Construction Storm Water Pollution Prevention Plan

December 2012

Report Prepared By:
Malcolm Pirnie, Inc.
211 N. Florence St, Suite 202
El Paso, TX 79901
915-533-9025
## Contents

### 1. Introduction

1.1. Certification and Notification ................................................................. 1-1
1.2. Plan Availability ....................................................................................... 1-2
1.3. Contact Information/Responsible Parties .................................................. 1-2
1.4. Plan Amendments ..................................................................................... 1-3
1.5. Implementation ......................................................................................... 1-3
1.6. Notification of Contractors ....................................................................... 1-3

### 2. Project Description

2.1. Background ............................................................................................. 2-1
2.2. Construction Methods ............................................................................. 2-2
2.3. Site Information ......................................................................................... 2-2
2.3.1. Construction Site Estimates ................................................................. 2-2
2.3.2. Construction Schedule ......................................................................... 2-3
2.3.3. Soil ..................................................................................................... 2-3
2.4. Stormwater Runoff .................................................................................. 2-3
2.5. Schedule of Construction Activity ............................................................ 2-4
2.6. Receiving Water ....................................................................................... 2-4
2.7. Endangered Species Certification ............................................................. 2-4
2.8. Historic Preservation .............................................................................. 2-4
2.9. Applicable Federal, tribal, and State or Local Programs ......................... 2-5

### 3. Erosion and Sediment Controls

3.1. Non-Structural Preservation and Control Methods ................................... 3-1
3.1.1. Preservation of Natural Vegetation ....................................................... 3-1
3.1.2. Dust Control ....................................................................................... 3-2
3.2. Structural Preservation and Control Methods .......................................... 3-2
3.2.1. Off-Site Sediment Tracking ................................................................. 3-2
3.2.2. Outlet Protection ................................................................................ 3-2
3.3. Additional BMPs ..................................................................................... 3-3
3.4. Additional Standards and Specifications .................................................. 3-3

### 4. Good Housekeeping BMPs

4.1. Good Housekeeping Practices ................................................................. 4-1
4.2. Material Handling and Waste Management ............................................ 4-1
4.2.1. Material Handling ............................................................................. 4-1
4.3. Designate Washout Areas ...................................................................... 4-2
4.4. Equipment/Vehicle Fueling and Maintenance Practices ....................... 4-3
4.5. Control Equipment/Vehicle Washing ...................................................... 4-3
# Table of Contents

4.6. Spill Prevention and Control Plan ................................................................. 4-3  
4.7. Additional BMPs .......................................................................................... 4-3  
4.8. Allowable Non-Stormwater Discharge Management .................................. 4-4  

5. Inspections ........................................................................................................ 5-1  
5.1. Inspections .................................................................................................. 5-1  
5.2. Delegation of Authority .............................................................................. 5-1  
5.3. Corrective Action Log .................................................................................. 5-2  

6. Recordkeeping and Training ........................................................................... 6-1  
6.1. Recordkeeping ............................................................................................. 6-1  
6.2. Training ....................................................................................................... 6-1  

7. Final Stabilization ............................................................................................ 7-1  

List of Appendices

A. Texas Commission on Environmental Quality (TCEQ) General Permit No.: TXR150000 and Notice of Intent (NOI) and Acknowledgement Letter  
B. Contractor and Owner Acknowledgement Certifications  
C. Construction Inspection Forms  
D. Corrective Action Log  
E. Grading and Stabilization Activities Log  
F. Training Log  
G. Delegation of Authority  
H. SWPPP Revisions  
I. City of El Paso Storm Water Management Code  

List of Drawings

1. Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements 
   Cover Sheet  
2. Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements 
   SWPPP Phase 1 Landfill Excavation  
3. Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements 
   SWPPP Phase 2 Site Plan  
4. Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements 
   SWPPP Details  
1. Category I Borrow Area - SWPPP Cover Sheet and Notes  
2. Category I Borrow Area – SWPPP Phase 1 Borrow Area Plan  
3. Category I Borrow Area – SWPPP Details
1. Introduction

This Construction Stormwater Pollution Prevention Plan (SWPPP) has been developed using the following texts as guidance:

- TCEQ Permit No.: TXR150000 is included as Appendix A. The General Permit requirements are contained within that document.
- El Paso, Texas, Code of Ordinances, Title 15 – Public Services, Chapter 15.20 – Stormwater Management.

1.1. Certification and Notification

"I certify under penalty of Law that I understand the terms and conditions of the National Pollution Discharge Elimination System (NPDES) permit that authorizes the stormwater discharges associated with industrial activity from the construction site identified as part of this certification. I certify under penalty of law that this document and all attachments were prepared under my 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."

I hereby sign in accordance with the requirements of Part III of the General Permit to certify this document.

ISAAC THOMAS

Printed Name and Signature

CIVIL ENGINEER

Title

12/19/2012

Date
1.2. Plan Availability

A printed copy of the Stormwater Pollution Prevention Plan (SWPPP) will be available on-site at all times. ARCADIS-US, Inc. dba Malcolm Pirnie (Malcolm Pirnie) will make the SWPPP available to all other parties as required by the General Permit.

1.3. Contact Information/Responsible Parties

**Operator(s):**
Company or Organization Name: ARACDIS-US, Inc. DBA Malcolm Pirnie
Contact Name: Scott Brown
Address: 211 N. Florence Street, Suite 202
City, State, Zip Code: El Paso, Texas 79901
Telephone Number: 915-533-9025
Fax/Email: 915-533-9045/ scott.brown@arcadis-us.com

**Project Manager(s) or Site Supervisor(s):**
Company or Organization Name: ARACDIS-US, Inc. DBA Malcolm Pirnie
Contact Name: Doug Solon and/or EJ Suardini
Address: 2301 W. Paisano Dr.
City, State, Zip Code: El Paso, Texas 79922
Telephone Number: 915-603-1015 / 734-276-2566
Fax/Email: EJ.Suardini@arcadis-us.com

**SWPPP Contact(s):**
Company or Organization Name: ARACDIS-US, Inc. DBA Malcolm Pirnie
Contact Name: Gilbert Trejo
Address: 211 N. Florence Street, Suite 202
City, State, Zip Code: El Paso, Texas 79901
Telephone Number: 915-747-3904
Fax/Email: 915-533-9045/ Gilbert.Trejo@arcadis-us.com
Emergency 24-Hour Contact:
Company or Organization Name: ARACDIS-US, Inc. DBA Malcolm Pirnie
Contact Name: Site-Supervisor
Telephone Number: 915-603-1015

1.4. Plan Amendments
Malcolm Pirnie will amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state. Malcolm Pirnie will also amend the SWPPP if it proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity as noted through weekly and post-storm construction inspections.

