Owners or operators who are interested in operating with different restrictions may apply for a case-by-case new source review permit. No change was made as a result of this comment.**

MMM asked for clarification as to whether TCEQ considers a stockpile part of a concrete batch plant in determining distance.

**TCEQ considers stockpiles to be part of a concrete batch plant to avoid cumulative effects. No change was made as a result of this comment.**

CEMEX, Jobe, MMM, TACA, and TXI asked if a small amount of VOCs that would comply with de minimis requirements could be allowed in concrete additives.

**In modeling for the standard permit, TCEQ did not consider VOC emissions. Since the ESL values for VOCs could vary over a wide range, it would be difficult to provide a protective and flexible production limit. However, TCEQ altered the amendment to state that the additives shall not emit VOCs instead of stating that the additives shall not contain them. If a facility emits VOCs in their concrete additives, the owner or operator can apply for a case-by-case new source review permit.**

AGC, Jobe, MMM, TACA, and TXI requested a production limit that is greater than 12 hours and is based on variables such as type of plant, property line distance, and presence of engines.

**After adjusting the modeling parameters, the commission has changed the 12-hour production limit to a 24-hour production limit. This 24-hour production limit should provide flexibility to owners or operators of all types of concrete batch plants regardless of property line distance or the presence of engines. The recordkeeping requirement for production rates was expanded to include a rate per day to demonstrate compliance with the 24-hour limit.**

MMM and TACA requested that the permit base the production limit on each concrete batch plant rather than each site.

**As long as multiple plants on a site can meet the production limits when owners or operators combine their emissions, they are potentially applicable to the CBPSP. However, the amendment continues to restrict production by site rather than by plant in the same way as it did in the CBPSP effective July 10, 2003. The commission included these restrictions to avoid potential cumulative emissions that would be higher than the permit limit. No change was made as a result of this comment.**

TACA requested a different production limit for sites with multiple concrete batch plants registered under one standard air permit. They also requested varied production limits based on distance to the nearest property line, whether or not they used dust suppressing fencing or barriers, and whether or not the plant had engines on site.

**In order to consider a greater number of concrete batch plants, to avoid potential cumulative emissions that would be higher than the permit limit, and to create a simple standard permit, the commission limited the CBPSP to one production limit. Owners or operators interested in multiple production limits better suited for their unique operation can apply for a case-by-case new source review permit. No change was made as a result of this comment.**

MMM stated that dust control technologies used to shelter the drop point would represent an additional cost to construct and maintain.

**The CBPSP effective July 10, 2003 and the amended standard permit require dust control technologies that are BACT. The amended standard permit has been updated to consider equivalent dust control technologies used in sheltering the drop point such as boots, rubber skirting, and telescopic chutes.**

AGC, TACA, and TXI requested that subpart (8)(C) be expanded to include other dust control technologies to be used to shelter the drop point.

**TCEQ has updated the amended standard permit to consider equivalent dust control technologies used in sheltering the drop point such as boots, rubber skirting, and telescopic chutes by adding the words “or equivalent dust control technology”.**

AGC suggested adding a clarification that the offset distance requirements do not apply to the common property boundary between the site and public right-of-way.

**This exemption is already included in subsection (8)(D) and the definition of right-of-way of a public works project. No change was made as a result of this comment.**

TACA requested that small concrete batch plants be exempt from the distance requirement for suction shrouds and ancillary equipment.

**The distance requirement is necessary for proper control of visible emissions in the standard permit. No change was made as a result of this comment.**

AGC commented that the alternatives in subsection (8)(E) are not feasible for temporary operations.

**The alternatives provided in subsection (8)(E) have been in place in the concrete batch plant standard permit that was effective July 10, 2003. Even if these alternatives may not be feasible for every project, they may still provide a useful alternative for some temporary concrete plants that are otherwise unable to meet the standard permit due to buffer distance issues. No change was made as a result of this comment.**

TACA requested that TCEQ clarify public notice requirements for temporary plants that relocate.

**TCEQ updated the technical summary description of paragraph (8)(F)(ii) to clarify which portable entities would need to go through public notice.**

## **IX. Statutory Authority**

TCEQ adopts this standard permit under Texas Health and Safety Code (THSC), § 382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, § 382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the Texas Clean Air Act; THSC, § 382.051, Permitting Authority of the Commission: Rules, which authorizes the commission to issue permits, including standard permits for similar facilities; THSC, § 382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with THSC, § 382.05195, Standard Permit, which authorizes the commission to issue and amend standard permits according to the procedures set out in that section.

## **Amendments to the Air Quality Standard Permit for Concrete Batch Plants**

**Effective Date December 21, 2012**

### **(1) Applicability**

- (A) This air quality standard permit authorizes concrete batch plant facilities that meet all of the conditions listed in sections (1) through (7) and one of sections (8), (9), or (10). If a concrete batch plant operates using sections (8), (9), or (10) of this standard permit and operational changes are proposed that would change the applicable section, the owner or operator shall reregister for the concrete batch plant standard permit prior to operating the change.
- (B) This standard permit does not authorize emission increases of any air contaminant that is specifically prohibited by a condition or conditions in any permit issued under Title 30 Texas Administrative Code (30 TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, at the site.
- (C) This standard permit does not relieve the owner or operator from complying with any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the Texas Commission on Environmental Quality (TCEQ), or any additional state or federal regulations.

### **(2) Definitions**

- (A) Auxiliary tank - storage containers used to hold raw materials for use in the batching process not including petroleum products and fuel storage tanks.
- (B) Cohesive hard surface - An in-plant road surface preparation including, but not limited to: paving with concrete, asphalt, or other similar surface preparation where the road surface remains intact during vehicle and equipment use and is capable of being cleaned. Cleaning mechanisms may include water washing, sweeping, or vacuuming.
- (C) Concrete batch plant - For the concrete batch plant standard permit, it is a plant that consists of a concrete batch facility and associated abatement equipment, including, but not limited to: material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Concrete batch plants can add water, Portland cement, and aggregates into a delivery truck, or the concrete may be prepared in a central mix drum and transferred to a delivery truck for transport. This definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

- (D) Dust suppressing fencing or other barrier - A manmade obstruction that is at least 12 feet high that is used to prevent fugitive dust from stationary equipment stockpiles, in-plant roads, and traffic areas from leaving the plant property.
- (E) Permanent concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that is not a temporary or specialty concrete batch plant.
- (F) Related project segments - For plants on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A plant that is sited on the right-of-way is usually within project limits. However, a plant located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.
- (G) Right-of-way of a public works project - Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in Texas Health and Safety Code, § 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.
- (H) Site - The total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).
- (I) Specialty concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant with a low production concrete mixing plant that manufactures concrete less than or equal to 30 cubic yards per hour (cu yd/hr). These plants are typically dedicated to manufacturing precast concrete products, including but not limited to burial vaults, septic tanks, yard ornaments, concrete block and pipe, etc. This does not include small repair projects using mortar, grout, gunite, or other concrete repair materials.
- (J) Stationary internal combustion engine - For the concrete batch plant standard permit, it is any internal combustion engine that remains at a location for more than 12 consecutive months and is not defined as a nonroad engine according to 40 Code of Federal Regulations (CFR) 89.2, Definitions.
- (K) Temporary concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single

project (single contract or same contractor for related project segments), but not for other unrelated projects.

- (L) Traffic areas - For the concrete batch plant standard permit, it is an area within the concrete batch plant that includes stockpiles and the area where mobile equipment moves or supplies aggregate to the batch plant and trucks supply aggregate and cement.

