

HARRIS COUNTY
FLOOD CONTROL DISTRICT

**Reference
Documents**

HARRIS COUNTY

FLOOD CONTROL DISTRICT

GEOTECHNICAL REPORTS

Cover page only, full document submitted separately.

GEOTECHNICAL INVESTIGATION

PER FOR TAYLOR GULLY IMPROVEMENTS

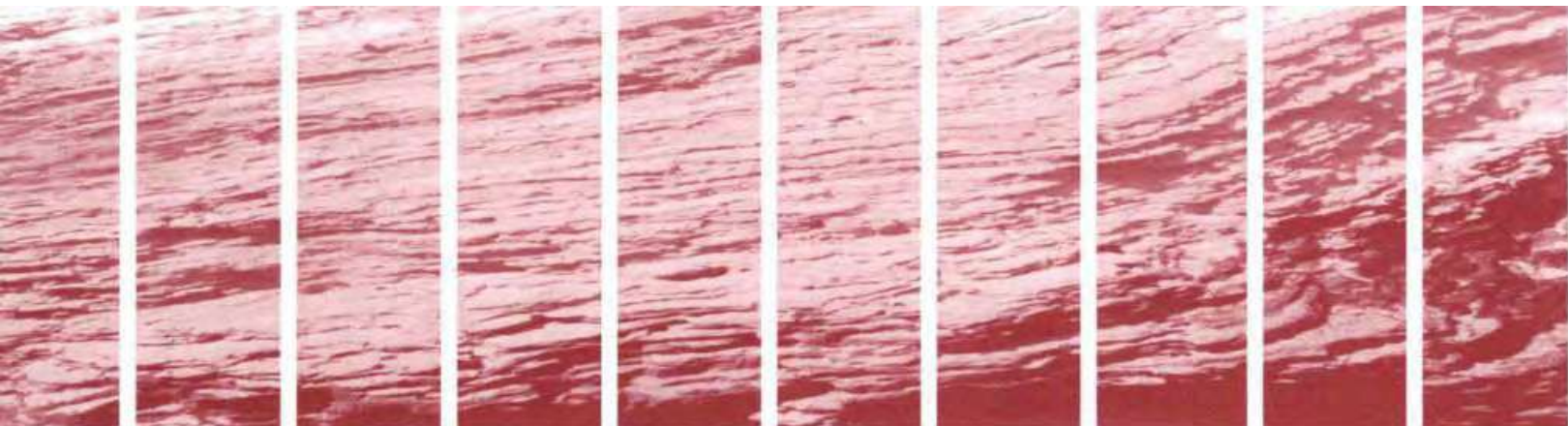
HCFC D PROJECT ID# G103-80-03.1-E001

HARRIS COUNTY, TEXAS

PRECINCT 4

**Key Map Nos. 296M, 296R, 297J, 297N, 297P,
297Q, and 297T**

Report to
IDCUS, INC.
HOUSTON, TEXAS



**GEOTECHNICAL INVESTIGATION
WOODRIDGE STORMWATER DETENTION BASINS
HCFC D PROJECT ID #G503-06-E003 AND
HCFC D PROJECT ID #G503-06-E004
HARRIS COUNTY, PRECINCT 3, TEXAS**

REPORT NO. 1140289501
FINAL

Reported to:

HALFF ASSOCIATES, INC.

Houston, Texas

Submitted by:

**GEOTEST ENGINEERING, INC.
TBPE Registration No. F-410**

Houston, Texas

April 18, 2025

Key Map Nos. 296 M, R
297 J, N

HARRIS COUNTY

FLOOD CONTROL DISTRICT

**USACE PERMITS
AND
ENVIRONMENTAL
REPORTS**

Authority to Use Grant Funds

**U.S. Department of Housing
and Urban Development**
Office of Community Planning
and Development

To: (name & address of Grant Recipient & name & title of Chief Executive Officer) Jet Hays, Deputy Director for Integration Texas General Land Office, Community Development & Revitalization PO Box 12873 Austin, TX 78711-2973	Copy To: (name & address of SubRecipient) Dr. Tina Petersen Harris County Flood Control District-9900 Northwest Freeway, Houston TX 77092
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We received your Request for Release of Funds and Certification, form HUD-7015.15 on	11/17/2025
Your Request was for HUD/State Identification Number	B-18-DP-48-0002

All objections, if received, have been considered. And the minimum waiting period has transpired.
 You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.
 File this form for proper record keeping, audit, and inspection purposes.


Project Activity: Taylor Gully Channel Conveyance Improvements and Woodridge Stormwater Detention Basinproject

Program Description: The proposed Harris County Flood Control District project includes construction of a stormwater detention basin with a capacity of 392 acre-feet to include backslope drainage swale system, maintenance access ramp, weir, and culverts; channel improvements to include rip rap, channel lining, regrading, storm sewer pipe replacement, maintenance access ramp; culvert and bridge replacement; and associated appurtenances.

CDBG-MIT Funding: \$ 39,493,601.33

Total Project Cost: \$46,928,344.33

Project Location: SWDB: East of Woodland Hills Drive (30.08142, -95.20597) Montgomery County, Texas and along Taylor Gully ROW (30.07648, -95.18629) Kingwood, Harris County, Texas

Typed Name of Authorizing Officer Laura I. Rivera-Carrion Title of Authorizing Officer Coordinating Officer for ODR - Caribbean Region	Signature of Authorizing Officer <div style="text-align: center;">  <p>LAURA RIVERA-CARRION X CARRION</p> </div> <small>Digitally signed by: LAURA RIVERA-CARRION DN: CN = LAURA RIVERA-CARRION C = US O = U.S. Government OU = Department of Housing and Urban Development, Office of Administration Date: 2025.12.03 14:58:07 -04'00'</small>	Date (mm/dd/yyyy) 12/03/2025
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No Action Alternative [24 CFR 58.40(e)]:

Under the No Action Alternative, conveyance improvements to Taylor Gully and the increased volume of detained stormwater with the construction of the Woodridge SWDB would not occur. The surrounding area would continue to experience flood hazards and damages, including inundation of 70 structures and 96.4 acres of land during 100-year storm events and 343 structures and 194.3 acres of land during 500-year events. The No Action Alternative was rejected because this Alternative would not address the project’s Purpose and Need to improve the stormwater conveyance in Taylor Gully and would increase the volume of undetained stormwater in the watershed, as identified in the Kingwood Study and Kingwood Plan.

Summary of Findings and Conclusions:

Alternative 6 was selected as the least environmentally damaging practicable alternative (LEDPA) for this project. Alternative 6 was selected due to hydraulic performance, system capacity provided, costs and benefits in relation to the reduction in inundation area, reduction of inundated structures or structures benefited, environmental impacts, and construction feasibility.

No adverse effects to existing environmental conditions are anticipated for any of the impact categories contained in this environmental assessment.

Through adherence to all mitigation measures/conditions and permit requirements, the proposed project is not anticipated to result in significant adverse impacts to the environment and is overall anticipated to result in a beneficial impact to the surrounding environment and community by reducing flood hazards and damages. It was determined that identified recent, current, or reasonably foreseeable projects in the project vicinity would not result in significant adverse effects to the environment.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
General Environmental Grant Conditions	The Flood Control District will acquire required federal, state, and local permits prior to commencement of construction and comply with permit conditions. If the scope of work of a proposed activity changes significantly, the Responsible Entity will be notified by the Flood Control District and resubmitted for reevaluation under NEPA.

<p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>The contractor(s) selected to construct the proposed project will be responsible for controlling fugitive dust beyond the limits of construction. Dust control techniques, such as covering or treating disturbed areas with dust suppression substances, sprinkling, and other dust abatement controls, will be implemented during construction of the proposed project. Construction equipment with EPA-designated Tier 2 and Tier 3 engines will be used during construction. MSAT emissions will be minimized by measures to encourage the use of EPA-required cleaner diesel fuels, limits on idling, increasing use of cleaner-burning diesel engines, and other emission-limitation techniques, as appropriate.</p>
<p>National Historic Preservation Act of 1966, particularly Sections 106 and 100, (36 CFR 800)</p>	<p>If cultural materials are uncovered during construction activities, work will cease in the immediate area, and the Flood Control District will coordinate with the THC's Archeology Division to determine further actions. If historic properties are identified or unanticipated effects on historic properties are found, work would cease in the immediate area, and the Flood Control District will coordinate with the THC's History Programs Division to determine appropriate further actions to protect historic properties.</p>
<p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51, Subpart B</p>	<p>Construction will comply with all applicable local noise ordinances.</p> <p>All equipment will have the manufacturer's recommended noise abatement control measures, such as mufflers, engine enclosures, and engine vibration isolators, intact and operational; construction equipment will be inspected periodically to ensure proper maintenance and presence of noise control devices; idling equipment will be prohibited; and construction will occur during daylight hours (7:00AM-7:00PM), when practicable.</p>
<p>Wildlife Protection</p>	<p>Suitable habitat for the federally-proposed as endangered tricolored bat is present within the Project Area. Although this species does not currently receive statutory protection under the ESA, the Flood Control District commits to enacting the voluntary conservation measures developed in coordination with USFWS that are in Attachment P.</p>
<p>Migratory Bird Treaty Act (16 U.S.C. 703-712 & 50 CFR 10.13) and Bald & Golden Eagle Protection Act (16 U.S.C. 668-668d)</p>	<p>A migratory bird nest survey will be conducted 5 days prior to any activity that disturbs vegetation, regardless of time of year, to avoid impacts to migratory birds, bald and golden eagles, and their nests, as per HCFCD Guidelines. Additionally, if any active nests are identified, a species-specific buffer will be installed and monitored until avian activity subsides. Nests will not be disturbed until deemed inactive.</p>

The Harris County Flood Control District commits to implementing voluntary species-specific conservation measures referred to as Environmental Mitigation Measures (EMM) in Attachment P. These

EMMs will be implemented throughout the project to further the conservation of wildlife, migratory birds and bald and golden eagles, and species of federal concern. The EMM includes steps to be followed to comply with the ESA upon listing of federal species.

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Rebecca Mehok Date: 10/22/2025

Name/Title/Organization: Rebecca Mehok, Environmental Planner, Harris County Flood Control District

Certifying Officer Signature: Jet Hays Date: 22 oct 2025

Name/Title: Jet Hays, Deputy Director for Integration, Texas General Land Office

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

MEMORANDUM



9900 Northwest Freeway
Houston, Texas 77092
346-286-4000
www.hcfdc.org

DATE: September 12, 2025

TO: Suresh Gudavalli
Project Management Dept.

FROM: Ryan Robol
Regulatory Compliance Section (RCS)

RE: Environmental Services Project Status
Nationwide Permit # 13 - SWG-2022-00179
Taylor Gully Improvements and Stormwater Basin

Project ID: G103-80-03.1-E002 ESD Task Request #: 24-347

Status:

<input checked="" type="checkbox"/> Status Update	Task Manager: Ryan Robol
<input type="checkbox"/> Recommendation	Date: 9/12/25
<input type="checkbox"/> Release for Acquisition	<i>Denise Wade 9/12/25</i>
<input type="checkbox"/> Release for Final Design	Dept. Manager: Denise Wade
<input type="checkbox"/> Release for Construction	Date: 9/12/25

Expirations:

<input checked="" type="checkbox"/> USACE Permit	Exp: March 15, 2026
<input type="checkbox"/> Delineation/Verification	Exp:
<input type="checkbox"/> ESA	Exp:
<input type="checkbox"/> EAEIS	Exp:

Details:

Taylor Gully, downstream of the drop structure, is considered a jurisdictional Water of the U.S. (WOTUS) under the most recent USACE regulations and guidance. The project will reconstruct the drop structure within the jurisdictional portion of Taylor Gully under USACE issued Nationwide Permit (NWP) 13 (Bank Stabilization) dated September 11, 2025. The activity is authorized to discharge 119.3 cubic yards of rip-rap along 46 linear feet (0.03 acres) into the jurisdictional WOTUS (2.59 CY/LF). No other impacts to jurisdictional WOTUS were necessary for this project.