1.5. Implementation
Malcolm Pirnie shall be responsible for implementing the SWPPP. Any contractors or subcontractors hired by Malcolm Pirnie must read, sign, and comply with the requirements set forth in this document and in the General Permit. See Appendix A for copy of the General Permit.

1.6. Notification of Contractors
Malcolm Pirnie will inform all contractors and subcontractors, involved in the implementation of the SWPPP, of the terms and conditions of the General Permit. Malcolm Pirnie shall maintain a Contractor Acknowledgement Form in Appendix B containing the signatures of all contractors and subcontractors involved in the implementation of the SWPPP, acknowledging that they reviewed and understand the conditions and their responsibilities in regards to SWPPP. Signatures shall be obtained prior to commencement of construction. In the event a new contractor is hired after construction has commenced, the new contractor shall review and sign the Contractor
Acknowledgement. Also included in Appendix B is the Owner Certification which acknowledges that this document and all its attachments were prepared under the owner’s direction and supervision.
2. Project Description

2.1. Background

Texas Custodial Trustee owns and operates the Former ASARCO Smelter Facility (Site). The location of the Category I landfill and East Borrow Source Area where constructions activities are taking place is shown in Sheet 1, Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements Cover Sheet and Sheet 1, Category I Borrow Area - SWPPP Cover Sheet and Notes, respectively. Based on the previous remedial activities conducted at the Site there are several areas of Category I materials that have been identified that still need to be excavated and disposed on-site in a new Category I repository. Category I materials will also be generated by the planned demolition of the smelter. The Category I materials from demolition can be disposed in the planned new repository. There is also an abundance of slag in Parker Brothers Arroyo; however, only a portion is expected to be removed and consolidated in the Category I repository, which is included in this portion of the project. The East Borrow Source will be the source of clean backfill material for construction of embankments and backfill for drainage channels and pad backfill cover.

The limits of construction are shown on Sheet 1, Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements Cover Sheet and Sheet 1, Category I Borrow Area - SWPPP Cover Sheet and Notes. This document presents the stormwater plan for sediment and erosion controls to be established during and after construction of the Category 1 landfill and East Borrow Source Area.
2.2. Construction Methods

The construction consists of tasks and operations required to excavate, fill, and re-grade the native site soils. The construction work limits, which are the limits for any disturbance, are located within the site boundary (Sheet 1 of the Category I Landfill drawings). The landfill will be constructed in two Phases. Phase 1 will include the initial landfill excavation and grading. Only work outside the floodplain is included in this phase of construction. Phase 2 of the construction will only begin once approval to conduct work in the 100-yr floodplain as been received by Malcolm Pirnie.

The East Borrow Source Area will also be conducted in two Phases. Phase 1 will include excavation of native soil in the East Borrow Area as indicated in Sheet 2, Category I Borrow Area – SWPPP Phase 1 Borrow Area Plan. Phase 2 of the construction will involve excavation of the Category I material as indicated in Sheet 2, Category I Borrow Area – SWPPP Phase 1 Borrow Area Plan.

2.3. Site Information

2.3.1. Construction Site Estimates

Total project area: 17 acres
Construction site area to be disturbed: 9 acres (Category I Landfill)
7.32 acres (East Borrow Phase 1)
1.34 acres (Category I Excavation- Phase 2)

Percentage impervious area before construction: 0%
NRCS Curve Number before construction: 96.5 (Category I Landfill); 87 (East Borrow)

Percentage impervious area after construction: 0%
NRCS Curve Number after construction: 96.5 (Category I Landfill); 87 (East Borrow)

Additional information regarding the site drainages in and around the construction activities are included in the drainage report submitted as part of the Grading application package.
2.3.2. Construction Schedule

Category I Landfill Estimated Project Start Date: 09/2011

Category I Landfill Estimated Project Completion Date: 06/2013

East Borrow Source Phases 1&2 Estimated Project Start Date: 01/2013

East Borrow Source Phases 1&2 Estimated Project Completion Date: 12/2013

2.3.3. Soil

According to existing borings collected by Malcolm Pirnie, soils in the limits of construction include:

- Qcol – Colluvium
- Qal – Alluvium
- Qrg – River Gravels

The Qcol is from mountain erosion. Qal is from stream deposits and Qrg could be river gravel up to cobble size.

In the Parker Brothers Arroyo (PBA), Malcolm Pirnie uncovered both sandstone and shale bedrocks. Some out crops showed sandstone with limestone or shale layers. Based on this information it is expected that the bottom of the PBA is Ksm formation, which is fine grained sandstone with nodular limestone and interbedded shale and lower shale. Additional information regarding soils and geotechnical information in included as part of the geotechnical report, included as part of the grading permit for the landfill.

2.4. Stormwater Runoff

Stormwater from the construction area will be collected and directed as described in Sheet 2 and Sheet 3 of Category I Landfill and Sheet 4 of Category I Borrow Area.
2.5. Schedule of Construction Activity

The general schedule of construction activities is:

- Category I Landfill Phase 1 – September 2011 through November 2011
- Category I Landfill Phase 2 – January 2012 through June 2013
- Category I East Borrow Area Phase 1 – January 2013 through December 2013
- Category I East Borrow Area Phase 2 – January 2014 through December 2014

All sediment and erosion control structures will remain functional until all areas have reached final stabilization. A third phase of the landfill construction, cell filling and Category I East Borrow Area (Phase 3), will begin once appropriate environmental remediation activities have been completed. These activities will be permitted at a separate time.

2.6. Receiving Water

All surface waters that shall be impacted are shown on Sheet 2 of 4, Category 1 Landfill – Cell 4 Interim Parker Brothers Arroyo Improvements SWPPP Phase 1 Landfill Excavation and Sheet 2 of 3, Category I Borrow Area – SWPPP Phase 1 Borrow Area Plan.

Storm water from construction activities may be discharged to the Rio Grande River only after being treated by a BMP.

2.7. Endangered Species Certification

No federally-listed threatened or endangered species or their designated critical habitats are likely to occur in the construction site’s action area.

2.8. Historic Preservation

Stormwater discharges and allowable non-stormwater discharges do not have the potential to have an effect on historic properties.
2.9. Applicable Federal, tribal, and State or Local Programs

This construction project requests review and approval from the City of El Paso, Texas of a Storm Drain Pollution Control Plan (SDPCP), in accordance with Chapter 15.20 of the Storm Water Management Ordinance of the El Paso Municipal Code approved on January 27, 1998. A copy of this ordinance is provided in Appendix I.
3. Erosion and Sediment Controls

Malcolm Pirnie will be responsible for the installation and maintenance of all nonstructural and structural erosion controls until final stabilization. All erosion and sediment controls shall be designed, implemented, and in accordance with the methods described in Sheets 1-4 of Category I Landfill drawings and Sheets 1-3 in Category I Borrow Area drawings4.