### **(3) Administrative Requirements**

- (A) The owner or operator of any concrete batch plant seeking authorization under this standard permit shall register in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit. Owners or operators shall submit a completed, current form PI-1S Registrations for Air Standard Permit, Table 11, Fabric Filters, Table 20, Concrete Batch Plants, and a Concrete Batch Plant Standard Permit checklist.
- (B) Owners or operators shall also comply with 30 TAC § 116.614, Standard Permit Fees, when they are required to complete public notice under section four of this standard permit.
- (C) No owner or operator of a concrete batch plant shall begin construction or operation without obtaining written approval from the TCEQ executive director.
- (D) The time period in 30 TAC § 116.611(b) (45 days) does not apply to owners or operators registering plants under this standard permit.
- (E) Beginning December 21, 2012, all new and modified sources must comply with this standard permit.
- (F) Renewals shall comply with this standard permit on the later of:
  - (i) December 21, 2014; or
  - (ii) the date the facility's registration is renewed.
- (G) Owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation under subsection (8)(F) are exempt from public notice requirements in section (4) of this standard permit.
- (H) During start of construction, the owner or operator of a plant shall comply with 30 TAC § 116.120(a)(1), Voiding of Permits, and commence construction within 18 months of written approval from the Executive Director.
- (I) Owners or operators are not required to submit air dispersion modeling as a part of this concrete batch plant standard permit registration.

- (J) Owners or operators shall keep written records on site for a rolling 24-month period. Owners or operators shall make these records available at the request of TCEQ personnel or any air pollution control program having jurisdiction. Records shall be maintained on-site for the following including, but not limited to:
- (i) 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements;
  - (ii) 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements;
  - (iii) production rate for each hour and day of operation that demonstrates compliance with subsection (8)(A), (9)(A), or (10)(A) of this standard permit, as applicable;
  - (iv) all repairs and maintenance of abatement systems;
  - (v) Material Safety Data Sheets for all additives and other chemicals used at the site;
  - (vi) road cleaning, application of road dust control, or road maintenance for dust control;
  - (vii) stockpile dust suppression;
  - (viii) silo warning device or shut-off system tests;
  - (ix) quarterly visible emissions observations and any corrective actions required to control excess visible emissions;
  - (x) demonstration of compliance with subsection (6)(B) of this standard permit; and
  - (xi) type of fuel used to power engines authorized by this standard permit.
- (K) Owners or operators will document and report abatement equipment failure or visible emissions deviations in excess of paragraph (5)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

#### **(4) Public Notice**

The owner or operator shall follow the notice requirements in 30 TAC Chapter 39, Public Notice, unless a temporary concrete batch plant is exempted from public notice under 30 TAC § 116.178(b), Relocations and Changes of Location of Portable Facilities.

#### **(5) General Requirements**

- (A) Owners or operators shall vent all cement/flyash storage silos, weigh hoppers, and auxiliary storage tanks to a fabric/cartridge filter or to a central fabric/cartridge filter system except as allowed by subsection (10)(B).
- (B) Owners or operators shall maintain fabric or cartridge filters and collection systems by meeting all the following:
  - (i) operating them properly with no tears or leaks;
  - (ii) using filter systems (including any central filter system) designed to meet a minimum control efficiency of at least 99.5 percent at particle sizes of 2.5 microns and smaller;
  - (iii) meeting a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using United States Environmental Protection Agency (EPA) Test Method (TM) 22; and
  - (iv) sufficiently illuminating silo filter exhaust systems when cement or fly ash silos are filled during non-daylight hours to enable a determination of compliance with the visible emissions requirement in paragraph (5)(B)(iii) of this standard permit.
- (C) When transferring cement/flyash, owners or operators shall:
  - (i) totally enclose conveying systems to and from storage silos and auxiliary storage tanks, operate them properly, and maintain them with no tears or leaks; and
  - (ii) maintain the conveying system using a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22, except during cement and flyash tanker connect and disconnect.
- (D) The owner or operator shall install an automatic shut-off or warning device on storage silos.
  - (i) An automatic shut-off device on the silo shall shut down the loading of the silo or auxiliary storage tank prior to reaching its capacity during loading operations, in order to avoid adversely impacting the pollution abatement equipment or other parts of the loading operation.
  - (ii) If a warning device is used, it shall alert operators in sufficient time to prevent an adverse impact on the pollution abatement equipment or other parts of the loading operation. Visible warning devices shall be kept free of particulate build-up at all times.

- (iii) Silo and auxiliary tank warning devices or shut-off systems shall be tested at least once monthly during operations and records shall be kept indicating test and repair results according to subsection (3)(J) of this standard permit. Silo and auxiliary tank loading and unloading shall not be conducted with inoperative or faulty warning or shut-off devices.
- (E) Owners or operators shall control emissions from in-plant roads and traffic areas at all times by:
  - (i) watering them; or
  - (ii) treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; or
  - (iii) covering them with a material such as, (but not limited to), roofing shingles or tire chips and used in combination with (i) or (ii) of this subsection; or
  - (iv) paving them with a cohesive hard surface that is maintained intact and cleaned.
- (F) Owners or operators shall use water, dust-suppressant chemicals, or cover stockpiles, as necessary to minimize dust emissions.
- (G) Owners or operators shall immediately clean up spilled materials. To minimize dust emissions, owners or operators shall contain, or dampen spilled materials.
- (H) There shall be no visible fugitive emissions leaving the property. Observations for visible emissions shall be performed and recorded quarterly. The visible emissions determination shall be made during normal plant operations. Observations shall be made on the downwind property line for a minimum of six minutes. If visible emissions are observed, an evaluation must be accomplished in accordance with U.S. Environmental Protection Agency (EPA) Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, TM 22, using the criteria that visible emissions shall not exceed a cumulative 30 seconds in duration in any six-minute period. If visible emissions exceed the Test Method 22 criteria, immediate action shall be taken to eliminate the excessive visible emissions. The corrective action shall be documented within 24 business hours of completion.
- (I) The owner or operator shall locate the concrete batch plant operating under this standard permit at least 550 feet from any crushing plant or hot mix asphalt plant. The owner or operator shall measure from the closest point on the concrete batch plant to the closest point on any other facility. If the owner or operator cannot meet this distance, then the owner or

operator shall not operate the concrete batch plant at the same time as the rock crusher, concrete crusher, or hot mix asphalt plant.

- (J) When operating multiple concrete batch plants on the same site, the owner or operator shall comply with the appropriate site production limits specified in sections (8), (9), or (10) of this standard permit. If engines are being used for electrical power or equipment operations, then the site is limited to a total of 1,000 hp in simultaneous operation. There are no restrictions to engine operations if the engines will be on site for less than 12 consecutive months.
- (K) Concrete additives shall not emit volatile organic compounds (VOCs).
- (L) Any claim under this standard permit shall comply with:
  - (i) 30 TAC § 116.604, Duration and Renewal of Registrations to Use Standard Permits;
  - (ii) 30 TAC § 116.605(d)(I), Standard Permit Amendment and Revocation;
  - (iii) 30 TAC § 116.614;
  - (iv) the public notice processes established in THSC, § 382.055, Review and Renewal of Preconstruction Permit;
  - (v) the public notice processes established in THSC, § 382.056;
  - (vi) the contested case hearing and public notice requirements established in 30 TAC § 55.152(a)(2), Public Comment Period; and
  - (vii) the contested case hearing and public notice requirements established in 30 TAC § 55.201(h)(i)(C), Requests for Reconsideration or Contested Case Hearing.