Special Conditions:

The NWP verification is valid until the NWP is modified, reissued, or revoked. The subject NWPs authorized in 2021 are scheduled to be modified, reissued, or revoked prior to March 15, 2026. If the project is started or is under contract to commence before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the permitted activity under the present terms and conditions of this NWP.

The USACE determined the proposed activity would comply with all the terms and conditions of NWP 13 and that the adverse environmental effects of the proposed project would be minimal both individually and cumulatively.

Therefore, in this case, they are waiving the restriction that fill shall not exceed more than 1 cubic yard per running foot.

A request must be resubmitted to RCS if the project scope changes or if permit expires before work is commenced. Activities that disturb bird habitat, including but not limited to clearing, grubbing, and impacts to structures where migratory birds and bald eagles might nest, require a nest habitat survey. Do not proceed until the Regulatory Compliance Section has conducted a nest habitat survey to verify active migratory bird nests and bald eagle nests are not present. The Regulatory Compliance Section must provide written authorization to proceed.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT RD
GALVESTON, TEXAS 77550

September 11, 2025

Evaluation Branch

SUBJECT: Permit No. SWG-2022-00179; Nationwide Permit Verification, HCFCD
Project ID G103-80-03.1-E002

Mr. Jonathan Holley
Harris County Flood Control District
9900 Northwest Freeway
Houston, Texas 77092

Dear Mr. Holley:

This is in reference to your request, dated July 1, 2025, to discharge 119.3 cubic yards of fill into a 0.03-acre area below the ordinary high-water mark (OHWM) of Taylor Gully. The area of authorized discharge extends from the existing drop structure downstream approximately 46 linear feet. The project site is located in Taylor Gully, specifically, in HCFCD channel G103-80-03.1, east of the existing drop structure at STA. 26+46.00, approximately 0.28 miles northeast of the intersection of Mills Branch Drive and Taylor Gully, in Houston, Harris County, Texas.

This request is verified by Nationwide Permit (NWP) 13 pursuant to Section 404 of the Clean Water Act. This NWP verification is valid provided the activity is compliant with the enclosed plans, in 4 sheets. In addition, the activity must be in compliance with the NWP General/Regional Conditions, Section 401 Water Quality Certification, and the Coastal Management Program, which can be found at: <https://www.swg.usace.army.mil/Missions/Regulatory/Permits/Nationwide-General-Permits/>, a hard copy can be provided to you upon request.

NWP 13. Bank Stabilization: Authorizes activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of other methods.

We have determined the proposed activity would comply with all the terms and conditions of NWP 13 and that the adverse environmental effects of the proposed project would be minimal both individually and cumulatively. Therefore, in this case, we are waiving the restriction that fill shall not exceed more than 1 cubic yard per running foot.

The NWP verification is valid until the NWP is modified, reissued, or revoked. The subject NWPs authorized in 2021 are scheduled to be modified, reissued, or revoked prior to March 15, 2026. It is incumbent upon you to remain informed of changes to the

NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

The impacts to waters of the United States (U.S.) associated with this NWP verification are based upon an Approved Jurisdictional Determination (AJD) for your subject site issued on February 1, 2023. If you have any questions, please contact Nicole Patterson by telephone at 409-766-6355 or by electronic mail (email) Nicole.E.Patterson@USACE.Army.Mil. Please notify the Galveston District Regulatory Division in writing by email at CESWGRegulatoryInbox@USACE.Army.Mil, upon completion of the authorized project.

FOR THE DISTRICT COMMANDER:



Kristi N. McMillan
Chief, Evaluation Branch
Regulatory Division, Galveston District

cc w/Encl.
HCFCD, Ryan Robol

Eighth Coast Guard District, New Orleans, LA

National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Coast & Geodetic Survey, Silver Spring, MD

Texas Commission on Environmental Quality

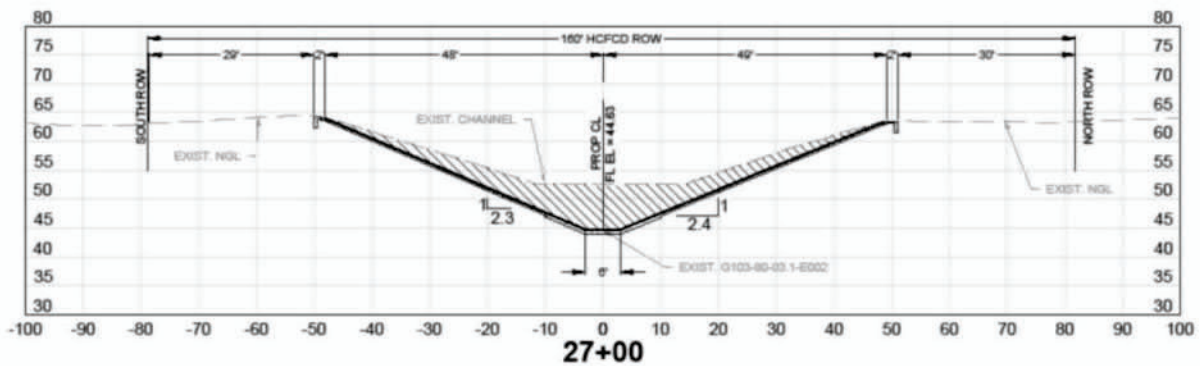
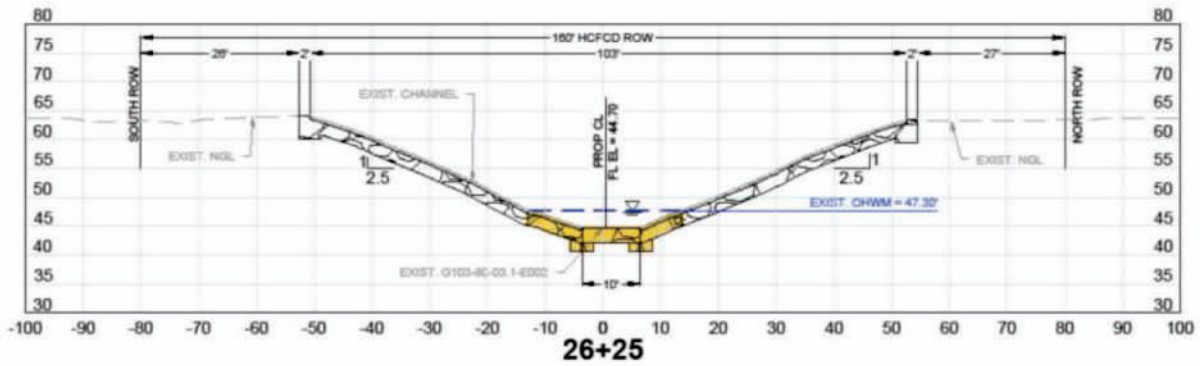
Texas General Land Office

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LEGEND

- FILL BELOW OHWM
- GRADE #1 RIPRAP
- GRADE #2 RIPRAP
- CUT
- IMPORT FILL
- CONCRETE
- PROPOSED CHANNEL GRADE
- OHWM

ALL CROSS SECTIONS ARE
TAKEN LOOKING UPSTREAM



0900 Northwest Freeway
Houston, Texas 77062

HCFCO CHANNEL IMPROVEMENTS PROJECT
HCFCO PROJECT ID# G103-80-03.1-E002
TAYLOR GULLY FROM UPSTREAM END OF COUNTY
BORDER TO 475 FEET WEST OF MAPLE BEND DR.

CROSS SECTIONS SHEET 1 OF 3

DATE: 7/31/2025

G-103-80-03.1-E002

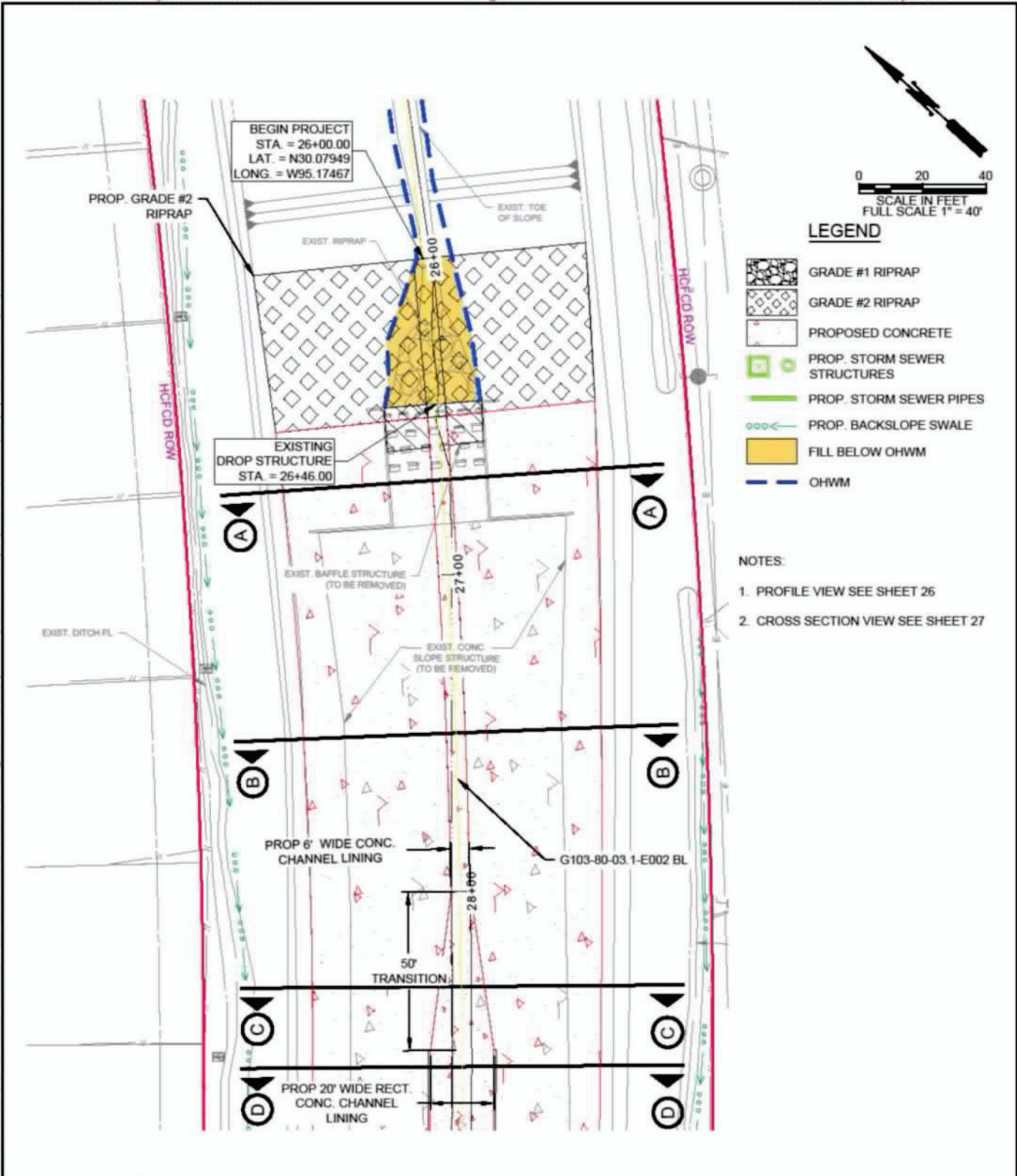
SHEET NUMBER

22 OF 29



TSP/ELS ENGINEERING FIRM #012
6303 NEW TRAILS DRIVE, SUITE 408
THE WOODLANDS, TEXAS 77381
TEL (936) 777-9400
FAX (936) 798-6833
AVO: 54458.001

A:\10400054\45859\1\PROJECTS\ENVIRONMENTAL\EXHIBIT\DWG\5.05-PLAN-DROP_SLOPE-DTL.DWG | A:\45859 | SAVED: Thursday, July 31, 2025 9:27:37 AM | PLOTTED: Thursday, July 31, 2025 9:35:25 AM