Construction activities will be controlled to the extent possible to help limit erosion. Clearing, excavation and grading will be limited to areas necessary for construction. Areas outside the construction limits will be identified and clearly marked, and equipment operators will be instructed to avoid these areas.

Surface runoff will be directed around and away from cut-and-fill slopes and conveyed in pipes or protected channels as much as possible.

3.1. Non-Structural Preservation and Control Methods

Construction will be conducted in a phased manner to minimize the amount of exposed area at any one time. Please see Sheets 1-4 for further details.

3.1.1. Preservation of Natural Vegetation

Care shall be taken to preserve the natural vegetation outside of the limits of construction and the construction staging areas. Construction traffic shall be limited to the south side roadway and landfill entrance as shown on Sheets 2 and 3 of the Drawings.
3.1.2. Dust Control
Dry areas shall be sprayed with water to prevent windblown erosion. Dry conditions are those that cause visible dust emissions during wind or traffic. Only potable or uncontaminated water is allowed for dust suppression.

3.2. Structural Preservation and Control Methods

Additional structural preservation and control methods are provided in Sheets 1-4.

3.2.1. Off-Site Sediment Tracking
The existing paved entrances shall be used for all construction traffic entering and leaving the site. The main site entrance is designed to remove mud from the construction vehicle tires and to prevent sediment from being washed out onto State Highway 85 (W. Paisano Drive). Access to and from excavation areas shall be limited to these entrances to minimize off-site sediment tracking from vehicle tires. Adjacent roadways shall be visually inspected daily to ensure that sediment is not being carried off-site. If sediment is being carried off-site, the adjacent roadways shall be monitored and swept clean as needed by a licensed street sweeper.

3.2.2. Outlet Protection
All pipe discharges will have some form of outlet protection such as geotextile, rock, or riprap aprons.

For outlet pipe details and calculations please refer to the Parker Brother’s Arroyo Interim Channel Design Report prepared by Malcolm Pirnie, Inc. for the Texas Custodial Trust Former ASARCO El Paso Site. Calculations for the standpipe capacity and rating curves are included in Appendix D and discussed in the fourth paragraph of page 5-2 of the report. The proposed standpipe has orifice openings at specific heights. A solid cover is proposed which will prevent water from entering the standpipe through the top orifice. These orifices control the rate of stormwater discharge downstream. The stormwater
discharge rate downstream through the standpipe is smaller than the historic discharge rate. Stormwater overflow in larger storm events will continue to overtop the low point of the basin to the north as it currently does in the existing condition. Drawing details for the outlet pipe detail are included in Sheet 6 of 7 of the Interim Drainage Report.

3.3. Additional BMPs

No Additional BMPs were identified.

3.4. Additional Standards and Specifications

All construction stormwater discharge and waste disposal shall be in compliance with the standards and specifications of the U.S. Department of Agriculture and the lawful requirements of Malcolm Pirnie and the Texas Custodial Trust.
4. Good Housekeeping BMPs

4.1. Good Housekeeping Practices

The following good housekeeping practices shall be employed at the site:

- Chemicals shall be stored inside locked container when not in use.
- Emergency spill response devices shall be available on the site during construction.
- Spills shall be cleaned up immediately.
- The TCEQ and the City of El Paso shall be notified immediately in the event of a spill to the adjacent bodies of water.

4.2. Material Handling and Waste Management

All hazardous waste materials shall be disposed of in accordance with County, and State, and Federal regulations.

4.2.1. Material Handling

Protection of stockpiles is a year-round requirement. The procedures listed below will be implemented at the site during the landfill construction and while the stockpiles are in place in order to address erosion and sediment control specifically in the event a 100-year flood should occur.

- All stockpiles should be protected with a temporary linear sediment barrier prior to the onset of precipitation
- Keep the height of stockpiles within 30 feet, and adjust the shape and orientation of the stockpiles to reduce the area of exposure to the prevailing wind
- Non-Active Stockpiles: During the rainy season, soil stockpiles should be covered or protected with soil stabilization measures and a temporary perimeter sediment barrier at all times.
5. Non-Active Stockpiles: During the non-rainy season, soil stockpiles should be covered or protected with a temporary perimeter sediment barrier prior to the onset of precipitation.

6. Locate stockpiles a minimum of 50 ft away from concentrated flows of stormwater, drainage courses, and inlets. Existing onsite stormwater management infrastructure (sumps and pump stations) will be periodically (as defined in the overall site SWPPP) tested to be operating correctly while stockpiles are in place.

7. Protect all stockpiles from stormwater runon using a temporary perimeter sediment barrier such as berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale barriers.

8. Cover stockpiles that are inactive for 14 days as soon as possible and until a final cover is placed or until stockpile is reactivated (whichever is sooner) with fiber blankets, mulches, or soil binders.

9. Inspect and verify that BMPs are in place prior to the commencement of stockpiling activities.

10. Inspect and verify that BMPs are in place prior to the commencement of stockpiling activities. Stockpile BMPs will be inspected weekly, as well as before during and after storm water events. Stockpiles are located for surrounding surface drainage to flow towards low points (sumps) existing on site.

11. Repair and/or replace perimeter controls and covers as needed to keep them functioning properly.

Please refer to Sheets 2 and 3 of both Category I landfill and Category I East Borrow Area for stockpile locations and details.

4.3. Designate Washout Areas

Please see Sheets 2 and 3 for location of the washout/deconamination area. The washout area is located and maintained in an area to eliminate the potential for discharges to the receiving water.
4.4. Equipment/Vehicle Fueling and Maintenance Practices

Construction vehicles shall be moved to an upland area or to the contractor staging area to refuel and undergo maintenance. On-site fuel tanks shall be in good condition, and have emergency spill containment.

4.5. Control Equipment/Vehicle Washing

Vehicle washing will be conducted at the decontamination area as indicated in Sheets 2 and 3.

4.6. Spill Prevention and Control Plan

All employees will be trained via biweekly tailgate sessions. Vehicles and equipment will be maintained off-site. All vehicles and equipment including subcontractor vehicles will be checked for leaking oil and fluids. Vehicles leaking fluids will not be allowed on-site. Drip pans will be placed under all vehicles and equipment that are parked overnight. Hazardous materials will be stored in accordance with federal and municipal regulations.

Spill kits will be within the materials storage area and concrete washout areas. All spills will be cleaned up immediately upon discovery. Spent absorbent materials and rags will be hauled off-site immediately after the spill is cleaned up for disposal at the Municipal Landfill. Spills large enough to discharge to surface water will be reported to the National Response Center at 1-800-424-8802.

Material safety data sheets, a material inventory, and emergency contact information will be maintained at the on-site project office.