**(6) Engines**

- (A) This standard permit authorizes emissions from a stationary compression ignition internal combustion engine (or combination of engines) of no more than 1000 total horsepower.
- (B) Owners or operators of concrete batch plants that include a stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 30 TAC Chapter 117, Control of Air

Pollution from Nitrogen Compounds, and any other applicable state or federal regulation.

- (C) Engine exhaust stacks shall be a minimum of eight feet tall.
- (D) Fuel for the engine shall be liquid fuel with a maximum sulfur content of no more than 0.0015 percent by weight and shall not consist of a blend containing waste oils or solvents.

**(7) Planned Maintenance, Startup, and Shutdown (MSS) Activities**

This standard permit authorizes operations including planned startup and shutdown emissions. Maintenance activities are not authorized by this standard permit and will need separate authorization, unless the activity can meet the conditions of 30 TAC § 116.119, De Minimis Facilities or Sources.

**(8) Additional Requirements for Temporary Concrete Plants**

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall use a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric or cartridge filter system operating with a minimum of 5,000 actual cubic feet per minute (acfm) of air.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line, except for temporary concrete plants approved to operate in the right of way of a public works project:
  - (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line.
  - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within 50 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and stockpiles in subsection (8)(D) of this standard permit owners or operators shall:
  - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas and work areas;

- (ii) construct these borders to a height of at least 12 feet; and
  - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (F) The appropriate TCEQ regional office may approve, without the need of public notice referenced in section (4) of this standard permit, the relocations of a temporary concrete batch plant that has previously been determined by the commission to be in compliance with the technical requirements of the concrete batch plant standard permit version adopted at registration that provides the information listed under subsection (8)(G) and meets one of the following conditions:
  - (i) A registered portable facility and associated equipment are moving to a site for support of a public works project in which the proposed site is located in or contiguous to the right-of-way of the public works project; or
  - (ii) A registered portable facility is moving to a site in which a portable facility has been located at the site at any time during the previous two years and the site was subject to public notice.
- (G) For relocations meeting subsection (8)(F) of this standard permit, the owner or operator must submit to the regional office and any local air pollution control agency having jurisdiction at least 12 business days prior to locating at the site:
  - (i) The company name, address, company contact, and telephone number;
  - (ii) The regulated entity number (RN), customer reference number (CN), applicable permit or registration numbers, and if available, the TCEQ account number;
  - (iii) The location from which the facility is moving (current location);
  - (iv) A location description of the proposed site (city, county, and exact physical location description);
  - (v) A scaled plot plan that identifies the location of all equipment and stockpiles, and also indicates that the required distances to the property lines can be met;
  - (vi) A scaled area map that clearly indicates how the proposed site is contiguous or adjacent to the right-of-way of a public works project (if required);
  - (vii) The proposed date for start of construction and expected date for start of operation;

- (viii) The expected time period at the proposed site;
- (ix) The permit or registration number of the portable facility that was located at the proposed site any time during the last two years, and the date the facility was last located there. This information is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project; and
- (x) Proof that the proposed site had accomplished public notice, as required by 30 TAC Chapter 39. This proof is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project.

**(9) Additional Requirements for Permanent Concrete Plants**

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall install a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric/cartridge filter system with a minimum of 5,000 acfm.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line:
  - (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line;
  - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site), within 50 feet from any property line.
- (E) In lieu of meeting the buffer distance requirements for roads and stockpiles of paragraph (9)(D)(ii) of this standard permit, the owner or operator shall:
  - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas;
  - (ii) construct these borders to a height of at least 12 feet; and
  - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.

- (F) The owner or operator shall pave all entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on the paved surface when entering, conducting primary function, and leaving the property. The owner or operator shall maintain other traffic areas using the control requirements of subsection(5)(E) of this standard permit.

**(10) Additional Requirements for Specialty Concrete Batch Plants**

- (A) The owner or operator shall limit site production to no more than 30 cubic yards per hour.
- (B) As an alternative to the requirement in subsection (5)(A) of this standard permit, the owner or operator may vent the cement/fly ash weigh hopper inside the batch mixer.
- (C) The owner or operator shall control dust emissions at the batch mixer feed so that no outdoor visible emissions occur by one of the following:
  - (i) using a suction shroud or other pickup device delivering air to a fabric or cartridge filter;
  - (ii) using an enclosed batch mixer feed; or
  - (iii) conducting the entire mixing operation inside an enclosed process building.
- (D) The owner or operator shall not operate vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within a minimum buffer distance of 25 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and other traffic areas in subsection (10)(D) of this standard permit, owners or operators shall:
  - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas; and
  - (ii) construct these barriers borders to a height of at least 12 feet.



## Low Rainfall Erosivity Waiver (LREW) for Stormwater Discharges Associated with Construction Activity under TPDES General Permit (TXR150000)

### IMPORTANT

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. **Incomplete applications will delay approval or result in automatic denial.**
- Once processed your permit authorization can be viewed at: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm)

### ePERMITS

- **Effective September 1, 2018, this paper form must be submitted to TCEQ with a completed electronic reporting waiver form (TCEQ-20754).**
- To submit this form electronically, enter the following web address into your internet browser and follow the instructions: <https://www3.tceq.texas.gov/steers/index>.

### RENEWAL

**Note: A Waiver cannot be renewed after June 3, 2018.**

Is this a renewal of an existing LREW?  Yes  No

If Yes, provide the authorization number here: TXRCW

NOTE: If an authorization number is not provided, a new number will be assigned.

### SECTION 1 OPERATOR (APPLICANT)

a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity?

b) What is the Legal Name of the entity (applicant) applying for this waiver? (The legal name must be spelled exactly as the name filed with the Texas Secretary of State, County, or in the legal document forming the entity.)

c) What is the contact information for the Operator (Responsible Authority)?

Prefix (Mr. Ms. Miss):

First and Last Name:  Suffix:

Title:  Credentials:

Phone Number:  Fax Number:

E-mail:

Mailing Address:

City, State, and Zip Code:

Mailing Information if outside USA:

Territory:

Country Code:  Postal Code:

d) Indicate the type of customer:

Individual

Federal Government

Limited Partnership

County Government

General Partnership

State Government

Trust

City Government

Sole Proprietorship (D.B.A.)

Other Government

Corporation

Other:

Estate

e) Is the applicant an independent operator? (If governmental entity, subsidiary, or part of a larger corporation, check "No".)  Yes  No

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

0-20

251-500

21-100

501 or higher

101-250

g) Customer Business Tax and Filing Numbers: (**Required** for Corporations and Limited Partnerships. **Not Required** for Individuals, Government, or Sole Proprietors.)

State Franchise Tax ID Number:

Federal Tax ID:

Texas Secretary of State Charter (filing) Number:

DUNS Number (if known):

## SECTION 2 APPLICATION CONTACT

This individual will be contacted if TCEQ needs additional information regarding this application.

Is the application contact the same as the applicant identified above?