LEGEND

- GRADE #1 RIPRAP
- GRADE #2 RIPRAP
- PROPOSED CONCRETE
- PROP. STORM SEWER STRUCTURES
- PROP. STORM SEWER PIPES
- PROP. BACKSLOPE SWALE
- FILL BELOW OHWM
- OHWM

NOTES:

1. PROFILE VIEW SEE SHEET 26
2. CROSS SECTION VIEW SEE SHEET 27

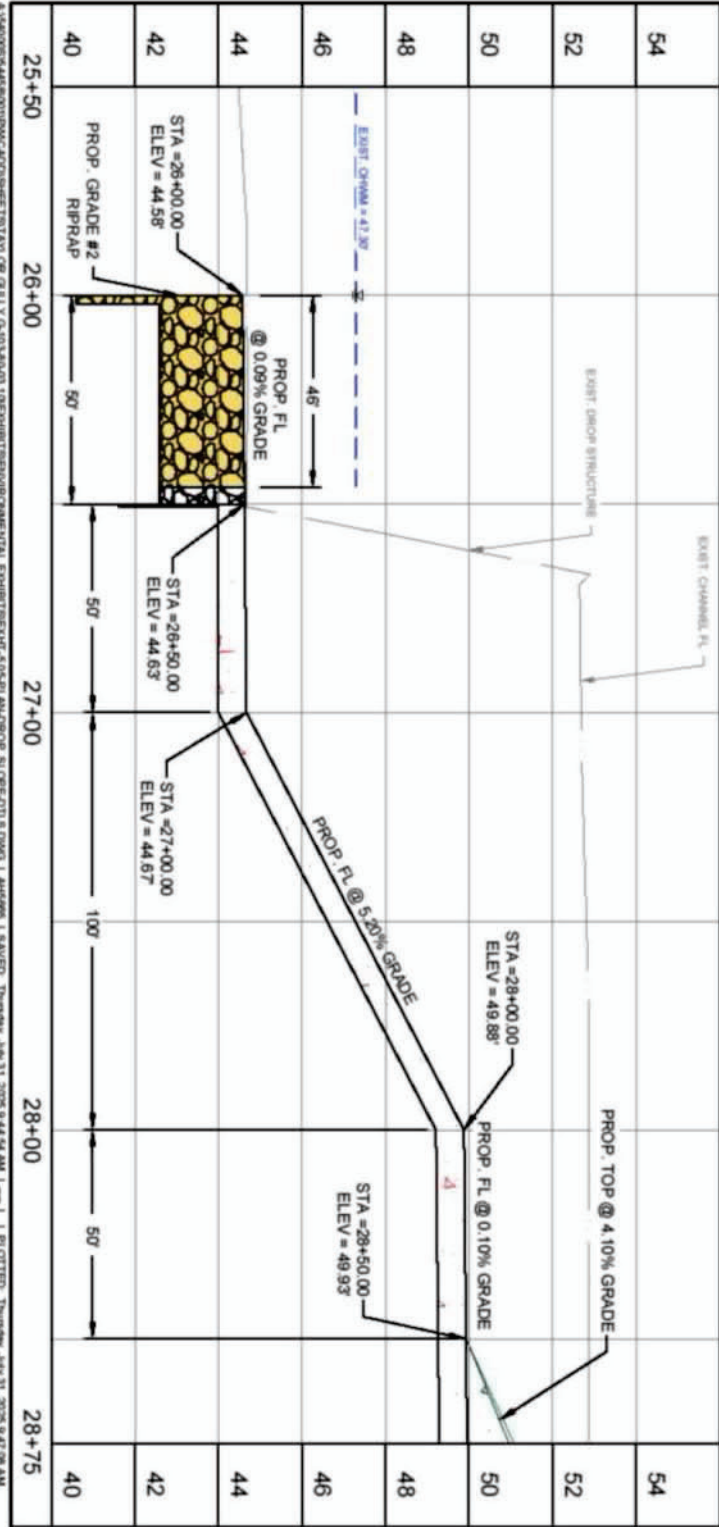
**HARRIS COUNTY
FLOOD
CONTROL
DISTRICT**
8900 Northwest Freeway
Houston, Texas 77062

**HCFCD CHANNEL IMPROVEMENTS PROJECT
HCFCD PROJECT ID# G103-80-03.1-E002
TAYLOR GULLY FROM UPSTREAM END OF COUNTY
BORDER TO 475 FEET WEST OF MAPLE BEND DR.**



PLAN VIEW SLOPE DROP DETAIL

DATE: 7/31/2025
G-103-80-03.1-E002
SHEET NUMBER
25 OF 29

halff
TSPELS ENGINEERING FIRM #312
6303 NEW TRAILS DRIVE, SUITE 408
THE WOODLANDS, TEXAS 77381
TEL (936) 777-9400
FAX (936) 798-6833
AVO: 54458.001



A:\06005446\07\HW\CADD\SET\TAYLOR GULLY G-103-80-03.1\02\HBIT\ENVIRONMENTAL\EXPORT\EXPORT_SLOPE_PLAN_CROP_SLOPE_DETAIL.DWG | 1/AVE686 | 1/SAVED Thursday, July 31, 2025 9:44:54 AM | 1 | PLOTTED Thursday, July 31, 2025 9:47:08 AM

 <p>HARRIS COUNTY FLOOD CONTROL DISTRICT 9900 Northwest Freeway Houston, Texas 77062</p>	<p>HCFC CHANNEL IMPROVEMENTS PROJECT HCFC PROJECT ID# G103-80-03.1-E002 TAYLOR GULLY FROM UPSTREAM END OF COUNTY BORDER TO 475 FEET WEST OF MAPLE BEND DR.</p>	DATE: 7/31/2025	 <p><small>TIPPELL ENGINEERING FIRM #112 1300 NEW TRAILS DRIVE, SUITE 400 THE WOODLANDS, TEXAS 77381 TEL (281) 777-8400 FAX (281) 758-8033 A/C: 34456.001</small></p>
	<p>PROFILE VIEW SLOPE DROP DETAIL</p>	<p>G-103-80-03.1-E002</p> <p>SHEET NUMBER</p> <p>26 OF 29</p>	

MEMORANDUM



DATE: March 7, 2022
TO: Andrew Issazadeh
Project Management
FROM: Ryan Robol
Regulatory Compliance Section (RCS)
RE: Environmental Services Project Status
Hazardous Materials Initial Site Assessment

9900 Northwest Freeway
Houston, Texas 77092
346-286-4000
www.hcfcfd.org

Project ID: G103-80-03.1-E001

ESD Task Request #: 21-678C

Status:

<input checked="" type="checkbox"/> Status Update	Task Manager: Ryan Robol
<input type="checkbox"/> Recommendation	Date: 3/7/22 Denise Wade
<input type="checkbox"/> Release for Acquisition	
<input type="checkbox"/> Release for Final Design	Dept. Manager: Denise Wade
<input type="checkbox"/> Release for Construction	Date: 3/7/22

Digitally signed by Denise Wade
DN: cn=Denise Wade, o=Harris
County Flood Control District, ou,
email=denise.wade@hcfcfd.net,
c=US
Date: 2022.03.07 11:12:12 -0600

Expirations:

<input type="checkbox"/> USACE Permit	Exp:
<input type="checkbox"/> Delineation/Verification	Exp:
<input type="checkbox"/> ESA	Exp:
<input type="checkbox"/> EA/EIS	Exp:

Details:

IDCUS completed a hazardous materials initial site assessment for the above referenced project. One report, dated November 2021, was completed for the detention basin (G503-06-00) and a second report, dated January 2022, was completed for the channel improvements to G103-80-03.1. The report for the detention basin indicated that there are no hazardous materials sites that are likely to impact the proposed project. The report for the channel improvements indicated that there are no Recognized Environmental Conditions associated with the proposed project. No additional hazardous materials tasks (i.e., Phase II Environmental Site Assessments, soils testing, groundwater testing) are recommended by Regulatory Compliance Section (RCS) prior to site development activities.

Special Conditions:

All construction contractors should be instructed to immediately stop all subsurface activities in the event that potentially hazardous materials are encountered, an odor is identified, or significantly stained soil is visible.

Contractors and maintenance personnel should be instructed to follow all applicable regulations regarding discovery and response for hazardous materials encountered during the construction process.

Activities that disturb bird habitat, including but not limited to clearing, grubbing, and impacts to structures where migratory birds and bald eagles might nest, require a nest habitat survey. Do not proceed until the Regulatory Compliance Section has conducted a nest habitat survey to verify active migratory bird nests and bald eagle nests are not present. The Regulatory Compliance Section must provide written authorization to proceed.

MEMORANDUM



DATE: November 10, 2021

TO: Jonathan Holley
Environmental Services

FROM: Ryan Robol
Regulatory Compliance Section (RCS)

RE: Environmental Services Project Status
Texas Historical Commission Concurrence
No Additional Studies Recommended

9900 Northwest Freeway
Houston, Texas 77092
346-286-4000
www.hcfcfd.org

Project ID: G503-06-00-E001

ESD Task Request #: 21-365

Status:

<input type="checkbox"/> Status Update	Task Manager: Ryan Robol
<input checked="" type="checkbox"/> Recommendation	Date: 11/10/21
<input type="checkbox"/> Release for Acquisition	Denise Wade
<input type="checkbox"/> Release for Final Design	Dept. Manager: Denise Wade
<input type="checkbox"/> Release for Construction	Date: 11/10/21

Digitally signed by Denise Wade
DN: cn=Denise Wade, o=Harris County Flood Control District, ou,
email=denise.wade@hcfcfd.hctx.net, c=US
Date: 2021.11.10 17:31:38 -0600

Expirations:

<input type="checkbox"/> USACE Permit	Exp:
<input type="checkbox"/> Delineation/Verification	Exp:
<input type="checkbox"/> ESA	Exp:
<input type="checkbox"/> EA/EIS	Exp:

Details:

A Cultural Resources Desktop Assessment, prepared by JMT and dated July 9, 2021, was submitted to the Texas Historical Commission (THC) for concurrence. The report recommended that the project area should not be subject to additional archeological or cultural resources investigations and that the project could proceed as designed. THC responded in an email dated August 3, 2021 and concurred with the consultant's recommendation. No additional cultural resources studies are required.

Special Conditions:

If cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the Regulatory Compliance Section to consult on further actions that may be necessary to protect the cultural remains. Activities that disturb bird habitat, including but not limited to clearing, grubbing, and impacts to structures where migratory birds and bald eagles might nest, require a nest habitat survey. Do not proceed until the Regulatory Compliance Section has conducted a nest habitat survey to verify active migratory bird nests and bald eagle nests are not present. The Regulatory Compliance Section must provide written authorization to proceed.

MEMORANDUM



DATE: February 13, 2023

TO: Andrew Issazadeh
Project Management

FROM: Ryan Robol
Regulatory Compliance Section (RCS)

RE: Environmental Services Project Status
Texas Historical Commission Concurrence
No Additional Studies Recommended

9900 Northwest Freeway
Houston, Texas 77092
346-286-4000
www.hcfcfd.org

Project ID: G103-80-03.1-E001

ESD Task Request #: 21-678A

Status:

<input checked="" type="checkbox"/> Status Update	Task Manager: Ryan Robol
<input type="checkbox"/> Recommendation	Date: 2/13/23
<input type="checkbox"/> Release for Acquisition	Denise Wade
<input type="checkbox"/> Release for Final Design	Dept. Manager: Denise Wade
<input type="checkbox"/> Release for Construction	Date: 2/13/23

Digitally signed by Denise Wade
DN: cn=Denise Wade, ou=Harris County Flood Control District, ou=email=denise.wade@hcfcfd.hctx.net, c=US
Date: 2023.02.13 13:13:31 -0600

Expirations:

<input type="checkbox"/> USACE Permit	Exp:
<input type="checkbox"/> Delineation/Verification	Exp:
<input type="checkbox"/> ESA	Exp:
<input type="checkbox"/> EA/EIS	Exp:

Details:

A Cultural Resources Desktop Assessment, prepared by SWCA and dated December 2021, was submitted to the Texas Historical Commission (THC) for concurrence. The report recommended that the project area should not be subject to additional archeological or cultural resources investigations and that the project could proceed as designed. THC responded in an email dated April 4, 2022 and concurred with the consultant's recommendation. No additional cultural resources studies are required.