4.7. Additional BMPs

No Additional BMPs were identified.
4.8. **Allowable Non-Stormwater Discharge Management**

Any changes in construction activities that produce other allowable non-stormwater discharges will be identified, and the SWPPP will be amended and the appropriate erosion and sediment control will be implemented.
5. Inspections

5.1. Inspections

Inspections of the stabilization practices and structural practices shall be performed weekly, at a minimum, and within 24-hours of ½-inch or greater rainfall. The inspection forms are included in Appendix C of this plan. Any actions required (repair, replacement or new practices) shall be completed within 48-hours of logging in the inspection form. The forms shall be collected by the Onsite Construction Manager and kept in the onsite office for the duration of the project.

For any corrective actions requiring a SWPPP amendment or change to a stormwater conveyance or control design, the Onsite Construction Manager will be notified before initiating the corrective action. Corrective action logs are included in Appendix D of this plan.

5.2. Delegation of Authority

Below we identify the individual(s) who have been delegated authority for the purposes of signing inspection reports, certification, or other information. A copy of the signed delegation of authority form is in Appendix G of this plan.

Company: ARACDIS-US, Inc. DBA Malcolm Pirnie

Contact Name: Alicia Fogg

Position: Project Engineer

Address: 211 N. Florence Street, Suite 202

City, State, Zip Code: El Paso, Texas 79901

Telephone Number: 915-533-9025

Fax/Email: 915-533-9045/alicia.fogg@arcadis-us.com
5.3. Corrective Action Log

A corrective action log describing repair, replacement, and maintenance BMPs undertaken as a result of the inspection and maintenance procedures can be found in Appendix D of this plan. The log describes the action taken, the date completed, and the notes the person that completed the work related to inspection findings.
6. Recordkeeping and Training

6.1. Recordkeeping

The following records will be kept onsite and made available for inspectors for review.

- Dates when major grading activities occur
- Dates when construction activities temporarily or permanently cease on a portion of the site
- Dates when stabilization measures are initiated
- Copy of the construction general permit
- Signed and certified NOI permit or permit application form
- Copy of the letter from TCEQ with notification of their receipt of a complete NOI/application
- Inspection reports
- Records relating to endangered species and historic preservation

6.2. Training

Training of staff and subcontractors is an effective BMP. All training related to specific stormwater responsibilities is documented. Documentation includes dates, number of attendees, subjects covered, and length of training.
7. Final Stabilization

The site shall be considered to have reached final stabilization when:

1. Riprap has been added to the key drainage berm surrounding the landfill and surrounding area around extent of excavation limits of the East Borrow Source Area;

2. All temporary sediment and erosion controls have been removed and disposed of properly;

3. All trapped sediment has been permanently stabilized to prevent further erosion; and

4. All construction activities have ceased.
**PLEASE REFER TO SHEET 6 OF 7 OF THE INTERIM DRAINAGE DESIGN REPORT**

**Sediment Basin & Traps Usage Quantity**
- A sediment basin and traps may be used to precipitate sediment out of runoff draining from an unstable area.
- The basin should be a minimum of 30'x30'x30' and should comply with the following requirements:
  - Minimum basin size: 30'x30'x30'
  - Minimum basin size: 30'x30'x30'
  - Minimum structural integrity: 30 PSI

**Sediment Basin Overflow and Inlet Pipe**
- Not to scale (Phase 2 only)

**Temporary Sediment Control Fence**
- Not to scale

**Sediment Barge & Trap Usage Quantity**
- A sediment barge and trap may be used to precipitate sediment out of runoff draining from an unstable area.
- The barge should be a minimum of 30'x30'x30' and should comply with the following requirements:
  - Minimum barge size: 30'x30'x30'
  - Minimum structural integrity: 30 PSI

**NOTES:**
1. The geotextile fabric shall be placed in the excavated trench, backfilled, and compacted to the existing ground surface.
2. Minimum support posts shall be a minimum of 5'x5'x5' and shall be placed in a pattern that maintains the structure in place.
3. The geotextile fabric shall be attached securely to the upper side of the wooden posts with 5/8" washers in all cases to prevent damage to the material. Additional tie-off points shall be placed at 48" intervals along the geotextile fabric to prevent it from blowing in the wind.
4. The geotextile fabric shall be placed on the ground and be secured to the wooden posts with 5/8" washers in all cases to prevent damage to the material. Additional tie-off points shall be placed at 48" intervals along the geotextile fabric to prevent it from blowing in the wind.
5. The wood posts shall be placed in a pattern that maintains the structure in place.
6. The wood posts shall be placed in a pattern that maintains the structure in place.
7. The geotextile fabric shall be placed on the ground and be secured to the wooden posts with 5/8" washers in all cases to prevent damage to the material. Additional tie-off points shall be placed at 48" intervals along the geotextile fabric to prevent it from blowing in the wind.
Appendix A

Texas Commission on Environmental Quality (TCEQ)
General Permit No.:

TXR150000 and Notice of Intent (NOI) and Acknowledgement Letter
Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity under TPDES General Permit (TXR1500000)

Sign up now for ePermits NOI at https://www6.tceq.state.tx.us/steers/
Get Instant Permit Coverage and only pay a $225 application fee.

If filing a paper NOI you can pay the application fee on line?  Go to https://www6.tceq.state.tx.us/epay/

IMPORTANT:
• Use the INSTRUCTIONS to fill out each question in this form.
• Use the attached CUSTOMER CHECKLIST to make certain all you filled out all required information.
• Incomplete applications WILL delay approval or result in automatic Denial.

Renewal of General Permit
Is this NOI to renew an ACTIVE permit?  
Yes - What is your permit number?  Permit No. TXR15
No - a permit number will be issued.

Application Fee if mailing a paper NOI:
You must pay the $325 Application Fee to TCEQ for the application to be considered complete.
Payment and NOI must be mailed to separate addresses. See instructions for correct mailing addresses.

Provide your payment information below, for us to verify payment of the application fee:

| Mailed: | Check/Money Order No.: | 043263 |
| EPAY: | Voucher No.: | Company Name on checking account: Arcadis |
| | | Is the Payment Voucher copy attached? | Yes |

A. OPERATOR (applicant)

1. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity?  
   CN 60029879  (Search Central Registry)

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

3. What is the name and title of the person signing the application?  
   (The person must be an official meeting signatory requirements in TAC 305.43(a).)
   Name: Scott Brown  Title: Vice President

4. What is the Operator’s (applicant) mailing address as recognized by the US Postal Service? (verify at USPS.com)
   Address: 211 North Florence  Suite No./Bldg. No./Mail Code: Suite 202
   City: El Paso  State: Texas  ZIP Code: 79901
   Country Mailing Information (if outside USA):  Country Code:  Postal Code:

5. Phone No.: (915) 533-9025  Extension:
6. Fax No.: (915) 533-9045  E-mail Address: scott.brown@arcadis-us.com

7. Indicate the type of Customer:

- Individual
- Corporation
- State Government
- Other Government
- Sole Proprietorship-D.B.A.
- Federal Government
- County Government
- Other (describe):
- Limited Partnership
- General Partnership
- City Government

TCEQ-20022 (03/05/2008)
8. Independent Operator: □ Yes  □ No  (If governmental entity, subsidiary, or part of a larger corporation, check "No").