Yes, go to Section 3

No, complete this section

Prefix (Mr. Ms. Miss):

First and Last Name:  Suffix:

Title: [redacted] Credential: [redacted]  
Organization Name: [redacted]  
Phone Number: [redacted] Fax Number: [redacted]  
E-mail: [redacted]  
Mailing Address: [redacted]  
Internal Routing (Mail Code, Etc.): [redacted]  
City, State, and Zip Code: [redacted]  
Mailing Information if outside USA:  
Territory: [redacted]  
Country Code: [redacted] Postal Code: [redacted]

**SECTION 3 REGULATED ENTITY (RE) INFORMATION FOR THE PROJECT OR SITE**

- a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to the site? RN [redacted]  
(Refer to Section 3.a) of the Instructions)
- b) Name of project or site (the name known by the community where it's located): [redacted]
- c) In your own words, briefly describe the type of construction occurring at the regulated site (residential, industrial, commercial, or other): [redacted]
- d) County or Counties (if located in more than one): [redacted]
- e) Latitude: [redacted] Longitude: [redacted]
- f) Site Address/Location

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

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

**Section A:**

Street Number and Name: [redacted]  
City, State, and Zip Code: [redacted]

**Section B:**

Location Description: [redacted]  
City (or city nearest to) where the site is located: [redacted]  
Zip Code where the site is located: [redacted]

**SECTION 4 GENERAL CHARACTERISTICS**

- a) Is the project/site located on Indian Country Lands?

- Yes, do not submit this form. You must obtain authorization through EPA Region 6.
- No

b) Is your construction activity associated with a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources?

- Yes. Note: The construction stormwater runoff may be under jurisdiction of the Railroad Commission of Texas and may need to obtain authorization through EPA Region 6.
- No

c) What is the Primary Standard Industrial Classification (SIC) Code that best describes the construction activity being conducted at the site? [REDACTED]

d) What is the Secondary SIC Code(s), if applicable? [REDACTED]

e) What is the total number of acres disturbed? [REDACTED]

f) Will the construction site disturb an area of 5 or more acres, or is the construction site part of a larger common plan of development or sale that would disturb an area of 5 or more acres?

- Yes, do not submit this form. This project or site does not qualify for a waiver.
- No

g) What is the estimated start date of the project? [REDACTED]

h) What is the estimated end date of the project? [REDACTED]

i) Does the construction site have an R-Factor of less than 5, based on its location and time frame for completion?

- Yes
- No, do not submit this form. This project or site does not qualify for a waiver.

j) What is the name of the first water body(ies) to receive the stormwater runoff or potential runoff from the site? [REDACTED]

k) What is the segment number(s) of the classified water body(ies) that the discharge will eventually reach? [REDACTED]

l) Is the discharge into a Municipal Separate Storm Sewer System (MS4)?

- Yes
- No

If Yes, provide the name of the MS4 operator: [REDACTED]

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

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

Yes, complete the certification below.

No, go to Section 5.

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

### SECTION 5 CERTIFICATION

- a) I certify that I have obtained a copy and understand the terms and conditions of the Construction General Permit (TXR150000).  Yes
- b) I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas.  Yes
- c) I certify that the activities at this site qualify for coverage under the Construction General Permit (TXR150000).  Yes
- d) I understand that construction activities at this site shall occur within a time period in which the erosivity factor (R Factor) is less than 5, and if construction activities continue past the end date provided in this form, a new R factor must be calculated based on the initial start date and a new end date. If the R Factor is greater than or equal to 5, all applicable sections of the general permit must be followed.  Yes
- e) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.  Yes

### Operator Certification:

Operator Signatory Name: \_\_\_\_\_

Operator Signatory Title: \_\_\_\_\_

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

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

Signature (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

## LOW RAINFALL EROSION WAIVER CHECKLIST (TXR150000)

Use this checklist to be sure you complete everything! **Missing information may result in denial of waiver coverage under the general permit.**

### RENEWAL

- For renewal of an existing authorization, the authorization number is provided.

### OPERATOR INFORMATION

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

### REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

- Regulated Entity Number (RN) (if site is already regulated by TCEQ)
- Site/project name and construction activity description
- County
- Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>
- Site Address/Location. Do not use a rural route or post office box.

### GENERAL CHARACTERISTICS

- Indian Country Lands - The facility is not on Indian Country Lands.
- Construction activity not related to facility associated with oil, gas, or geothermal resources
- Standard Industrial Classification (SIC) Code [www.osha.gov/oshstats/sicser.html](http://www.osha.gov/oshstats/sicser.html)
- Acres disturbed is provided
- Acres disturbed for site or common plan of development is < 5 acres
- Estimated Start and End Dates of the project
- Is the R Factor < 5
- Receiving water body(ies)
- Segment number(s)
- MS4 operator
- Edwards Aquifer Rule

### CERTIFICATION

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

# Instructions for Low Rainfall Erosivity Waiver (LREW) for Stormwater Discharges Associated with Construction Activity under TPDES General Permit (TXR150000)

## GENERAL INFORMATION

### Where to Send the Waiver:

By Regular Mail:	By Overnight/Express Mail:
TCEQ	TCEQ
Stormwater Processing Center (MC228)	Stormwater Processing Center (MC228)
P.O. Box 13087	12100 Park 35 Circle
Austin, Texas 78711-3087	Austin, TX 78753

### TCEQ Contact List

Application - status and form questions:	512-239-3700, <a href="mailto:swpermit@tceq.texas.gov">swpermit@tceq.texas.gov</a>
Technical questions:	512-239-4671, <a href="mailto:swgp@tceq.texas.gov">swgp@tceq.texas.gov</a>
Environmental Law Division:	512-239-0600
Records Management - obtain copies of forms:	512-239-0900
Reports from databases (as available):	512-239-DATA (3282)
Cashier's office:	512-239-0357 or 512-239-0187

### Waiver Process

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

- **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(es) on the form must be verified with the US Postal service as receiving regular mail delivery. Do not give an overnight/express mailing address.
- **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

or

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

### General Permit (Your Permit)

For LREWs submitted **electronically** through ePermits, construction activities are provisionally waived from the otherwise applicable requirements of this general permit immediately following confirmation of receipt of the LREW form by the TCEQ.

For **paper** LREWs, construction activities are provisionally waived from the otherwise applicable requirements of this general permit **7 days after a completed LREW is postmarked for delivery** to the TCEQ.

Coverage ends on the Estimated End Date as entered in the LREW form.

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

### **Change in Operator**

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

### **TCEQ Central Registry Core Data Form**

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

For existing customers and sites, you can find the Customer Number and Regulated Entity Number by entering the following web address into your internet browser: <http://www15.tceq.texas.gov/crpub/>. You can search by your permit number, the Regulated Entity (RN) number, or the Customer Number (CN). If you do not know these numbers, you can select “Advanced Search” to search by permittee name, site address, etc.

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

### **INSTRUCTIONS FOR FILLING OUT THE WAIVER FORM**

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

### **Section 1. OPERATOR (APPLICANT)**

#### **a) Customer Number (CN)**

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

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

#### **b) Legal Name**

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

#### **c) Contact Information for the Applicant (Responsible Authority)**

Provide information about person signing the application in Section 5) Certification. This person is also referred to as the Responsible Authority.

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

The phone number should provide contact to the applicant.

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

**d) Type of Customer (Entity Type)**

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

**Individual**

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

**Partnership**

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

**Trust or Estate**

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

**Sole Proprietorship (DBA)**

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

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

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

**Corporation**

A customer that meets all of these conditions:

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

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

## **Government**

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

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

## **Other**

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

### **e) Independent Entity**

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

### **f) Number of Employees**

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

### **g) Customer Business Tax and Filing Numbers**

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

#### **State Franchise Tax ID Number**

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

#### **Federal Tax ID**

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

#### **TX SOS Charter (filing) Number**

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

#### **DUNS Number**

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

## **Section 2. APPLICATION CONTACT**

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

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

#### a) Regulated Entity Number (RN)

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

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

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

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

#### b) Name of the Project or Site

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

#### c) Description of Activity Regulated

In your own words, briefly describe the type of construction occurring at the regulated site (residential, industrial, commercial, or other) that requires this authorization. Do not repeat the SIC Code description.