Special Conditions:

If cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the Regulatory Compliance Section to consult on further actions that may be necessary to protect the cultural remains. Activities that disturb bird habitat, including but not limited to clearing, grubbing, and impacts to structures where migratory birds and bald eagles might nest, require a nest habitat survey. Do not proceed until the Regulatory Compliance Section has conducted a nest habitat survey to verify active migratory bird nests and bald eagle nests are not present. The Regulatory Compliance Section must provide written authorization to proceed.

MEMORANDUM



9900 Northwest Freeway
Houston, Texas 77092
346-286-4000
www.hcfcfd.org

DATE: January 14, 2025
TO: Stephanie Zertuche
Project Management
FROM: Ryan Robol
Regulatory Compliance Section (RCS)
RE: Environmental Services Project Status
Threatened and Endangered Species Review
Taylor Gully Channel Conveyance Improvements and Woodridge Basin

Project ID: G103-80-03.1-E002 ESD Task Request #: 24-347B

Status:

<input checked="" type="checkbox"/> Status Update	Task Manager: Ryan Robol
<input checked="" type="checkbox"/> Recommendation	Date: 1/14/25
<input type="checkbox"/> Release for Acquisition	<i>Denise Wade 1/14/25</i>
<input type="checkbox"/> Release for Final Design	Dept. Manager: Denise Wade
<input type="checkbox"/> Release for Construction	Date: 1/14/25

Expirations:

<input type="checkbox"/> USACE Permit	Exp:
<input type="checkbox"/> Delineation/Verification	Exp:
<input type="checkbox"/> ESA	Exp:
<input type="checkbox"/> EA/EIS	Exp:

Details:

Holloway Environmental (HE) completed a threatened and endangered species assessment on the above referenced project, which consists of 225.7 acres. The report, dated December 12, 2024, evaluated protected species impacts to two project phases: Phase I (Taylor Gully channel improvements and a southern stormwater detention basin) and Phase II (a northern stormwater detention basin). Because funding for Phase I is currently anticipated, this memo provides a summary of results and recommendations for Phase I of this project only. Phase II of the project is not currently funded.

For Phase I, the HE report indicated that four federally listed species may be impacted by the proposed project (alligator snapping turtle [proposed threatened], tricolored bat [proposed endangered], Louisiana pigtoe [proposed threatened], and monarch butterfly [candidate]). **Regulatory Compliance Section (RCS) recommends that a Biological Assessment (BA) be prepared** to document federal-listed/proposed species effects and associated mitigation measures to support future permitting efforts. The BA will need to be coordinated with the United States Fish and Wildlife Service (USFWS). The coordination with USFWS will need to be led by a federal agency, which RCS assumes would be the Texas General Land Office on behalf of the U.S. Department of Housing and Urban Development (HUD) since this is a HUD-funded project. **RCS also**

recommends that this project be coordinated with Texas Parks and Wildlife Department through their Wildlife Habitat Assessment (WHAB) Program due to anticipated effects to five state listed species (swallow-tailed kite, Rafinesque's big-eared bat, Louisiana pigtoe, sandbank pocketbook, and alligator snapping turtle).

**Special
Conditions:**

Activities that disturb bird habitat, including but not limited to clearing, grubbing, and impacts to structures where migratory birds and bald eagles might nest, require a nest habitat survey. Do not proceed until the Regulatory Compliance Section has conducted a nest habitat survey to verify active migratory bird nests and bald eagle nests are not present. The Regulatory Compliance Section must provide written authorization to proceed.

[EXTERNAL] Taylor Gully Channel Improvements and Woodridge Stormwater Detention Basin

From noreply@thc.state.tx.us <noreply@thc.state.tx.us>

Date Mon 5/12/2025 2:59 PM

To Justin Thornton <Justin.Thornton.GLO@recovery.texas.gov>; reviews@thc.state.tx.us <reviews@thc.state.tx.us>



TEXAS HISTORICAL COMMISSION
real places telling real stories

Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

THC Tracking #202510093

Date: 05/12/2025

Taylor Gully Channel Improvements and Woodridge Stormwater Detention Basin

Harris and Montgomery Counties

Houston, TX 77345

Description: A flood reduction and drainage project to be funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Mitigation (CDBG-MIT) program.

Dear Justin Thornton:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff, led by Justin Kockritz and Emily Dylla, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- THC/SHPO concurs with information provided.
- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

- No historic properties affected. However, if cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.
- THC/SHPO concurs with information provided.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: justin.kockritz@thc.texas.gov, emily.dylla@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,



for Joseph Bell, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.



HARRIS COUNTY FLOOD CONTROL DISTRICT

CONSTRUCTION PHASE

**STORMWATER POLLUTION
PREVENTION PLAN**

*Channel Conveyance Improvements to Taylor Gully
Woodridge Stormwater Detention Basin*

PROJECT IDENTIFICATION # G103-80-03.1-E002/G503-06-00-E003

JOB NO.

PLAN DISTRIBUTION LIST

CONSTRUCTION PHASE

**STORMWATER POLLUTION
PREVENTION PLAN**

*Channel Conveyance Improvements to Taylor Gully
Woodridge Stormwater Detention Basin*

PROJECT IDENTIFICATION # G103-80-03.1-E002/G503-06-00-E003

JOB NO.

ORIGINAL: Harris County Flood Control District
Director, Construction Division

COPY: **Electronic- To Distribution List**

HARRIS COUNTY FLOOD CONTROL DISTRICT

CONSTRUCTION PHASE

STORMWATER POLLUTION PREVENTION PLAN

PROJECT INFORMATION SHEET

*Channel Conveyance Improvements to Taylor Gully
Woodridge Stormwater Detention Basin*

PROJECT IDENTIFICATION # G103-80-03.1-E002/G503-06-00-E003

JOB NO.

OWNER:

NAME: Harris County Flood Control District
ADDRESS: 9900 Northwest Freeway
CITY, STATE, ZIP: Houston, Texas 77092
TELEPHONE: (713) 684-4000

PERSON WHO PREPARED STORMWATER POLLUTION PREVENTION PLAN:

NAME: Danielle N. Woods
TITLE: EQS Project Manager
COMPANY: Harris County Flood Control District
ADDRESS: 9900 Northwest Freeway
CITY, STATE, ZIP: Houston, Texas 77092
TELEPHONE:

***PERSON WHO WILL CONSTRUCT PROPOSED WORK
(GENERAL CONTRACTOR):***

COMPANY: Brice Construction & Design, LLC
ADDRESS: 16826 N. Eldridge Parkway

CITY, STATE, ZIP: Tomball, Texas, 77377
CONTACT: Tyler Troutt
TELEPHONE: 303-217-6854

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DEFINITIONS OF TERMS

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)

Construction Activity - Includes soil disturbance activities, including clearing, grading, and excavating; and 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.

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

Discharge – For the purposes of the TPDES general permit TXR150000, effective March 5, 2023 and this Stormwater Pollution Prevention Plan, (SWPPP), 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 washout, fueling), or other industrial Stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

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

Impaired Water - A surface water body that is identified on the latest approved Clean Water Act (CWA) §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

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

clearing of existing right-of-ways, and similar maintenance activities.)

Municipal Separate Storm Sewer System (MS4) - A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, 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 the TPDES general permit TXR150000, providing changes to information that was previously provided to the agency in a notice of intent form.

Notice of Intent (NOI) – An electronic or written submission to the executive director from an applicant requesting coverage under the TPDES general permit TXR150000.

Notice of Termination (NOT) – An electronic or written submission to the executive director from a discharger authorized under the TPDES general permit TXR150000 requesting termination of coverage.

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

- 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 SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Outfall - For the purpose of the TPDES general permit TXR150000 and this SWPPP, a point source at the point where Stormwater runoff associated with construction activity discharges to surface water in the state. It 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 the TPDES general permit TXR150000. 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.

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 the TPDES permit TXR150000, the term "pollutant" includes sediment.

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.

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

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

Temporary Stabilization - A condition where exposed soil or disturbed areas are provided with 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.

1.0 SITE DESCRIPTION

A. Project Description

1. HCFCD Project ID G103-80-03.1-E002/G503-06-00-E003, Taylor Gully HCFCD Unit No. G103-80-03.1 at Compartment 1 Overflow Weir to 515 feet west of Maple Bend Drive. A map of the site location can be found in project plans.

2. The purpose of this project is to provide stormwater detention in the San Jacinto Watershed to reduce flood levels and the overall risk of flooding for nearby structures.

3. The current site land use and cover is developed. Access to the site is shown in project plans.

4. The site is located within the 100-year flood plain.

5. The project is located in Kingwood, Texas, 77339 at latitude 30.08142° N , longitude -95.20597° W.

B. Description of Construction Activity

1. The project requires: The construction of a rectangular concrete channel within the existing Taylor Gully earthen channel and construction of a wet bottom detention pond upstream of the existing Taylor Gully channel. The channel project involves lowering the existing flowline by approximately 4 feet done by excavating 54,389 cubic yards and installing 10,150 linear feet of rectangular concrete channel lining. The detention pond involves excavation of a 42-acre wet bottom basin. Work within the channel involves a concrete maintenance access ramp, a 170-foot-long drop structure at the upstream of the channel, a 112-foot-long drop structure at the downstream portion of the channel, and construction of the Rustling Elms Drive bridge. Additionally, excavation within the wet bottom detention basin involves the construction of a limestone aggregate maintenance access ramp, a 30-foot-wide bottom shelf, a 52-foot-wide vegetative shelf for wetlands planting, and a wet pool 6 feet deep.

2. Construction of this project is expected to commence on May 4, 2026. The time to complete the project is 552 calendar days. The estimated date of completion is November 7, 2027.

C. Sequence of Major Activities is as follows:

1. Posting of permits and notices.

2. Install temporary Stormwater Pollution Prevention Controls, as noted on attached SWPPP Plan Sheet(s).

3. Site preparation including clearing and grubbing according to specifications listed in Section 6.0 of this SWPPP.

4. Install erosion protection such as rock filter dams, Reinforced Silt Fence (RSF), tree protection, and construction fencing.

5. Construct planned project.

D. Total Area of Site and Estimated Total Disturbed Area

1. Total Site: 122.9 Acres

2. Total Disturbed Area: 122.9 Acres

E. Existing Soil Data

1. The in-situ soils in the area are primarily cohesive soils in the top 10 to 23 feet and cohesionless samples below that with the most common soil type being lean clay.

2. Geotechnical report(s) that has/have been utilized by the Engineer will be available to the Contractor. Contractor may rely upon the accuracy of the "technical data" contained in such reports, but not upon non-technical data, interpretations, or opinions contained therein or for the completeness thereof for Contractor's purposes. Except as indicated in the immediately preceding sentence, the Contractor shall have full responsibility with respect to subsurface conditions at the site. The Geotechnical reports available for this Project are dated April 18, 2025, titled "Geotechnical Investigation Woodridge Stormwater detention basins, Houston & Montgomery, Harris County, Texas, (Project I.D. No. G503-06-00-E003 and G503-06-00-E004)" prepared by Geotest Engineering, Inc and dated October 07, 2022, titled "Geotechnical Investigation PER for Taylor Gully Improvements, Houston & Montgomery, Harris County, Texas, (Project I.D. No. G103-80-03.1-E001)" prepared by CIBOR, Inc .

F. Runoff Coefficient Estimate (HC Construction Handbook, Appendix A)

The runoff coefficient for this area is estimated to be 0.4.