9. Number of Employees:  □ 0-20,  □ 21-100,  □ 101-250;  □ 251-500; or  □ 501+ higher

10. Customer Business Tax and Filing Numbers (This item is not applicable to Individuals, Government, GP or Sole Proprietor)
    REQUIRED for Corporations and Limited Partnerships  (Verify the entity’s status and filing no. with TX SOS at 512/463-5555)
    State Franchise Tax ID Number:  32000444938  Federal Tax ID:  57-037322
    TX SOS Charter (filing) Number:  11910106  DUNS Number (if known):  08-150-9638

B. APPLICATION CONTACT

If TCEQ needs additional information regarding this application, who should be contacted?

1. Name:  Gilbert Trejo  Title:  Project Env Engineer  Company:  ARCADIS US, Inc. dba Mak
2. Phone No.:  (915) 747-3904
3. Fax No.:  915 533-9045  E-mail Address:  gilbert.trejo@arcadis-us.com

C. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

1. TCEQ Issued RE Reference Number (RN):  RN 100219021
   (Search Central Registry)

2. Name of Project or Site (the name as known by the community where this facility/project is located):
   Former ASARCO Smelter
   (example: phrase and name of subdivision or name of project that’s unique to the site)

3. Does the site have a physical address?
   If Yes, complete Section A for a physical address.
   If No, complete Section B for site location information.

   Section A: Enter the physical address for the site. (verify it with USPS.com or other delivery source)
   Street Number:  2301  Street Name:  W. Paisano Dr.
   City:  El Paso  ZIP Code:  79922-1622

   Section B: Enter the site location information.
   If no physical address (Street Number & Street Name), provide a written location access description to the site:
   (Ex.: phase 1 of Woodland subdivision located 2 miles west from intersection of Hwy 290 & IH35 accessible on Hwy 290 South)
   City where the site is located or nearest city to site:  
   ZIP Code where site is located:  

4. Identify the county where the site is located:

5. Latitude:  
   Longitude:  

6. What is the primary business of this entity?  In your own words, briefly describe the primary business of the Regulated Entity:
   (Do not repeat the SIC and NAICS code)

7. What is the mailing address for the regulated entity?
   Is the RE mailing address the same as the Operator?  □ Yes, address is the same as Operator  □ No, provide the address
   Street Number:  
   Street Name:  
   City:  
   State:  
   ZIP Code:  

D. GENERAL CHARACTERISTICS

1. Is the site located on Indian Country Lands?  □ No  □ Yes - If Yes, do not submit this NOI. Contact EPA, Region VI
   If the site is on Indian country lands, you must obtain authorization through EPA, Region VI.

2. What is the Standard Industrial Classification (SIC) code (see instructions for common codes):  (Search Osha.gov)
   Primary:  4953  Secondary:  

TCEQ-20022 (03/05/2008)
3(a) What is the total number of acres disturbed? 9

3(b) Is the project site part of a larger common plan of development or sale? ☐ Yes ☐ No

If Yes, the total number of acres disturbed can be less than 5 acres.
If No, the total number of acres disturbed must be 5 or more. If the total number of acres disturbed is less than 5 then the project site does not qualify for coverage through this Notice of Intent. Coverage will be denied. See the requirements in the general permit for small construction sites.

4. Discharge Information (all information MUST be provided or the permit will be denied)

4(a) What is the name of the water body(s) to receive the storm water runoff or potential runoff from the site? Rio Grande

4(b) What is the segment number(s) of the classified water body(s) that the discharge or potential discharge will eventually reach? 23

4(c) Are any of the surface water bodies receiving discharges from the construction site on the latest EPA-approved CWA 303(d) list of impaired waters?

☐ Yes ☐ No

If Yes, provide the name of the impaired water body(s). Rio Grande above international dam

4(d) Is the discharge into an MS4? ☐ Yes ☐ No

If Yes, what is the name of the MS4 Operator? City of El Paso

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

4(e) Is the discharge or potential discharge within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

☐ Yes ☐ No

If the answer is Yes, please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be included or referenced in the Storm Water Pollution Prevention Plan.

F. CERTIFICATION

Check "Yes" to the certifications below. Failure to certify to all items will result in denial.

☑ Yes I certify that I have obtained a copy and understand the terms and conditions of the general permit (TXR150000).

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

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

☑ Yes I certify that a storm water pollution prevention plan has been developed and will be implemented prior to construction, and that is compliant with any applicable local sediment and erosion control plans, as required in the general permit TXR150000.

Operator Certification:

1. Scott Brown

Typed or printed name (Required & must be legible) Vice President

Title (Required & legible)

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

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

Signature: [Signature]

(Use blue ink) Date: 9/8/11

TCEQ-20022 (03/05/2008)
October 28, 2011

Dear Applicant:

Re: TPDES General Permit for Construction Storm Water Runoff (TXR150000)
    Notice of Intent Authorization

Your Notice of Intent application for authorization under the general permit for discharge of storm water associated with construction activities has been received. Pursuant to authorization from the Executive Director of the Texas Commission on Environmental Quality, the Division Director of the Water Quality Division has issued the enclosed Certificate.

Please refer to the attached certificate for the identification number that was assigned to your project/site and the coverage effective date. Please use this number to reference this project/site for future communications with the Texas Commission on Environmental Quality (TCEQ).

Authorization under the Edwards Aquifer Protection Program is required before construction can begin where the site is located within the Edwards Aquifer Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone. See http://www.tceq.state.tx.us/compliance/field_ops/eapp/program.html for additional information.

A Notice of Termination must be submitted when permit coverage is no longer needed. You may obtain a Notice of Termination form at the web site listed below.

For questions related to the status or processing of your application you may contact the Storm Water Processing Center by email at SWPERMIT@tceq.state.tx.us or by telephone at (512) 239-3700.

If you have any questions regarding coverage under this general permit or other technical issues, you may contact the storm water technical staff at (512) 239-4671 or by email at swgo@tceq.state.tx.us. Also, you may obtain information on the storm water web site at www.tceq.state.tx.us. Permit and application status information can be found on the TCEQ web site at http://www5.tceq.state.tx.us/wq_dpa/.