#### d) County

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

#### e) Latitude and Longitude

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmaview.html>

#### f) Site Address/Location

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

If a site does not have an address that includes a street number and street name, provide a complete written location description in *Section B*. For example: "The site is

located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1.”

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

#### **Section 4. GENERAL CHARACTERISTICS**

##### **a) Indian Country Lands**

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

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

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

Construction activities associated with a facility related to oil, gas or geothermal resources may include the construction of a well site; treatment or storage facility; underground hydrocarbon or natural gas storage facility; reclamation plant; gas processing facility; compressor station; terminal facility where crude oil is stored prior to refining and at which refined products are stored solely for use at the facility; a carbon dioxide geologic storage facility; and a gathering, transmission, or distribution pipeline that will transport crude oil or natural gas, including natural gas liquids, prior to refining of such oil or the use of the natural gas in any manufacturing process or as a residential or industrial fuel.

Where required by federal law, discharges of stormwater associated with construction activities under the RRC's jurisdiction must be authorized by the EPA and the RRC, as applicable. Activities under RRC jurisdiction include construction of a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources, such as a well site; treatment or storage facility; underground hydrocarbon or natural gas storage facility; reclamation plant; gas processing facility; compressor station; terminal facility where crude oil is stored prior to refining and at which refined products are stored solely for use at the facility; a carbon dioxide geologic storage facility under the jurisdiction of the RRC; and a gathering, transmission, or distribution pipeline that will transport crude oil or natural gas, including natural gas liquids, prior to refining of such oil or the use of the natural gas in any manufacturing process or as a residential or industrial fuel.

The RRC also has jurisdiction over stormwater from land disturbance associated with a site survey that is conducted prior to construction of a facility that would be regulated by the RRC. Under 33 U.S.C. §1342(l)(2) and §1362(24), EPA cannot require a permit for discharges of stormwater from field activities or operations associated with {oil and gas} exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities unless the discharge is contaminated by contact with any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the facility. Under §3.8 of this title (relating to Water Protection), the RRC prohibits operators from causing or allowing pollution of surface or subsurface water. Operators are encouraged to implement and maintain best management

practices (BMPs) to minimize discharges of pollutants, including sediment, in stormwater during construction activities to help ensure protection of surface water quality during storm events.

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

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

**c) Primary Standard Industrial Classification (SIC) Code**

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

Common SIC Codes related to construction activities include:

- 1521 - Construction of Single Family Homes
- 1522 - Construction of Residential Bldgs. Other than Single Family Homes
- 1541 - Construction of Industrial Bldgs. and Warehouses
- 1542 - Construction of Non-residential Bldgs, other than Industrial Bldgs. and Warehouses
- 1611 - Highway and Street Construction, except Highway Construction
- 1622 - Bridge, Tunnel, and Elevated Highway Construction
- 1623 - Water, Sewer, Pipeline and Communications, and Power Line Construction

For help with SIC Codes, go to: <http://www.osha.gov/pls/imis/sicsearch.html>

**d) Secondary SIC Code**

Secondary SIC Code(s) may be provided. Leave blank if not applicable. For help with SIC Codes, go to: <http://www.osha.gov/pls/imis/sicsearch.html>

**e) Total Number of Acres Disturbed**

Provide the approximate number of acres that the construction site will disturb. Construction activities that disturb 5 or more acres are not eligible for a Waiver. Disturbed means any clearing, grading, excavating, or other similar activities.

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

**f) Five or more acres or Common Plan of Development**

Check Yes if the construction activity disturbs 5 acres or more, or the construction activity is part of a larger common plan of development or sale that would disturb 5 acres or more. Otherwise, check No. Disturbed means any clearing, grading, excavating, or other similar activities.

If Yes is selected, the construction activity is not eligible for a waiver, and authorization to discharge stormwater must be obtained by following the provisions for coverage under the

Construction General Permit (TXR150000). Only construction activities that disturb less than five acres are eligible for this waiver.

For more information on what a common plan of development is, refer to the definition of “Common Plan of Development” in the Definitions section of the general permit or enter the following link into your internet browser:

[www.tceq.texas.gov/permitting/stormwater/common\\_plan\\_of\\_development\\_steps.html](http://www.tceq.texas.gov/permitting/stormwater/common_plan_of_development_steps.html)

For further information, go to the TCEQ stormwater construction webpage at: [www.tceq.texas.gov/goto/construction](http://www.tceq.texas.gov/goto/construction) and search for “Additional Guidance and Quick Links”. If you have any further questions about the Common Plan of Development you can contact the TCEQ Stormwater Team at 512-239-4671 or the TCEQ Small Business and Environmental Assistance at 800-447-2827.

**g) Estimated Start Date of the Project**

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

The date provided must be used to calculate the R Factor for the site.

**h) Estimated End Date of the Project**

This is the date that the construction activity will be completed.

The date provided must be used to calculate the R Factor for the site.

**i) R Factor of Less Than 5**

Check Yes if the calculated R Factor for the construction site is less than 5. If the construction site has an R Factor equal to or greater than 5, this construction project or site does not qualify for a waiver. An authorization to discharge stormwater must be obtained by following the provisions in the Construction General Permit (TXR150000).

**j) Identify the water body(ies) receiving stormwater runoff**

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

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

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

Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the following link to find the segment number of the classified water body where stormwater will flow from the site:

[www.tceq.texas.gov/waterquality/monitoring/viewer.html](http://www.tceq.texas.gov/waterquality/monitoring/viewer.html)

You may also find the segment number in TCEQ publication GI-316:

[www.tceq.texas.gov/publications/gi/gi-316](http://www.tceq.texas.gov/publications/gi/gi-316)

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

- 0100 (Canadian River Basin)

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

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

**l) Discharge into MS4 - Identify the MS4 Operator**

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

**m) Discharges to the Edwards Aquifer Recharge Zone and Certification**

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

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at: [www.tceq.texas.gov/field/eapp/viewer.html](http://www.tceq.texas.gov/field/eapp/viewer.html)

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, a site-specific authorization approved by the Executive Director under the Edwards Aquifer Protection Program (30 TAC Chapter 213) is required before construction can begin. The certification must be answered *Yes* for coverage under the Construction General Permit. The TCEQ approved plan must be readily available for TCEQ staff to review at the time that the LREW is submitted.

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

**Section 5. CERTIFICATIONS**

Failure to indicate **Yes** to ALL of the certification items may result in denial of coverage under the general permit.

**a) Certification of Understanding the Terms and Conditions of Construction General Permit (TXR150000)**

Provisional coverage under the Construction General Permit (TXR150000) begins 7 days after the completed paper Waiver is postmarked for delivery to the TCEQ. Electronic applications submitted through ePermits have immediate provisional coverage. You must obtain a copy and read the Construction General Permit before submitting your application. You may view and print the Construction General Permit for which you are seeking coverage at the TCEQ web site: [www.tceq.texas.gov/goto/construction](http://www.tceq.texas.gov/goto/construction)

**b) Certification of Legal Name**

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

**c) Certification that activities qualify for coverage**

Certification that activities at this site qualify for a Waiver as described in the Construction General Permit (TXR150000) is required.