G. Existing Water Quality Data

The San Jacinto River watershed is monitored by the Texas Commission on Environmental Quality (TCEQ) through the Texas Clean Rivers Program (CRP) according to the Texas Surface Water Quality Standards. One or more stream segments are affected by this project and are included in the listing of water bodies that fail to meet water quality standards as required by section 303(d) of the Clean Water Act. The following stream segments are impaired for bacteria TX-1008 Additional water quality data can be obtained through TCEQ's Surface Water Quality Monitoring (SWQM) database.

H. Site Map

Site maps are included in the construction drawings and in Appendix E.

2.0 CONTROLS

TXR15000 permit language found in Appendix B of this SWPPP narrative.

A. Erosion and Sediment Controls

1. Stabilization Practices – CONSTRUCTION PHASE only

a. Stabilized Construction Access, including staging, and parking areas will be installed using coarse aggregate or approved equal, according to

- specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
- b. Perimeter controls, such as RSF, vegetative buffer strips, rock filter dams, or equivalent will be placed at all downslope boundary locations of the construction area, according to the attached Plan Sheet of Controls. RSF will be installed according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
 - c. Staggered strip sodding, minimum 2 strips wide, will be placed on earthen slopes and at places along the top of bank where overbank sheet flow is possible and on earthen side slopes to deter rill erosion. This will be done as soon as grade is established. Sod will be installed according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
 - d. Erosion control and stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, except:
 - (1) Where earth disturbing activities will resume within 21 days on that portion of the site.
 - (2) Where temporary stabilization measures are infeasible. For this exemption to apply, contractor must provide a series of BMPs at the point where this portion of the site discharges. These BMPs must retain sediment on site to an extent practicable.
 - e. HCFCD Construction Division will release portions of the site to HCFCD's Infrastructure Division – Facilities Maintenance Department (FMT) – Turf Establishment Group (Turf Establishment Group) -- for permanent site stabilization and turf establishment. A maximum 5 acres of area or 1,500 linear feet of ROW may be released at one time. This step requires close coordination between HCFCD CON and FMT.
 - f. A permanent turf will be established by the Turf Establishment Group upon completion of the required earthwork. Topsoil or soil amendments will be placed on all side slopes by the Construction Contractor. Mulch and other materials may be used in conjunction with seeding. See Specifications Section 6.0 of this SWPPP.

2. Structural Practices

- a. Stabilized Construction Access, including staging, and parking areas will be installed using coarse aggregate, according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details. Sweeping loose dirt from all haul trucks and large construction equipment will be performed at construction exits prior to traveling public roads. Sediment traps shall be constructed for washing of trucks and equipment if performed in areas where there is the potential for pollutants and sediment to enter a drainage system.
- b. RSF will be used around stockpiles, material storage areas and disturbed areas which are not protected with sod and have the potential for pollutants and sediment to enter drainage system. Silt fencing will be installed

according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.

- c. Berms will be constructed around onsite fuel containers to prevent spills from entering a drainage system or tanks with a built-in containment system.
- d. RSF will be installed as shown on plans to prevent sediment transport into the waterways. Silt fencing will be installed according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
- e. Velocity dissipation and armoring will be placed in locations specified on the construction drawings to prevent scouring and erosion. Riprap will be installed according to specifications listed in Section 6.0 of this SWPPP.
- f. The required sedimentation basin to contain a 2-year, 24-hour storm from the site is not able to be used due to limited rights of way. The basin being excavated through this construction project serves as the required sedimentation basin to contain a 2-year, 24-hour storm from the site. Sediment and erosion controls are noted and depicted on the SWPPP Plan Sheet of Controls.

3. Sequence of Major Activities

The sequence of major control activities is expected to be as follows:

- a. Post Permits and Notices for the TPDES General Permit for Discharges of Stormwater Associated with Construction Activities.
- b. Install Stabilized Construction Access, according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
- c. Install RSF, according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
- d. Construct berms around refueling containers if tanks do not have built-in containment.
- e. Remove and properly dispose of any existing debris, according to specifications listed in Section 6.0 of this SWPPP.
- f. Clear and grub the site, as required for construction activities, according to specifications listed in Section 6.0 of this SWPPP.
- g. Strip topsoil and/or clear construction area immediately prior to construction only. Topsoil is to be stockpiled and reused on project, according to specifications listed in Section 6.0 of this SWPPP. Place RSF around stockpiles.
- h. Construct the proposed project as detailed in plans.
- i. Place strip sodding as soon as grade is established, according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.
- j. Release site or portions of site to FMT to establish vegetative cover over all disturbed areas.
- k. At the time when the final portion of the site is released to the FMT, selected controls will remain in place until permanent vegetation is stabilized (70% cover). These controls will be removed upon establishment of permanent

vegetative cover.

B. Stormwater Management

The permanent pollutant control measure included in this Project is site revegetation, which will act to some degree as a sedimentation trap. Particulates may settle out of the Stormwater flowing through the vegetated areas as the velocity of flow decreases. Permanent site revegetation will be the responsibility of HCFCD.

C. Other Controls

1. Waste Disposal

- a. **Waste Materials:** All waste materials will be collected and stored in a securely lidded metal dumpster rented from Gainsborough Waste, a licensed solid waste management company in Houston, Texas. The dumpster will meet all local and state solid waste management regulations. All trash and construction debris from the site will be deposited in the dumpster. The trash and debris will be hauled to an approved landfill. No construction waste material will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted onsite and Tyler Thoutt, the individual who manages the day-to-day site operations, will be responsible for seeing that these procedures are followed.
- b. **Hazardous Waste:** No hazardous waste is expected to be generated or encountered in this project. In the event that hazardous waste is encountered, all hazardous waste materials will be disposed of in the manner specified by local or state regulation or by the manufacturer. Tyler Thoutt, the individual who manages day-to-day site operations, will be responsible for seeing that these practices are followed.
- c. **Sanitary Waste:** All sanitary waste will be regularly collected from the portable units by Texas Outhouse, a licensed sanitary waste management contractor.

2. Offsite Vehicle Tracking

- a. A Stabilized Construction Access will be installed to help reduce vehicle tracking of sediments. Sediment stuck to vehicle tires, axles, and other undercarriage components will be removed from vehicles before vehicles can exit the construction site. An excavated or embankment sediment trap will be constructed if Contractor uses a vehicle wash system.
- b. The paved streets adjacent to the site entrance will be monitored constantly and cleaned as necessary, to remove any excess mud, dirt, or rock tracked from the site and ensure clean streets at all times. Documentation of inspection and maintenance of the streets is required.
- c. BMPs will be installed adjacent to stormwater inlets at all site entrances and along the haul roads to prevent sediment from entering the storm sewer system. Documentation of daily inspection and maintenance of these BMPs is required.

- d. Blowing dust will be controlled as necessary by spraying the dust source with water.

3. Dewatering/Care & Control of Water

Ponding stormwater on an active construction site is potentially contaminated. Dewatering operations must be monitored on all days that dewatering is occurring. Inspection forms can be found in Appendix D.

Pumping of excess water off-site will not be allowed unless a pump filtering system, a vegetative filter strip, an effective sedimentation holding area, or an equal BMP is used for sediment removal before the water is discharged.

4. Demonstration of Compliance with State and Local Regulations

The proposed project will be in compliance with applicable State and local waste disposal and sanitary sewer regulations.

D. Approved State or Local Plans

There are no approved state site plan requirements for stormwater management or erosion and sediment controls. This Project is within the jurisdiction of Harris and Montgomery Counties.

The City of Houston, Harris County, and HCFCD jointly manage a Phase I, TPDES MS4 permit. Review/ approval of plans and compliance with local Stormwater Quality Permits is coordinated directly with Harris County Permits, City of Houston Permits, or other local municipality as dictated by project location.

3.0 MAINTENANCE

A. Erosion and Sediment Controls

1. Stabilization Practices

Stabilization practices will be installed according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.

- a. Stabilization of construction access areas.
- b. Sodding for erosion control.
- c. Hydroseeding with mulch.

2. Structural Practices

Structural practices will be installed according to specifications listed in Section 6.0 of this SWPPP, and as shown on the attached Stormwater Pollution Prevention Details.

B. Maintenance of Controls

1. All measures will be maintained in good working order. If a repair is necessary, it will be initiated within 24 hours of the inspection report.
2. Sediment will be removed from behind the silt fences when it becomes 1/3 of the height of the fence.
3. The construction access area and associated sediment trap will be kept clean and operational.
4. The BMPs installed at the storm sewer inlets along the haul road and site entrance will be kept clean and operational.
5. Any temporary controls will be assessed for removal or to remain in place before the site or portions of the site is released to the Turf Establishment Group.

C. Responsible Parties

1. Tyler Thoughtt, the individual responsible for the day-to-day operations, will designate qualified person(s) to properly maintain the function of each structural control throughout site construction activities.
2. During active construction, the construction contractor will be responsible for maintenance of all control measures on the site. Upon completion of construction, construction contractor will remove controls at the direction of the project engineer and in coordination with HCFCD FMT. If silt fence is required during turf establishment phase, the FMT or designated contractor will be responsible for this control during Turf Establishment.
3. Control measures of this SWPPP will be revised as appropriate, but in no case later than fourteen (14) calendar days following the inspection.

4.0 INSPECTIONS

A. General

1. Tyler Thoughtt, the site superintendent responsible for the day-to-day operations has designated Tyler Thoughtt, an inspector with knowledge of this SWPPP contents, the proposed construction activities, and the applicability of CGP to the project.

Inspections of the site will continue for the duration of construction activity, even if a portion of the site has been released to the Facilities Maintenance Turf Establishment contractor.

2. As a minimum, the site and the reach within ¼ mile of all project access points will be inspected at least once every seven (7) calendar days. After the site or a portion of the site is finally stabilized, inspections will be at least once every month.

3. Based on the results of the inspections, the site descriptions and control measures of this SWPPP will be revised as appropriate, but in no case later

than fourteen (14) calendar days following the inspection.

4. Copies of all Local Regulatory Inspection reports, if submitted to Owner/Operator and Notices of Violation, if applicable, should be included in Appendix D – Inspection Forms.

B. Description

1. Check to make sure postings of Notices and Permits are at all Project access points.

2. Disturbed areas and areas used for storage of materials that are exposed to precipitation will be inspected for evidence of, or the potential for, pollutants entering the drainage system.

3. Locations where vehicles enter or exit the site will be inspected for evidence of offsite sediment tracking.

4. Permanent seeding areas will be inspected for bare spots, washouts, and unhealthy growth.

5. Silt fences will be inspected for depth of sediment, tears, fabric, or wire attachment to the posts, and fence post movement.

6. Dewatering locations must be inspected on each day that they are in use. Inspect active flow, in place and functional structural BMPs, and contaminated stormwater, the estimated flow rate, and times of dewatering.

C. Reports

1. After each inspection, the inspector will complete the applicable inspection form attached. A copy of each completed inspection form will be submitted to the Harris County Flood Control District Construction Division (HCFCD CON).

2. One inspection form is used, per Appendix D.

3. A copy of the modified (redlined) SWPPP Plan Sheet of Controls will be submitted to HCFCD CON prior to final release of the site to HCFCD FMT.

4. Final copy of the SWPPP, with modifications, will be submitted to HCFCD CON with the Final Invoice.

5. Copy of the Notice of Termination, as required, will be submitted to HCFCD CON with the Final Invoice.

5.0 NON-STORMWATER DISCHARGES:

The following eligible non-Stormwater discharges at the site will be allowed only when such flows are diverted to site erosion and sediment control measures as detailed in Section 2 Controls:

- discharges from firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- 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);
- water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- uncontaminated water used to control dust;
- potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- uncontaminated air conditioning condensate;
- uncontaminated ground water or spring water, including foundation or footing drains
- where flows are not contaminated with industrial materials such as solvents; and
- lawn watering and similar irrigation drainage.