Sincerely,

Charles W. Maguire, Director
Water Quality Division
Texas Commission on Environmental Quality
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Texas Pollutant Discharge Elimination System
Storm Water Construction General Permit

The Notice of Intent (NOI) for the facility listed below was received on September 15, 2011. The intent to discharge storm water associated with construction activity under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) storm water construction general permit TXR150000 is acknowledged. Your facility’s TPDES construction storm water general permit number is:

TXR15SV75
Coverage Effective: September 19, 2011

TCEQ’s storm water construction general permit requires certain storm water 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 storm water pollution prevention plan (SWP3) that is tailored to your construction site. As a facility authorized to discharge under the storm water construction general permit, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Site Information:
FORMER ASARCO SMELTER
2301 W PAISANO DR
EL PASO, TX 79922-1622

OPERATOR:
CN600298079

ARCADIS US INC
211 N FLORENCE ST STE 202
EL PASO, TX 79901-1666

This permit expires on March 05, 2013, unless otherwise amended. If you have any questions related to processing you may contact the Storm Water Processing Center by email at SWPERMIT@tceq.state.tx.us or by telephone at (512) 239-3700. For technical issues, you may contact the storm water technical staff by email at swgp@tceq.state.tx.us or by telephone at (512) 239-4671. Also, you may obtain information on the storm water website at http://www5.tceq.state.tx.us/wq_dpa/. A copy of this document should be kept with your SWP3.

Issued Date: October 28, 2011

FOR THE COMMISSION
January 22, 2013

Dear Applicant:

Re: TPDES General Permit for Construction Storm Water Runoff (TXR150000)
   Notice of Change (NOC) to an Active Authorization

Your NOC request to update your authorization under the general permit for discharge of storm water associated with construction activities has been received. Pursuant to authorization from the Executive Director of the Texas Commission on Environmental Quality, the Division Director of the Water Quality Division has issued the enclosed Certificate. The effective date of your authorization under the construction general permit has not changed.

For questions related to the status or processing of your application you may contact the Storm Water Processing Center by email at SWPERMIT@tceq.texas.gov or by telephone at (512) 239-3700.

If you have any questions regarding coverage under this general permit or other technical issues, you may contact the storm water technical staff at (512) 239-4671 or by email at swpp@tceq.texas.gov. Also, you may obtain information on the storm water web site at www.tceq.texas.gov. Permit and application status information can be found on the TCEQ web site at http://www5.tceq.texas.gov/wq_dpa/.

Sincerely,

[Signature]

David W. Galindo, Director
Water Quality Division
Texas Commission on Environmental Quality
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Texas Pollutant Discharge Elimination System
Storm Water Construction General Permit

The Notice of Change submitted to update the Notice of Intent (NOI) for the facility listed below was received on December 27, 2012. The intent to discharge storm water associated with construction activity under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) storm water construction general permit TXR150000 is acknowledged. Your facility's TPDES construction storm water general permit number is:

TXR15SV75
Coverage Effective: September 19, 2011

TCEQ's storm water construction general permit requires certain storm water 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 storm water pollution prevention plan (SWP3) that is tailored to your construction site. As a facility authorized to discharge under the storm water construction general permit, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Site Information:
RN100219021
FORMER ASARCO SMELTER
2301 W PAISANO DR
EL PASO, TX 79922-1622
EL PASO COUNTY

OPERATOR:
CN600298079
ARCADIS US INC
211 N FLORENCE ST STE 202
EL PASO, TX 79901-1666

This permit expires on March 05, 2013, unless otherwise amended. If you have any questions related to processing you may contact the Storm Water Processing Center by email at SWPERMIT@tceq.state.tx.us or by telephone at (512) 239-3700. For technical issues, you may contact the storm water technical staff by email at swwp@tceq.state.tx.us or by telephone at (512) 239-4671. Also, you may obtain information on the storm water website at http://www5.tceq.state.tx.us/wq_dpa/. A copy of this document should be kept with your SWP3.

Issued Date: 1/18/2013

FOR THE COMMISSION
TCEQ Docket No. 2007-1588-WQ
TPDES General Permit No. TXR150000

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
Austin, TX 78711-3087

This is a renewal of TPDES General Permit No. TXR150000, issued March 5, 2003.

GENERAL PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Construction sites that discharge storm water associated with construction activity
located in the state of Texas

may discharge to surface water in the state

only according to effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders 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 storm water and certain non-storm water discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this 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 permit and the authorization contained herein shall expire at midnight on March 5, 2013.

EFFECTIVE DATE: March 5, 2008

ISSUED DATE: **FEB 15 2008**

Buddy Corcis
For the Commission
TPDES GENERAL PERMIT NUMBER TXR150000 RELATING TO STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Table of Contents

<table>
<thead>
<tr>
<th>Part</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Flow Chart and Definitions</td>
<td>3</td>
</tr>
<tr>
<td>II.</td>
<td>Permit Applicability and Coverage</td>
<td>10</td>
</tr>
<tr>
<td>III.</td>
<td>Storm Water Pollution Prevention Plans</td>
<td>25</td>
</tr>
<tr>
<td>IV.</td>
<td>Storm Water Runoff from Concrete Batch Plants</td>
<td>37</td>
</tr>
<tr>
<td>V.</td>
<td>Concrete Truck Wash Out Requirements</td>
<td>42</td>
</tr>
<tr>
<td>VI.</td>
<td>Retention of Records</td>
<td>42</td>
</tr>
<tr>
<td>VII.</td>
<td>Standard Permit Conditions</td>
<td>43</td>
</tr>
<tr>
<td>VIII.</td>
<td>Fees</td>
<td>44</td>
</tr>
<tr>
<td>A.</td>
<td>Automatic Authorization - Periods of Low Erosion Potential by County.</td>
<td>45</td>
</tr>
<tr>
<td>B.</td>
<td>Erosivity Index (EI) Zones in Texas</td>
<td>46</td>
</tr>
<tr>
<td>C.</td>
<td>Isoerodent Map</td>
<td>47</td>
</tr>
<tr>
<td>D.</td>
<td>Erosivity Indices for EI Zones in Texas</td>
<td>48</td>
</tr>
<tr>
<td>1.</td>
<td>Small Construction Site Notice: Low Potential for Erosion</td>
<td>49</td>
</tr>
<tr>
<td>2.</td>
<td>Small Construction Site Notice</td>
<td>50</td>
</tr>
<tr>
<td>3.</td>
<td>Large Construction Site Notice: &quot;Secondary Operator&quot; Notice</td>
<td>51</td>
</tr>
<tr>
<td>4.</td>
<td>Large Construction Site Notice: &quot;Primary Operator&quot; Notice</td>
<td>52</td>
</tr>
</tbody>
</table>
Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required

1. How much land will be disturbed? (*1)
   - < 1 acre (*1)
   - 1 or more acres (*1)

2. Do you meet the definition of “operator?” (*2)
   - No
   - Yes

   **Permit Coverage Required**
   - Prepare and Implement SWP3
   - Post Site Notice
   - Submit Copy of Site Notice to MS4 Operator

   **Permit Coverage Not Required**

3. Will 5 or more acres be disturbed? (*1)
   - Yes
   - No

   **Permit Coverage Required**
   - Prepare and Implement SWP3
   - Submit NOI to TCEQ
   - Post NOI and Site Notice
   - Submit Copy of NOI to MS4 Operator

4. Are you a “primary operator?” (*2)
   - Yes
   - No

   **Permit Coverage Required**

(*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 “larger common plan of development or sale”).