**d) Certification that activities will occur when R-factor is less than 5**

The applicant must certify that all construction activities will occur during the period of time where the R-factor (erosivity factor) is less than 5. The R-factor can be calculated by referring to requirements given in Part II, Section G of General Permit TXR150000. The applicant is required to re-certify by re-calculating the R-factor if construction continues past the projected end date. If the re-calculated R-factor is greater than or equal to 5, then the applicant must terminate coverage under the LREW by submitting a Notice of Termination (NOT) and coverage under General Permit TXR150000 must be obtained according to the applicable requirements of the permit and all applicable sections of the permit must be followed.

**e) Understanding of Notice of Termination**

A permittee shall terminate coverage under the Construction General Permit through the submittal of a NOT when the operator of the facility changes, final stabilization has been reached, the discharge becomes authorized under an individual permit, or the construction activity never began at this site.

**Operator Certification**

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

**If you are a corporation:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

**If you are a municipality or other government entity:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those

identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the TCEQ's Environmental Law Division at 512-239-0600.

## **30 Texas Administrative Code**

### **§305.44. Signatories to Applications**

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).



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

## IMPORTANT INFORMATION

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

Use the NOI Checklist to ensure all required information is completed correctly.

**Incomplete applications delay approval or result in automatic denial.**

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

## ePERMITS

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

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

## APPLICATION FEE AND PAYMENT

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

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

Provide your payment information for verification of payment:

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

**RENEWAL** (This portion of the NOI is not applicable after June 3, 2018)

Is this NOI for a renewal of an existing authorization?  Yes  No

If Yes, provide the authorization number here: TXR15

NOTE: If an authorization number is not provided, a new number will be assigned.

**SECTION 1. OPERATOR (APPLICANT)**

a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN

(Refer to Section 1.a) of the Instructions)

b) What is the Legal Name of the entity (applicant) applying for this permit? (The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)

c) What is the contact information for the Operator (Responsible Authority)?

Prefix (Mr. Ms. Miss):

First and Last Name:  Suffix:

Title:  Credentials:

Phone Number:  Fax Number:

E-mail:

Mailing Address:

City, State, and Zip Code:

Mailing Information if outside USA:

Territory:

Country Code:  Postal Code:

d) Indicate the type of customer:

- |   |  |
|---|--|
| <input type="checkbox"/> Individual                   | <input type="checkbox"/> Federal Government          |
| <input type="checkbox"/> Limited Partnership          | <input type="checkbox"/> County Government           |
| <input type="checkbox"/> General Partnership          | <input type="checkbox"/> State Government            |
| <input type="checkbox"/> Trust                        | <input type="checkbox"/> City Government             |
| <input type="checkbox"/> Sole Proprietorship (D.B.A.) | <input type="checkbox"/> Other Government            |
| <input type="checkbox"/> Corporation                  | <input type="checkbox"/> Other: <input type="text"/> |
| <input type="checkbox"/> Estate                       |  |

e) Is the applicant an independent operator?  Yes  No

(If a governmental entity, a subsidiary, or part of a larger corporation, check No.)

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

0-20

251-500

21-100

501 or higher

101-250

g) Customer Business Tax and Filing Numbers: (**Required** for Corporations and Limited Partnerships. **Not Required** for Individuals, Government, or Sole Proprietors.)

State Franchise Tax ID Number:

Federal Tax ID:

Texas Secretary of State Charter (filing) Number:

DUNS Number (if known):

## SECTION 2. APPLICATION CONTACT

Is the application contact the same as the applicant identified above?

Yes, go to Section 3

No, complete this section

Prefix (Mr. Ms. Miss):

First and Last Name:  Suffix:

Title:  Credential:

Organization Name:

Phone Number:  Fax Number:

E-mail:

Mailing Address:

Internal Routing (Mail Code, Etc.):

City, State, and Zip Code:

Mailing information if outside USA:

Territory:

Country Code:  Postal Code:

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

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

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

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

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

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

*Section A:*

Street Number and Name:

City, State, and Zip Code:

*Section B:*

Location Description:

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

Zip Code where the site is located:

**SECTION 4. GENERAL CHARACTERISTICS**

- a) Is the project or site located on Indian Country Lands?
  - Yes, do not submit this form. You must obtain authorization through EPA Region 6.
  - No
- b) Is your construction activity associated with a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources?
  - Yes. Note: The construction stormwater runoff may be under jurisdiction of the Railroad Commission of Texas and may need to obtain authorization through EPA Region 6.
  - No
- c) What is the Primary Standard Industrial Classification (SIC) Code that best describes the construction activity being conducted at the site?
- d) What is the Secondary SIC Code(s), if applicable?
- e) What is the total number of acres to be disturbed?
- f) Is the project part of a larger common plan of development or sale?

Yes

No. The total number of acres disturbed, provided in e) above, must be 5 or more. If the total number of acres disturbed is less than 5, do not submit this form. See the requirements in the general permit for small construction sites.

g) What is the estimated start date of the project? [REDACTED]

h) What is the estimated end date of the project? [REDACTED]

i) Will concrete truck washout be performed at the site?  Yes  No

j) What is the name of the first water body(ies) to receive the stormwater runoff or potential runoff from the site? [REDACTED]

k) What is the segment number(s) of the classified water body(ies) that the discharge will eventually reach? [REDACTED]

l) Is the discharge into a Municipal Separate Storm Sewer System (MS4)?

Yes  No

If Yes, provide the name of the MS4 operator: [REDACTED]

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

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

Yes, complete the certification below.

No, go to Section 5

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

## SECTION 5. NOI CERTIFICATION

a) I certify that I have obtained a copy and understand the terms and conditions of the Construction General Permit (TXR150000).  Yes

b) I certify that the full legal name of the entity applying for this permit has been provided and is legally authorized to do business in Texas.  Yes

c) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.  Yes

d) I certify that a Stormwater Pollution Prevention Plan has been developed, will be implemented prior to construction and to the best of my knowledge and belief is compliant with any applicable local sediment and erosion control plans, as required in the Construction General Permit (TXR150000).  Yes

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

**SECTION 6. APPLICANT CERTIFICATION SIGNATURE**

Operator Signatory Name: [REDACTED]

Operator Signatory Title: [REDACTED]

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

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

Signature (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

# NOTICE OF INTENT CHECKLIST (TXR150000)

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

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

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

## APPLICATION FEE

If paying by check:

- Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)
- Check number and name on check is provided in this application.

If using ePay:

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

## RENEWAL

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

## OPERATOR INFORMATION

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

## REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

- Regulated Entity Number (RN) (if site is already regulated by TCEQ)
- Site/project name and construction activity description
- County
- Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>

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

#### **GENERAL CHARACTERISTICS**

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

#### **CERTIFICATION**

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

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

## GENERAL INFORMATION

### Where to Send the Notice of Intent (NOI):

By Regular Mail:

TCEQ

Stormwater Processing Center (MC228)

P.O. Box 13087

Austin, Texas 78711-3087

By Overnight or Express Mail:

TCEQ

Stormwater Processing Center (MC228)

12100 Park 35 Circle

Austin, TX

### Application Fee:

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

### Mailed Payments:

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

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

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

### TCEQ Contact List:

Application – status and form questions:

512-239-3700, [swpermit@tceq.texas.gov](mailto:swpermit@tceq.texas.gov)

Technical questions:

512-239-4671, [swgp@tceq.texas.gov](mailto:swgp@tceq.texas.gov)

Environmental Law Division:

512-239-0600

Records Management - obtain copies of forms:

512-239-0900

Reports from databases (as available):

512-239-DATA (3282)

Cashier's office:

512-239-0357 or 512-239-0187

### Notice of Intent Process:

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

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

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

or

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

### General Permit (Your Permit)

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

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

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

### Change in Operator

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

### TCEQ Central Registry Core Data Form

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

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

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

## INSTRUCTIONS FOR FILLING OUT THE NOI FORM

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

### Section 1. OPERATOR (APPLICANT)

#### a) Customer Number (CN)

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

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

#### b) Legal Name of Applicant

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

#### c) Contact Information for the Applicant (Responsible Authority)

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

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

The phone number should provide contact to the applicant.