A. Inventory for Pollution Prevention Plan

1. The materials or substances listed below are expected to be present onsite during site construction:

- a. Riprap (rock or concrete)
- b. Fertilizers
- c. Fuels
- d. Wood
- e. Lubricants
- f. Steel Products
- g. Tackifier

B. Spill Prevention

1. Material Management Practices

The following are the material management practices that shall be used to reduce the risk of spills or other accidental exposure of materials and substances to Stormwater runoff.

- a. Good Housekeeping: The following good housekeeping practices will be followed onsite during construction activities.
 - (1) An effort will be made to store only enough products required to do the job.
 - (2) All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
 - (3) Products will be kept in their original containers with the original manufacturer's label.
 - (4) Substances will not be mixed with one another unless recommended by the manufacturer.
 - (5) Whenever possible, all a product will be used up before disposing of the container.
 - (6) Manufacturers' recommendations for proper use and disposal will be followed.
 - (7) The site superintendent will inspect daily to ensure proper use and disposal of materials onsite.
- b. Hazardous Products: These practices will be used to reduce the risks associated with hazardous materials if hazardous materials are used.
 - (1) Products will be kept in original containers unless they are not resealable.
 - (2) Original labels and material safety data will be retained; they contain important product information.
 - (3) If surplus products must be disposed of, manufacturers or local and State recommended methods for proper disposal will be followed.

2. Product Specific Practices

The following product specific practices shall be followed onsite:

- a. Petroleum Products: All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers, which are clearly labeled. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations.
- b. Fertilizers: Fertilizers used will be applied only in the minimum amounts recommended by the Infrastructure Division Specifications. Once applied, fertilizer will be worked in the soil to limit exposure to Stormwater. Storage will be in a covered location – away from possible transport by stormwater. Contents of any partially used fertilizer containers will be removed from the site or stored under cover to avoid exposure to stormwater.

- c. Concrete Trucks: Concrete trucks will only be allowed to wash out or discharge surplus concrete or drum wash water in a designated concrete truck wash out area. This area must be clearly marked with a sign indicating it as the "Concrete Washout Area (CWA)." The CWA area shall be contained in such a manner as to prevent discharges directly into the receiving water(s). Commercially available solutions, excavated traps, earthen embankment traps, or filter fabric fences may be used for containment. The designated area must be stabilized prior to project completion to prevent material from entering the receiving water.

3. Spill Prevention Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices shall be followed for spill prevention and cleanup:

- a. Manufacturer's recommended methods for spill cleanup will be clearly posted, and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- b. Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include but not be limited to brooms, dust pans, mops, rags, gloves, goggles, kitty litter, sand, sawdust, and plastic and metal trash containers specifically for this purpose.
- c. All spills will be cleaned up immediately after discovery.
- d. The spill area will be kept well ventilated, and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- e. Spills of toxic or hazardous material will be reported to the appropriate State or local government agency, regardless of the size.
- f. The spill prevention plan will be adjusted to include measures to prevent this type of spill from recurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included.
- g. Tyler Thoughtt, the site superintendent responsible for the day-to-day site operations, will be the spill prevention and cleanup coordinator. They will designate at least one other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area.

6.0 CONSTRUCTION SPECIFICATIONS

A. Standard Specifications

The following specifications are included in the Harris County Flood Control District 2025 Standard Specifications Book to comply with the Stormwater Pollution Prevention Plan:

- a. Section 01110 – Summary of Work
- b. Section 01270 – Measurement and Payment (as revised in bid package)
- c. Section 01562 – Construction Fence
- d. Section 01565 – General Source Controls
- e. Section 01580 – Project Signs
- f. Section 02361 – Reinforced Silt Fence
- g. Section 02365 – Stabilized Construction Access
- h. Section 02378 – Riprap and Granular Fill
- i. Section 02379 – Geotextiles for Erosion Control Systems
- j. Section 02911 – Topsoil
- k. Section 02921 – Turf Planting Zone Preparation
- l. Section 02922 – Sod
- m. Section 02923 – Broadcast Seeding
- n. Section 02925 – Hydromulch- Hydroseeding

B. Project Specific Specifications:

The following project specific specifications are included in the construction documents for additional measures required to comply with the Stormwater Pollution Prevention Plan: NONE

7.0 POLLUTION PREVENTION PLAN CERTIFICATIONS

A. PREPARER'S CERTIFICATION

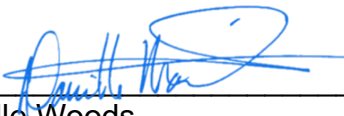
Project Name and Location:

Project Identification # G103-80-03.1-E002/G503-06-00-E003

Project Name: Channel Conveyance to Taylor Gully and Woodridge
Stormwater Detention Basin

Location: Latitude: 30.08142 °N;
At: Longitude: -95.20597 °W

I certify that to the best of my knowledge, this Stormwater Pollution Prevention Plan presented herein has been prepared in accordance with the TPDES Construction General Permit (TXR150000). Contents of this narrative document, TCEQ Notice of Intent, and other supporting attachments are, to the best of my knowledge and belief, true, accurate, and complete.

Signature:  _____ Date: 4/29/2026
Name: Danielle Woods
Title: EQS Project Manager
Company: Harris County Flood Control District

B. OPERATOR CERTIFICATION

Project Name and Location:

Project Identification # G103-80-03.1-E002

Project Name:

Channel Conveyance Improvements to Taylor Gully and Woodbridge Stormwater Detention Basin

Location:

At:

Latitude: 30.08142°N

-95.20597° W

Longitude:

I certify under penalty of law that I understand the terms and conditions of the general Texas Pollutant Discharge Elimination System (TPDES) permit that authorizes the Stormwater discharges associated with construction activity from the construction site identified as part of this certification. Further, by my signature, I understand that I am becoming a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the general TPDES permit for the Stormwater discharges associated with construction activity from the identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act, to ensure compliance with the terms and conditions of the Stormwater pollution prevention plan developed under the TPDES permit and the terms of the TPDES permit.

Signature:  _____ **Date:** 4/21/26
Name: Tyler Thoutt
Title: Pre-Construction Manager
Company: Brice Construction and Design

C. INSPECTOR CERTIFICATION

Project Name and Location:
Project Identification # G103-80-03.1-E002

Project Name:
Channel Conveyance Improvements to Taylor Gully and Woodbridge Stormwater Detention Basin

Location:

At: **Latitude:** 30.08142°N
Longitude: -95.20597°W

I certify under penalty of law that all attachments to this document, including inspection reports, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Tyler Thoutt _____

Signature:  _____ **Date:** 4/21/26 _____
Name: Tyler Thoutt
Title: Pre-Construction Manager
Company: Brice Construction and Design

8.0 CORPS OF ENGINEERS SECTION 404 PERMIT

The Project will impact 0.001538 acres of jurisdictional WOTUS and mitigation requirements have been included.

If the projects impact jurisdictional WOTUS, the U.S. Army Corps of Engineers has issued Nationwide Permit No. SWG-2022-00179.

Contractor must adhere to the terms and conditions specified within the permit.

The Project will not impact threatened and endangered species and associated habitat.

9.0 APPENDICES

APPENDIX A

NOTICE OF INTENT (NOI)

**ACKNOWLEDGEMENT CERTIFICATES
FOR PRIMARY OPERATORS**

(to be inserted upon receipt from TCEQ)

NOTICE OF TERMINATION (NOT)



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Texas Pollutant Discharge Elimination System
Stormwater Construction General Permit

The Notice of Intent (NOI) for the facility listed below was received on April 13, 2026. The intent to discharge stormwater associated with construction activity under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) stormwater Construction General Permit (CGP) TXR150000 is acknowledged. Your facility's unique TPDES CGP stormwater authorization number is:

TXR1525XX

Coverage Effective: April 13, 2026

The TCEQ's stormwater CGP requires certain stormwater pollution prevention and control measures, possible monitoring and reporting, and periodic inspections. Among the conditions and requirements of this permit, you must have prepared and implemented a stormwater pollution prevention plan (SWP3) that is tailored to your construction site. As a facility authorized to discharge under the stormwater CGP, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Site Information:

RN112427893
Hcfcd Proj Id G103-80-03.1-E002G503-06-00-E003
At Compartment 1 Overflow Weir To 515 Feet West of Maple Bend Drive.
Kingwood, TX 77339
Harris County

Operator:

CN601493273
Harris County Flood Control District
9900 Northwest Fwy
Houston, TX 77092

This CGP and all authorizations expire on March 5, 2028, unless otherwise amended. If you have any questions related to processing of your application, you may contact the Stormwater Processing Center by **email** at SWPERMIT@tceq.texas.gov or **by telephone** at (512) 239-3700. For technical issues, you may contact the stormwater technical staff by **email** at SWGP@tceq.texas.gov or **by telephone** at (512) 239-4671. Also, you may obtain information on the TCEQ web site at <https://www.tceq.texas.gov/goto/wq-dpa>. A copy of this document should be kept with your SWP3.

A handwritten signature in black ink, appearing to read "K. Keel".

Issued Date: April 13, 2026

FOR THE COMMISSION



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Texas Pollutant Discharge Elimination System
Stormwater Construction General Permit

The Notice of Intent (NOI) for the facility listed below was received on April 21, 2026. The intent to discharge stormwater associated with construction activity under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) stormwater Construction General Permit (CGP) TXR150000 is acknowledged. Your facility's unique TPDES CGP stormwater authorization number is:

TXR1592XZ

Coverage Effective: April 21, 2026

The TCEQ's stormwater CGP requires certain stormwater pollution prevention and control measures, possible monitoring and reporting, and periodic inspections. Among the conditions and requirements of this permit, you must have prepared and implemented a stormwater pollution prevention plan (SWP3) that is tailored to your construction site. As a facility authorized to discharge under the stormwater CGP, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Site Information:

RN112427893
Hcfcd Proj Id G103-80-03.1-E002G503-06-00-E003
At Compartment 1 Overflow Weir To 515 Feet West of Maple Bend Drive.
Kingwood, TX 77339
Harris County

Operator:

CN606265072
Brice Construction And Design LLC
16826 N Eldridge Pkwy
Tomball, TX 77377

This CGP and all authorizations expire on March 5, 2028, unless otherwise amended. If you have any questions related to processing of your application, you may contact the Stormwater Processing Center by **email** at SWPERMIT@tceq.texas.gov or **by telephone** at (512) 239-3700. For technical issues, you may contact the stormwater technical staff by **email** at SWGP@tceq.texas.gov or **by telephone** at (512) 239-4671. Also, you may obtain information on the TCEQ web site at <https://www.tceq.texas.gov/goto/wq-dpa>. A copy of this document should be kept with your SWP3.

A handwritten signature in cursive script, appearing to read "K. Keel".