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

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

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

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

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

**Discharge** – For the purposes of this permit, the drainage, release, or disposal of pollutants in storm water and certain non-storm water 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 storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

**Edwards Aquifer** - As defined under Texas Administrative Code § 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 and the
appropriate regional office. The Edwards Aquifer Map Viewer, located at http://www.tceq.state.tx.us/compliance/field_ops/eapp/mapdisclaimer.html, can be used to determine where the recharge zone is located.

**Edwards Aquifer Contributing Zone** - The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer. The contributing zone is located upstream (upgradient) and generally north and northwest of the recharge zone for the following counties: all areas within Kinney County, except the area within the watershed draining to Segment 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 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 1216 of the Brazos River Basin. The contributing zone is illustrated on the Edwards Aquifer map viewer at http://www.tceq.state.tx.us/compliance/field_ops/eapp/mapdisclaimer.html.

**Facility or Activity** – For the purpose of this permit, a construction site or construction support activity that is regulated under this general permit, including all contiguous land and fixtures (e.g., ponds and materials stockpiles), structures, or appurtances used at a construction site or industrial site described by this general permit.

**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 (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.

(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 other best management practices, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization.

(c) For construction activities on land used for agricultural purposes (e.g. 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 (e.g., 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 percent vegetative coverage within three years.

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

**Indian Country Land** – (from 40 CFR 122.2) (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.

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

**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, storm water, 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 a 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 a large or small construction activity that meets either of the following two criteria:

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

(b) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3) for the site or other permit conditions (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).

Secondary Operator – The person whose operational control is limited to the employment of other operators or to the ability to approve or disapprove changes to plans and specifications. A secondary operator is also defined as a primary operator and must comply with the permit requirements for primary operators if there are no other operators at the construction site.

Outfall - For the purpose of this permit, a point source at the point where storm water 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 storm water runoff and certain non-storm water discharges.

Point Source – (from 40 CFR §122.2) 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 storm water runoff.

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 - (from Texas Water Code §26.001(14)) 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.
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).

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

Separate Storm Sewer System - A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying storm water; 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 (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.)

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

Storm Water Associated with Construction Activity - Storm water 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 storm water runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, 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.

Waters of the United States - (from 40 CFR, Part122, Section 2) Waters of the United States or waters of the U.S. means:
(a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) all interstate waters, including interstate wetlands;

(c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) which are used or could be used for industrial purposes by industries in interstate commerce;

(d) all impoundments of waters otherwise defined as waters of the United States under this definition;

(e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) the territorial sea; and

(g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which either were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Storm Water Associated with Construction Activity

Discharges of storm water runoff from small and large construction activities may be authorized under this general permit.
2. Discharges of Storm Water Associated with Construction Support Activities

Examples of construction support activities include, but are not limited to, concrete batch plants, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas. Discharges of storm water runoff from construction support activities may be authorized under this general permit, provided that the following conditions are met:

(a) the activities are located within one (1)-mile from the boundary of the permitted construction site and directly support the construction activity;

(b) a storm water pollution prevention plan is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the construction support activities; and

(c) the construction support activities either do not operate beyond the completion date of the construction activity or are authorized under separate TPDES authorization. Separate TPDES authorization may include the TPDES Multi Sector General Permit, TXR050000 (related to storm water discharges associated with industrial activity), separate authorization under this general permit if applicable, coverage under an alternative general permit if available, or authorization under an individual water quality permit.

3. Non-Storm Water Discharges

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

(a) discharges from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

(b) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

(c) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used 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;

(d) uncontaminated water used to control dust;
(e) 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);

(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 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 washout of concrete trucks associated with off-site production facilities may be conducted at regulated construction sites in accordance with the requirements of Part V of this general permit.

Section C. Limitations on Permit Coverage

1. Post Construction Discharges.

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

2. Prohibition of Non-Storm Water Discharges

Except as otherwise provided in Part II.A. of this general permit, only discharges that are composed entirely of storm water 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 or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses 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 from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use. The executive director may also require an application for an individual permit considering factors described in Part II.H.2. of this general permit.
4. Discharges to Water Quality-Impaired Receiving Waters.

New sources or new discharges of the constituents 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 standards and are listed on the EPA approved Clean Water Act Section 303(d) list. Constituents of concern are those for which the water body is listed as impaired.

Discharges of the constituents of concern to impaired water bodies for which there is a total maximum daily load (TMDL) are not eligible for this permit unless they are consistent with the approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their storm water pollution prevention plan in order to be eligible for coverage under this general permit.

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges cannot be authorized by this general permit where prohibited by 30 Texas Administrative Code (TAC) Chapter 213 (relating to Edwards Aquifer). In addition, commencement of construction (i.e., the initial disturbance of soils associated with clearing, grading, or excavating activities, as well as other construction-related activities such as stockpiling of fill material and demolition) at a site regulated under 30 TAC Chapter 213, may not begin until the appropriate Edwards Aquifer Protection Plan 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, 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 under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural storm water 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 storm water runoff are in addition to the requirements in this general permit for this pollutant.

For discharges from large construction activities located on the Edwards Aquifer recharge zone or the Edwards Aquifer contributing zone, applicants must submit a copy of the NOI to the appropriate TCEQ regional office. For discharges from small construction activities located on the Edwards Aquifer recharge zone or the Edwards Aquifer contributing zone, and for discharges from large construction activities by operators not required to submit an NOI under this general permit, applicants must submit a copy of the construction site notice to the appropriate TCEQ regional office where required by the Edwards Aquifer Rules at 30 TAC Chapter 213:

Counties: Contact:
6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Other Governmental Entities

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

8. Indian Country Lands

Storm water 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 storm water require authorization under federal National Pollutant Discharge Elimination System (NPDES) regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Oil and Gas Production

Storm water runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.

10. Storm Water Discharges from Agricultural Activities
Storm water discharges from agricultural activities that are not point source discharges of storm water 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 storm water runoff associated with the construction of facilities that are subject to TPDES regulations, such as the construction of confined animal feeding operations, would be point sources regulated under this general permit.

11. Other

Nothing in Part II of the general permit is intended to negate any person’s ability to assert the 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 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 TPDES general permit TXR150000 (issued March 5, 2003), must submit an NOI to renew authorization under this general 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 previous TPDES permit.

2. Small Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction 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 would not meet the conditions to qualify for termination of this permit as described in Part II.E. 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 previous TPDES permit.