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

#### d) Type of Customer (Entity Type)

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

##### **Individual**

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

##### **Partnership**

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

### **Trust or Estate**

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

### **Sole Proprietorship (DBA)**

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

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

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

### **Corporation**

A customer that meets all of these conditions:

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

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

### **Government**

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

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

### **Other**

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

#### **e) Independent Entity**

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

#### **f) Number of Employees**

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

**g) Customer Business Tax and Filing Numbers**

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

**State Franchise Tax ID Number**

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

**Federal Tax ID**

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

**TX SOS Charter (filing) Number**

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

**DUNS Number**

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

**Section 2. APPLICATION CONTACT**

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

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

**a) Regulated Entity Number (RN)**

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

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

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

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

**b) Name of the Project or Site**

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

**c) Description of Activity Regulated**

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

**d) County**

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

**e) Latitude and Longitude**

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmaview.html>.

**f) Site Address/Location**

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

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

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

**Section 4. GENERAL CHARACTERISTICS**

**a) Indian Country Lands**

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

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

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

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

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

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

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

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

**c) Primary Standard Industrial Classification (SIC) Code**

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

Common SIC Codes related to construction activities include:

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

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

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

**d) Secondary SIC Code**

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

**e) Total Number of Acres Disturbed**

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

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

**f) Common Plan of Development**

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

For more information on what a common plan of development is, refer to the definition of “Common Plan of Development” in the Definitions section of the general permit or enter the following link into your internet browser:

[www.tceq.texas.gov/permitting/stormwater/common\\_plan\\_of\\_development\\_steps.html](http://www.tceq.texas.gov/permitting/stormwater/common_plan_of_development_steps.html)

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

**g) Estimated Start Date of the Project**

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

**h) Estimated End Date of the Project**

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

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

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

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

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

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

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

Identify the classified segment number(s) receiving a discharge directly or indirectly. Enter the following link into your internet browser to find the segment number of the classified water body where stormwater will flow from the site:

[www.tceq.texas.gov/waterquality/monitoring/viewer.html](http://www.tceq.texas.gov/waterquality/monitoring/viewer.html) or by contacting the TCEQ Water Quality Division at (512) 239-4671 for assistance.

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

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

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

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

**l) Discharge into MS4 – Identify the MS4 Operator**

The discharge may initially be into a municipal separate storm sewer system (MS4). If the stormwater discharge is into an MS4, provide the name of the entity that operates the MS4 where the stormwater discharges. An MS4 operator is often a city, town, county, or utility district, but possibly can be another form of government. Please note that the Construction General Permit requires the Operator to supply the MS4 with a

copy of the NOI submitted to TCEQ. For assistance, you may call the technical staff at 512-239-4671.

#### **m) Discharges to the Edwards Aquifer Recharge Zone and Certification**

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

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

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

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

### **Section 5. NOI CERTIFICATION**

**Note: Failure to indicate Yes to all of the certification items may result in denial of coverage under the general permit.**

#### **a) Certification of Understanding the Terms and Conditions of Construction General Permit (TXR150000)**

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

#### **b) Certification of Legal Name**

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

#### **c) Understanding of Notice of Termination**

A permittee shall terminate coverage under the Construction General Permit through the submittal of a NOT when the operator of the facility changes, final stabilization has

been reached, the discharge becomes authorized under an individual permit, or the construction activity never began at this site.

**d) Certification of Stormwater Pollution Prevention Plan**

The SWP3 identifies the areas and activities that could produce contaminated runoff at your site and then tells how you will ensure that this contamination is mitigated. For example, in describing your mitigation measures, your site's plan might identify the devices that collect and filter stormwater, tell how those devices are to be maintained, and tell how frequently that maintenance is to be carried out. You must develop this plan in accordance with the TCEQ general permit requirements. This plan must be developed and implemented before you complete this NOI. The SWP3 must be available for a TCEQ investigator to review on request.

**Section 6. APPLICANT CERTIFICATION SIGNATURE**

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

**If you are a corporation:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

**If you are a municipality or other government entity:**

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the TCEQ's Environmental Law Division at 512-239-0600.

## 30 Texas Administrative Code

### §305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the

corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

# Texas Commission on Environmental Quality General Permit Payment Submittal Form

**Use this form to submit your Application Fee only if you are mailing your payment.**

## Instructions:

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- *Do not mail this form with your NOI form.*
- *Do not mail this form to the same address as your NOI.*

## Mail this form and your check to either of the following:

### *By Regular U.S. Mail*

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

### *By Overnight or Express Mail*

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

**Fee Code: GPA General Permit: TXR150000**

1. Check or Money Order No:
2. Amount of Check/Money Order:
3. Date of Check or Money Order:
4. Name on Check or Money Order:
5. NOI Information:

If the check is for more than one NOI, list each Project or Site (RE) Name and Physical Address exactly as provided on the NOI. **Do not submit a copy of the NOI with this form, as it could cause duplicate permit application entries!**

If there is not enough space on the form to list all of the projects or sites the authorization will cover, then attach a list of the additional sites.

Project/Site (RE) Name:

Project/Site (RE) Physical Address:

**Staple the check or money order to this form in this space.**



TCEQ Office Use Only  
Permit No:  
CN:  
RN:  
Region:

## Notice of Termination (NOT) for Authorizations under TPDES General Permit TXR150000

### IMPORTANT INFORMATION:

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

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

ePermits: This form is available on our online permitting system.

Sign up for online permitting at: <https://www3.tceq.texas.gov/steers/>

What is the permit number to be terminated?

TXR15 [redacted] TXRCW [redacted]

### Section 1. OPERATOR (Permittee)

a) What is the Customer Number (CN) issued to this entity?

CN [redacted]

b) What is the Legal Name of the current permittee?

[redacted]

c) Provide the contact information for the Operator (Responsible Authority).

Prefix (Mr. Ms. or Miss): [redacted]

First and Last Name: [redacted] Suffix: [redacted]

Title: [redacted] Credentials: [redacted]

Phone Number: [redacted] Fax Number: [redacted]

Email: [redacted]

Mailing Address: [redacted]

City, State, and Zip Code: [redacted]

Country Mailing Information, if outside USA: [redacted]

### Section 2. APPLICATION CONTACT

This is the person TCEQ will contact if additional information is needed regarding this application.

Is the application contact the same as the permittee identified above?

Yes, go to Section 3.

No, complete section below

Prefix (Mr. Ms. or Miss): [REDACTED]  
First and Last Name: [REDACTED] Suffix: [REDACTED]  
Title: [REDACTED] Credentials: [REDACTED]  
Phone Number: [REDACTED] Fax Number: [REDACTED]  
Email: [REDACTED]  
Mailing Address: [REDACTED]  
City, State, and Zip Code: [REDACTED]  
Country Mailing Information, if outside USA: [REDACTED]

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

- a) TCEQ issued RE Reference Number (RN): RN [REDACTED]
- b) Name of project or site as known by the local community: [REDACTED]
- c) County, or counties if more than 1: [REDACTED]
- d) Latitude: [REDACTED] Longitude: [REDACTED]
- e) Site Address/Location:  
If the site has a physical address such as 12100 Park 35 Circle, Austin, TX 78753, complete Section 3A.  
If the site does not have a physical address, provide a location description in Section 3B. Example: located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1.