Issued Date: April 21, 2026

FOR THE COMMISSION

APPENDIX B

TPDES PERMIT LANGUAGE

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

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

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

EFFECTIVE DATE: March 5, 2023

ISSUED DATE: February 27, 2023

For the Commission

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

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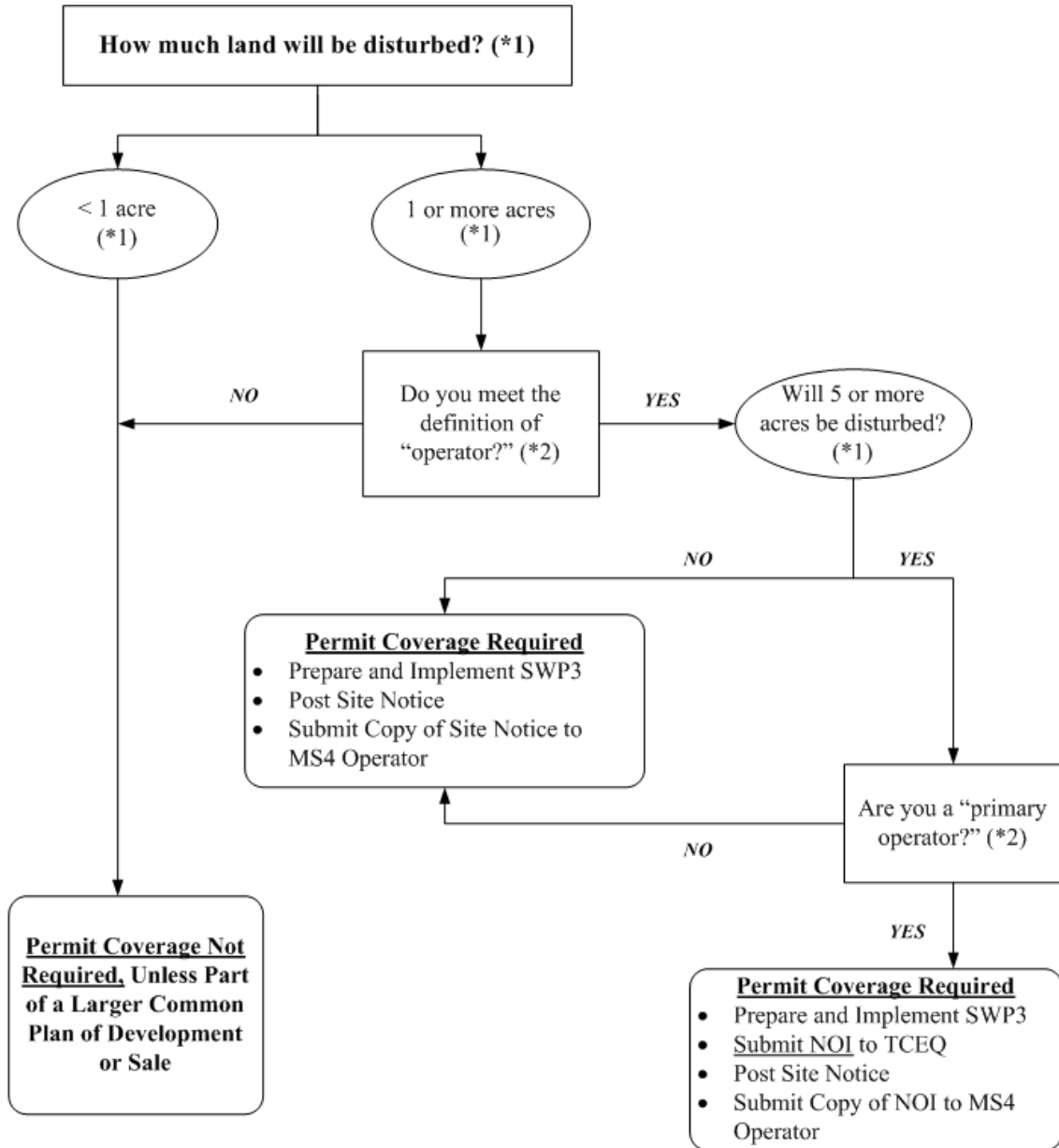
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Part I. Flow Chart and Definitions

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 zero (0) to ten (10) inches.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (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 (2) or more days with daytime temperatures greater than 32 degrees Fahrenheit (°F). This date can be determined by looking at historical weather data.

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

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

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

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

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

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

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

3. Non-Stormwater Discharges

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

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

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

Section B. Concrete Truck Wash Out

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

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

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

2. Prohibition of Non-Stormwater Discharges

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

3. Compliance with Water Quality Standards

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

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

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

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

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

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

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

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

- (b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.
- (c) For discharges located within ten (10) stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

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

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

Counties: Williamson, Travis, and Hays

Contact: TCEQ Water Program Manager
Austin Regional Office
12100 Park 35 Circle
Room 179, Building A
Austin, Texas 78753
(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Other Governmental Entities

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

8. Indian Country Lands

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

9. Exempt Oil and Gas Activities

The CWA § 402(l)(2) provides that stormwater discharges from construction activities related to oil and gas exploration, production, processing, or treatment, or transmission facilities are exempt from regulation under this permit. The term “oil and gas exploration, production, processing, or treatment operations, or transmission facilities” is defined in 33 U.S.C. Annotated § 1362 (24).

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

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

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

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

10. Stormwater Discharges from Agricultural Activities

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

11. Endangered Species Act

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

12. Storage of High-Level Radioactive Waste

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

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

13. Other

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

Section D. Deadlines for Obtaining Authorization to Discharge

1. Large Construction Activities

- (a) New Construction – Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
- (b) Ongoing Construction – Operators of large construction activities continuing to operate after the effective date of this permit, and authorized under the TPDES Construction General Permit (CGP) TXR150000 (effective on March 5, 2018, and amended on January 28, 2022), must submit an NOI to renew authorization or an NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim or grace period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the issued and amended 2018 TPDES CGP.

2. Small Construction Activities

- (a) New Construction – Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.
- (b) Ongoing Construction – Discharges from ongoing small construction activities that commenced prior to the effective date of this general permit, and that do not meet the conditions to qualify for termination of this permit as described in Part II.F. of this general permit, must meet the requirements to be authorized, either under this general permit or a separate TPDES permit, within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the issued and amended 2018 TPDES CGP.

Section E. Obtaining Authorization to Discharge

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

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

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

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

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

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

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

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

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

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

2. Automatic Authorization for Small Construction Activities

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

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

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

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

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

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

3. Authorization for Large Construction Activities

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

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

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

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

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

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

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

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

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

4. Waivers for Small Construction Activities:

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

5. Effective Date of Coverage

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

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

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

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

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

6. Contents of the NOI

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

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

7. Notice of Change (NOC)

- (a) If relevant information provided in the NOI changes, the operator that has submitted the NOI must submit an NOC to TCEQ at least fourteen (14) days before the change occurs. Where a 14-day advance notice is not possible, the operator must submit an NOC to TCEQ within fourteen (14) days of discovery of the change. If the operator becomes aware that it failed to submit any relevant facts or submitted

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

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

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

- (d) Paper NOC.

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

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

8. Signatory Requirement for NOI Forms, NOT Forms, NOC Forms, and Construction Site Notices

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

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

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

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

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

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

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

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

2. Minimum Contents of the NOT

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

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

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

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

4. Transfer of Day-to-Day Operational Control
 - (a) When the primary operator of a large construction activity changes or operational control over activities necessary to ensure compliance with the SWP3 and other permit conditions is transferred to another primary operator, the original operator must do the following:
 - 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 TCEQ construction site notice, and the new operator must post the required TCEQ construction site notice prior to the transfer of operational control, in accordance with the conditions in Part II.F.4.(c) i or ii below; and

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

Section G. Waivers from Coverage

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

1. Waiver Applicability and Coverage

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

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

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

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

2. Steps to Obtaining a Waiver

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

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

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

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

3. Effective Date of an LREW

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

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

4. Activities Extending Beyond the LREW Period

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

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

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

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

2. General Permit Alternative

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

3. Individual Permit Required

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

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

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

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

Section I. Permit Expiration

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 (1) SWP3 for a site, operators must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of each other. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this general permit in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

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

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

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

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

Section A. Shared SWP3 Development

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

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

Section B. Responsibilities of Operators

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

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

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

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

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

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

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

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

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

Section D. Plan Review and Making Plans Available

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

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

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

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

Section E. Revisions and Updates to SWP3s

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

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

Section F. Contents of SWP3

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

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

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

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

- viii. locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
 - ix. vehicle wash areas; and
 - x. designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).
- Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.
- (h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;
 - (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;
 - (j) a copy of this TPDES general permit (an electronic copy of this TPDES general permit or a current link to this TPDES general permit on the TCEQ webpage is acceptable);
 - (k) the NOI and the acknowledgement of provisional and non-provisional authorization for primary operators of large construction sites, and the TCEQ site notice for small construction sites and for secondary operators of large construction sites;
 - (l) if signatory authority is delegated by an authorized representative, then a copy of the formal notification to TCEQ, as required by 30 TAC 305.128 relating to Signatories to Reports must be filed in the SWP3 and made available for review upon request by TCEQ or local MS4 Operator. For primary operators of large construction activities, the formal notification to TCEQ must be submitted either electronically through

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

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

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

(a) General Requirements

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

(b) Erosion Control and Stabilization Practices

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

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

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

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

(c) Sediment Control Practices

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

i. Sites With Drainage Areas of Ten (10) or More Acres

(A) Sedimentation Basin(s) or Impoundments

- (1) A sedimentation basin or similar impoundment is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin or impoundment may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 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 or similar impoundment. Capacity calculations shall be included in the SWP₃. Sedimentation basins must be designed for and appropriate for controlling runoff at the site and existing detention or retention ponds at the site may not be appropriate.
- (2) Where rainfall data is not available, or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.
- (3) If a sedimentation basin or impoundment is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin or impoundment is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins or impoundments are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins or impoundments.
- (4) Unless infeasible, when discharging from sedimentation basins and impoundments, the permittee shall utilize outlet structures that withdraw water from the surface.

(B) Perimeter Controls: At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

ii. Controls for Sites with Drainage Areas Less than Ten (10) Acres:

(A) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

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

3. Description of Permanent Stormwater Controls

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

- (a) permittees authorized under the permit for small construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site; or
- (b) permittees authorized under the permit for large construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site and prior to submission of an NOT.

4. Other Required Controls and BMPs

- (a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and dust. The SWP₃ shall include a description of controls utilized to control the generation of pollutants that could be discharged in stormwater from the site.
- (b) The SWP₃ must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.
- (c) The SWP₃ must include a description of potential pollutant sources in discharges of stormwater from all areas of the construction site where construction activity, including construction support activities, will be located, and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
- (d) Permittees shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.
- (e) Permittees shall design and utilize appropriate controls in accordance with Part IV. of this permit to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.
- (f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part IV. of this general permit.
- (g) For demolition of any structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980, and the receiving waterbody is impaired for polychlorinated biphenyls (PCBs):
 - i. implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures to precipitation and to stormwater; and

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

(b) Requirements for Observations and Evaluations

- i. A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:
 - (A) date of the observations and evaluation;
 - (B) name(s) and title(s) of personnel making the observations and evaluation;
 - (C) approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - (D) estimates of the rate (in gallons per day) of discharge on the day of evaluation;
 - (E) whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - (F) major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
- ii. Actions taken as a result of evaluations, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- iii. The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.

8. Inspections of All Controls

- (a) Personnel provided by the permittee must inspect disturbed areas (cleared, graded, or excavated) of the construction site that do not meet the requirements of final stabilization in this general permit, all locations where stabilization measures have been implemented, areas of construction support activity covered under this permit, stormwater controls (including pollution prevention controls) for evidence of, or the potential for, the discharge of pollutants, areas where stormwater typically flows within the construction site, and points of discharge from the construction site.
 - i. Personnel conducting these inspections must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site.
 - ii. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Inspections

- i. Inspect all stormwater controls (including sediment and erosion control measures identified in the SWP₃) to ensure that they are installed properly, appear to be operational, and minimizing pollutants in discharges, as intended.
- ii. Identify locations on the construction site where new or modified stormwater controls are necessary.
- iii. Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.
- iv. Identify any incidents of noncompliance observed during the inspection.
- v. Inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
- vi. If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, and observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).
- vii. Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in Part III.F.6. above.

(c) Inspection frequencies:

- i. Inspections of construction sites must be conducted at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, unless as otherwise provided below in Part III.F.8.(c)ii. – v. below.
 - (A) If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
 - (B) If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two (2) inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
- ii. Inspection frequencies must be conducted at least once every month in areas of the construction site that meet final stabilization or have been temporarily stabilized.
- iii. Inspection frequencies for construction sites, where runoff is unlikely due to the occurrence of frozen conditions at the site, must be conducted at least once every month until thawing conditions begin to occur (see definitions for thawing conditions in Part I.B.). The SWP₃ must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those

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

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

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

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

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

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

Part IV. Erosion and Sediment Control Requirements Applicable to All Sites

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

Section A. Erosion and Sediment Controls

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

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

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

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

Section B. Soil Stabilization

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

Section C. Dewatering

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

Section D. Pollution Prevention Measures

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

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

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

Section E. Prohibited Discharges

The following discharges are prohibited:

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

Section F. Surface Outlets

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

Part V. Stormwater Runoff from Concrete Batch Plants

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

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

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

Section A. Benchmark Sampling Requirements

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

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 122.44(i)(1)(iv).

(*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March

April through June

July through September

October through December

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

(*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

2. The permittee must compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

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

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

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

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

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

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

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

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

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

Section C. Prohibition of Wastewater Discharges

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

Part VI. Concrete Truck Wash Out Requirements

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

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

Part VII. Retention of Records

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

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

Part VIII. Standard Permit Conditions

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

- 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 122.44(i)(1)(iv).

Part IX. Fees

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

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

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

Construction General Permit

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Appendix A

Parmer: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Pecos: Nov. 15 - Apr. 30
Potter: Nov. 15 - Apr. 30
Presidio: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Randall: Nov. 15 - Apr. 30
Reagan: Nov. 15 - Apr. 30
Real: Dec. 15 - Feb. 14
Reeves: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Runnels: Dec. 15 - Feb. 14
Schleicher: Dec. 15 - Feb. 14
Scurry: Nov. 15 - Apr. 30
Shackelford: Dec. 15 - Feb. 14
Sherman: Nov. 15 - Apr. 30
Stephens: Dec. 15 - Feb. 14
Sterling: Nov. 15 - Apr. 30
Stonewall: Dec. 15 - Feb. 14
Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30
Taylor: Dec. 15 - Feb. 14
Terrell: Nov. 15 - Apr. 30
Terry: Nov. 15 - Apr. 30
Throckmorton: Dec. 15 - Feb. 14
Tom Green: Dec. 15 - Feb. 14
Upton: Nov. 15 - Apr. 30
Uvalde: Dec. 15 - Feb. 14
Val Verde: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30
Ward: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30
Wichita: Dec. 15 - Feb. 14
Wilbarger: Dec. 15 - Feb. 14
Winkler: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14
Young: Dec. 15 - Feb. 14
Wheeler: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28
Zavala: Dec. 15 - Feb. 14

Appendix B: Storm Erosivity (EI) Zones in Texas

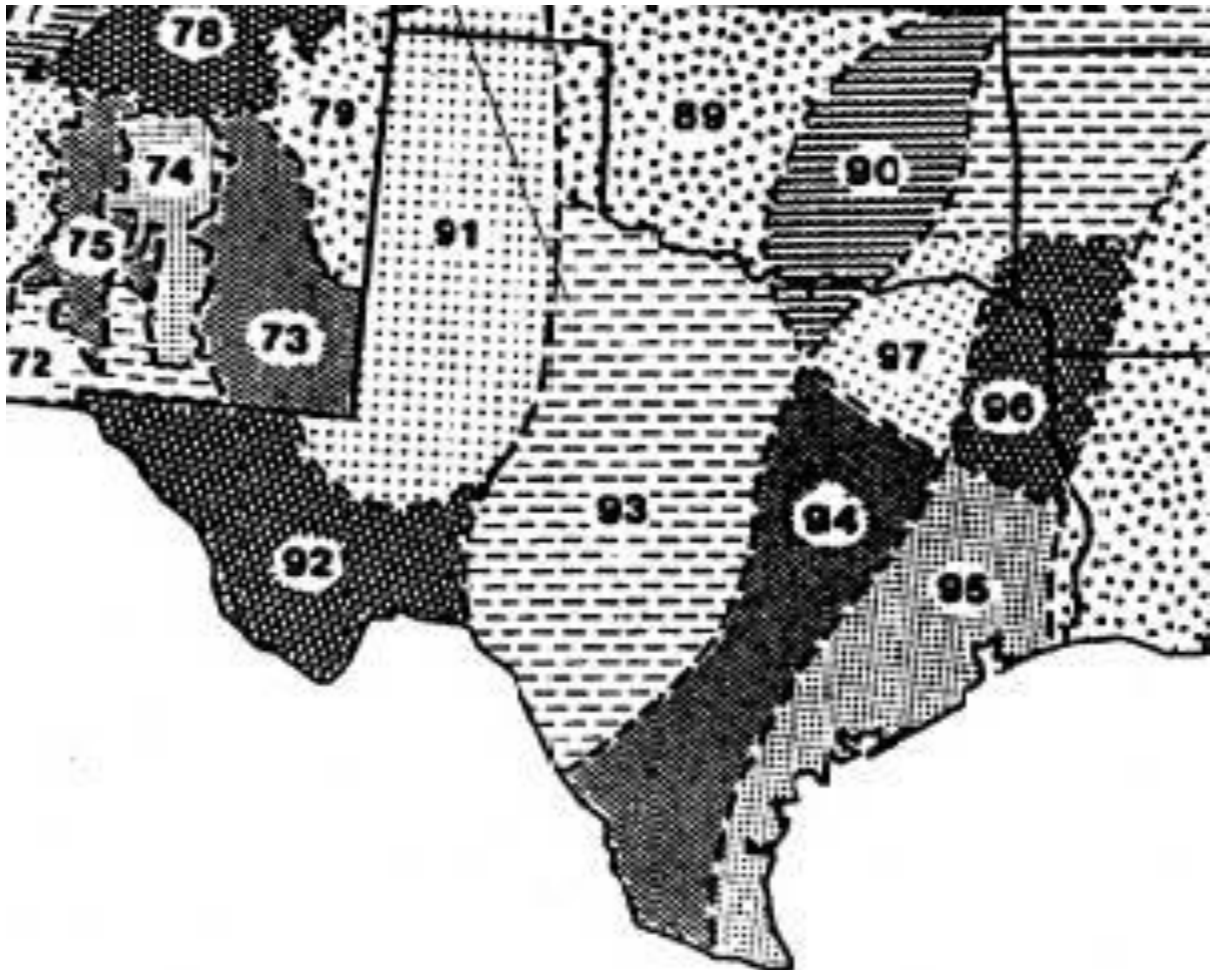


Figure B. EI Distribution Zones

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

Appendix C: Isoerodent Map

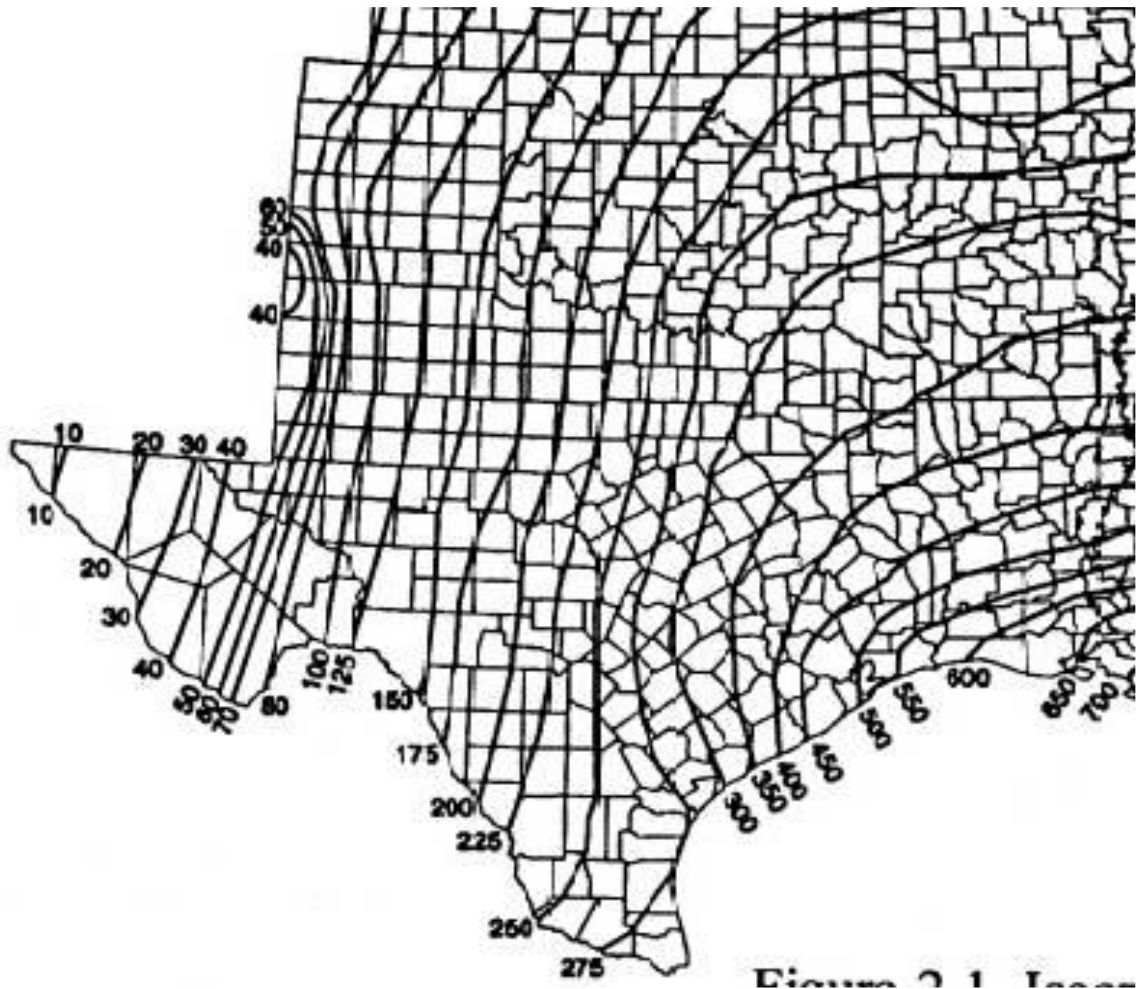


Figure C. Isoerodent Map of Texas. Units are hundreds ft*tonf*in(ac*h*yr)⁻¹

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

Appendix D: Erosivity Indices for EI Zones in Texas

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

Date Periods* (Month/Day)

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.

APPENDIX C

CONSTRUCTION SITE NOTICE



TCEQ Large Construction Site Notice

Primary Operator

Large construction sites disturb more than five acres or are part of a larger common plan of development that disturbs more than five acres. Primary operators of large construction sites will fill out this notice. Primary operators will then post this notice at the construction site in a location where it is safely and readily available for viewing by the general public and local, state, and federal authorities. Additional information about the TCEQ Construction Stormwater General Permit may be found on TCEQ's webpage on [Assistance Tools for Construction Stormwater General Permits](#).

Note: You must also develop a Stormwater Pollution Prevention Plan prior to the commencement of construction.

Site-Specific TPDES Authorization Number: TXR15 25XX

Primary Operator Name: Harris County Flood Control District

Contact Name and Phone Number: Danielle Woods (346-286-4100)

Project Description:

Physical

Location/Description Kingwood, Texas 30.08142° N; -95.20597° W

Estimated Start Date May 4, 2026

Projected End Date or Date Disturbed Soils Will Be Stabilized November 7, 2027

Location of Stormwater Pollution Prevention Plan (SWP3): Field Office

APPENDIX D

INSPECTION FORMS

Dewatering Inspection Form



Inspector Name: _____
 Inspector Organization: _____
 Inspector Title: _____
 Additional Inspector: _____

Additional Inspector: _____
 HCFCF Project ID: _____
 HCFCF Site ID: _____

Discharge log

Date (M/D/Y)	Start Time	End Time	Corrective Action (Y/N)	Inspector Initials	BMP Used	Gallons Per Day (GPD)	Comments (e.g. foam, oil sheen, odor, floating solids, suspended sediments, location etc.)

Additional Notes/Major Observations:

* Example notes: On 2-30-2023 Erosion at location "X", decrease flow or add additional BMPs (Rock filter dam or equal.), on 5-08-2023 new bmp installed reducing flow and erosion. On 6-23-2023 performed maintenance, including desilt device, repair wiring, refreshed filter barrier.
 ** Gallons per day may be estimated for pumps using online resources for pump manufacturers.

Signature of completion: _____

Date: _____