**Section 3A: Physical Address of Project or Site:**

Street Number and Name: [REDACTED]  
City, State, and Zip Code: [REDACTED]

**Section 3B: Site Location Description:**

**Location description:** [REDACTED]  
[REDACTED]  
City where the site is located or, if not in a city, what is the nearest city: [REDACTED]  
Zip Code where the site is located: [REDACTED]

**Section 4. REASON FOR TERMINATION**

Check the reason for termination:

- Final stabilization has been achieved on all portions of the site that are the responsibility of the Operator and all silt fences and other temporary erosion controls have been removed, or scheduled for removal as defined in the SWP3.
- Another permitted Operator has assumed control over all areas of the site that have not been finally stabilized, and temporary erosion controls that have been identified in the SWP3 have been transferred to the new Operator.

- The discharge is now authorized under an alternate TPDES permit.
- The activity never began at this site that is regulated under the general permit.

## Section 5. CERTIFICATION

Signatory Name:

Signatory Title:

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

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

Signature (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

# Instructions for Notice of Termination (NOT) for Authorizations under TPDES General Permit TXR150000

## GENERAL INFORMATION

### Where to Send the Notice of Termination (NOT):

#### BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC-228)  
P.O. Box 13087  
Austin, Texas 78711-3087

#### BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality  
Stormwater Processing Center (MC-228)  
12100 Park 35 Circle  
Austin, TX 78753

### TCEQ Contact List:

Application status and form questions:	512-239-3700, <a href="mailto:swpermit@tceq.texas.gov">swpermit@tceq.texas.gov</a>
Technical questions:	512-239-4671, <a href="mailto:swgp@tceq.texas.gov">swgp@tceq.texas.gov</a>
Environmental Law Division:	512-239-0600
Records Management - obtain copies of forms:	512-239-0900
Reports from databases (as available):	512-239-DATA (3282)
Cashier's office:	512-239-0357 or 512-239-0187

### Notice of Termination Process:

A Notice of Termination is **effective on the date postmarked for delivery to TCEQ.**

When your NOT is received by the program, the form will be processed as follows:

- 1) Administrative Review: The form will be reviewed to confirm the following:
  - the permit number is provided;
  - the permit is active and has been approved;
  - the entity terminating the permit is the current permittee;
  - the site information matches the original permit record; and
  - the form has the required original signature with title and date.
- 2) Notice of Deficiency: If an item is incomplete or not verifiable as indicated above, a phone call will be made to the applicant to clear the deficiency. A letter will not be sent to the permittee if unable to process the form.
- 3) Confirmation of Termination: A Notice of Termination Confirmation letter will be mailed to the operator.

### Change in Operator:

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted not later than 10 days prior to the change in Operator status.

## INSTRUCTIONS FOR FILLING OUT THE FORM

The majority of permit information related to the current operator and regulated entity are available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

## **Section 1. Operator (Current Permittee):**

- a) Customer Number (CN)  
TCEQ's Central Registry assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. The Customer Number, for the current permittee, is available at the following website:  
[http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

- b) Legal Name of Operator  
The operator must be the same entity as previously submitted on the original Notice of Intent for the permit number provided. The current operator name, as provided on the current authorization, is available at the following website:  
[http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

- c) Contact Information for the Operator (Responsible Authority)  
Provide information for person signing the NOT application in the Certification section. This person is also referred to as the Responsible Authority.

Provide a complete mailing address for receiving mail from the TCEQ. Update the address if different than previously submitted for the Notice of Intent or Notice of Change. The mailing address must be recognized by the US Postal Service. You may verify the address on the following website: <https://tools.usps.com/go/ZipLookupAction!input.action>.

The phone number should provide contact to the operator.

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

## **Section 2. Application Contact:**

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

## **Section 3. Regulated Entity (RE) Information on Project or Site:**

- a) Regulated Entity Reference Number (RN)  
A number issued by TCEQ's Central Registry to sites where an activity regulated by TCEQ. This is not a permit number, registration number, or license number. The Regulated Entity Reference Number is available at the following website:  
[http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).
- b) Name of the Project or Site  
Provide the name of the site as known by the public in the area where the site is located.
- c) County  
Identify the county or counties in which the regulated entity is located.
- d) Latitude and Longitude  
Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. The latitude and longitude as provided on the current authorization is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).
- e) Site/Project (RE) Physical Address/Location Information  
The physical address/location information, as provided on the current authorization, is available at the following website: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm).

Section 3A. If a site has an address that includes a street number and street name, enter the complete address for the site. If the physical address is not recognized as a USPS delivery address, you may need to validate the address with your local police (911 service) or through an online map site used to locate the site. Please confirm this to be a complete and valid address. Do not use a rural route or post office box for a site location.

Section 3B. If a site does not have an address that includes a street number and street name, provide a complete written location description. For example: "The site is located on the north side of FM 123, 2 miles west of the intersection of FM 123 and Highway 1."

Provide the city (or nearest city) and Zip Code of the facility location.

#### **Section 4. Reason for Termination:**

The Notice of Termination form is only for use to terminate the authorization (permit). The Permittee must indicate the specific reason for terminating by checking one of the options. If the reason is not listed then provide an attachment that explains the reason for termination.

Please read your general permit carefully to determine when to terminate your permit. Permits will not be reactivated after submitting a termination form. The termination is effective on the date postmarked for delivery to TCEQ.

#### **Section 5. Certification:**

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code §305.44.

##### *IF YOU ARE A CORPORATION:*

The regulation that controls who may sign an application form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

##### *IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:*

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a), which is provided below. According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statutes under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a) (3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at 512-239-0600.

*30 Texas Administrative Code §305.44. Signatories to Applications*

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).



# LARGE CONSTRUCTION SITE NOTICE

FOR THE  
Texas Commission on Environmental Quality (TCEQ)  
Stormwater Program  
**TPDES GENERAL PERMIT TXR150000**

## ***“PRIMARY OPERATOR” NOTICE***

This notice applies to construction sites operating under Part I.I.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

[http://www.tceq.state.tx.us/nav/permits/wq\\_construction.html](http://www.tceq.state.tx.us/nav/permits/wq_construction.html)

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: <i>Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.</i>	
Location of Stormwater Pollution Prevention Plan:	



# LARGE CONSTRUCTION SITE NOTICE

FOR THE

Texas Commission on Environmental Quality (TCEQ)

Stormwater Program

**TPDES GENERAL PERMIT TXR150000**

**“SECONDARY OPERATOR” NOTICE**

This notice applies to secondary operators of construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

[http://www.tceq.state.tx.us/nav/permits/wq\\_construction.html](http://www.tceq.state.tx.us/nav/permits/wq_construction.html)

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: <i>Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.</i>	
Location of Stormwater Pollution Prevention Plan (SWP3):	

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

I \_\_\_\_\_ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.3. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A stormwater pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date Notice Removed

\_\_\_\_\_ MS4 operator notified per Part II.F.3.



# SMALL CONSTRUCTION SITE NOTICE

FOR THE  
Texas Commission on Environmental Quality (TCEQ)  
Stormwater Program  
**TPDES GENERAL PERMIT TXR150000**

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of stormwater runoff from small construction sites. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

[http://www.tceq.state.tx.us/nav/permits/wq\\_construction.html](http://www.tceq.state.tx.us/nav/permits/wq_construction.html)

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

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

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

Signature and Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date Notice Removed

\_\_\_\_\_ MS4 operator notified per Part II.F.3.