Section E. Obtaining Authorization to Discharge
1. Automatic Authorization for Small Construction Activities With Low Potential for Erosion:

If all of the following conditions are met, then a small construction activity is determined to occur during periods of low potential for erosion, and a site operator may be automatically authorized under this general permit without being required to develop a storm water pollution prevention plan or submit a notice of intent (NOI):

(a) the construction activity occurs in a county listed in Appendix A;

(b) the construction activity is initiated and completed, including either final or temporary stabilization of all disturbed areas, within the time frame identified in Appendix A for the location of the construction site;

(c) all temporary stabilization is adequately maintained to effectively reduce or prohibit erosion, permanent stabilization activities have been initiated, and a condition of final stabilization is completed no later than 30 days following the end date of the time frame identified in Appendix A for the location of the construction site;

(d) the permittee signs a completed construction site notice (Attachment 1 of this general permit), including the certification statement;

(e) a signed copy of the construction site notice is posted at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and maintained in that location until completion of the construction activity;

(f) a copy of the signed and certified construction site notice is provided to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least two days prior to commencement of construction activities;

(g) any supporting concrete batch plant or asphalt batch plant is separately authorized for discharges of storm water runoff or other non-storm water discharges under an individual TPDES permit, another TPDES general permit, or under an individual TCEQ permit where storm water and non-storm water is disposed of by evaporation or irrigation (discharges are adjacent to water in the state); and

(h) any non-storm water discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

Part II.G. of this general permit describes how an operator may apply for and obtain a waiver from permitting, for certain small construction activities that occur during a period with a low potential for erosion, where automatic authorization under this section is not available.

2. Automatic Authorization For All Other Small Construction Activities:

Operators of small construction activities not described in Part II.E.1. above may be automatically authorized under this general permit, and operators of these sites shall not be required to submit an NOI, 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 that plan prior to commencing construction activities;

(b) sign and certify a completed construction site notice (Attachment 2 of this general permit), post the notice 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, prior to commencing construction, and maintain the notice in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities); and

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

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

As described in Part I (Definitions) 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 for which the applicant is the operator, and implement that plan prior to commencing construction activities;

(b) primary operators must submit a Notice of Intent (NOI), using a form provided by the executive director, at least seven (7) days prior to commencing construction activities, or if utilizing electronic submittal, prior to commencing construction activities. If an additional primary operator is added after the initial NOI is submitted, the new primary operator must submit an NOI at least seven (7) days before assuming operational control, or if utilizing electronic NOI submittal, prior to assuming operational control. If the primary operator changes after the initial NOI is submitted, the new primary operator must submit a paper NOI or an electronic NOI at least ten (10) days before assuming operational control;

(c) all primary operators must also post a copy of the signed NOI 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 must maintain the NOI in that location until completion of the construction activity;

(d) all operators of large construction activities must post a site notice in accordance with Part III.D.2. of this permit. The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction, and must be maintained in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities); and

(e) all primary operators must provide a copy of the signed NOI to the operator of any municipal separate storm sewer system (MS4) receiving the discharge and to any secondary operator, at least seven (7) days prior to commencing construction activities, and must list in the SWP3 the names and addresses of all MS4 operators receiving a copy.

(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 another operator(s) at the site has submitted an NOI, or 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.

4. Waivers for Small Construction Activities:

Part II.G. describes how operators of certain small construction activities may obtain a waiver from coverage.

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 are provisionally authorized seven (7) days from the date that a completed NOI is
postmarked for delivery to the TCEQ, unless otherwise notified by the executive
director. If electronic submission of the NOI is provided, and unless otherwise
notified by the executive director, primary operators are authorized immediately
following confirmation of receipt of the NOI by the TCEQ. Authorization is non-
provisional when the executive director finds the NOI is administratively complete
and an authorization number is issued for the activity. 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.

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

6. Notice of Change (NOC)

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

Information that may be included on an NOC includes, but is not limited to, the following:
the description of the construction project, an increase in the number of acres disturbed (for
increases of one or more acres), or the operator name. A transfer of operational control from
one operator to another, including a transfer of the ownership of a company, may not be
included in an NOC. 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 number (or charter number) that is on record with the
Texas Secretary of State must be changed.

An NOC is not required for notifying TCEQ of a decrease in the number of acres disturbed.
This information must be included in the storm water pollution prevention plan (SWP3) and
retained on site.

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

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

8. Contents of the NOI
The NOI form shall require, at a minimum, the following information:

(a) the TPDES CGP authorization number for existing authorizations under this general permit, where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;

(b) the name, address, and telephone number of the operator filing the NOI for permit coverage;

(c) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;

(d) the number of acres that will be disturbed by the applicant;

(e) confirmation that the project or site will not be located on Indian Country lands;

(f) confirmation that a SWP3 has been developed, that it will be implemented prior to construction, and that it is compliant with any applicable local sediment and erosion control plans;

(g) name of the receiving water(s);

(h) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and

(i) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) list of impaired waters.

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

Each operator that has submitted an NOI for authorization under this general permit must apply to terminate that authorization following the conditions described in this section of the general permit. Authorization must be terminated by submitting a Notice of Termination (NOT) on a form supplied by the executive director. Authorization to discharge under this general permit terminates at midnight on the day the NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit is required until an NOT is submitted.

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 permittee;

(b) a transfer of operational control has occurred (See Section II.F.4. below); or

(c) the operator has obtained alternative authorization under an individual TPDES permit or alternative TPDES general permit.

2. Minimum Contents of the NOT

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

(a) if authorization was granted following submission of an NOI, the permittee’s site-specific TPDES authorization number for the construction site;

(b) an indication of whether the construction activity is completed 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 latitude/longitude of the construction project or site; and

(e) a signed certification that either all storm water discharges requiring authorization under this general permit will no longer occur, or that the applicant to terminate coverage 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

Each operator that has obtained automatic authorization and has not been required to submit an NOI must remove the site notice upon meeting any of the conditions listed below, complete the applicable portion of the site notice related to removal of the site notice, and submit a copy of the completed site notice to the operator of any MS4 receiving the discharge (or provide alternative notification as allowed by the MS4 operator, with documentation of such notification included in the SWP3), within 30 days of meeting any of the following conditions:

(a) final stabilization has been achieved on all portions of the site that are the responsibility of the permittee;

(b) a transfer of operational control has occurred (See Section II.F.4. below); or
the operator has obtained alternative authorization under an individual or general
TPDES permit.

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

4. Transfer of Operational Control

Coverage under this general permit is not transferable. A transfer of operational control
includes 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.

When the primary operator of a large construction activity changes or operational control is
transferred, the original operator must submit a Notice of Termination (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 (a) or (b) below. A copy of the NOT must be provided to the
operator of any MS4 receiving the discharge in accordance with Section II.F.1. above.

Operators of regulated construction activities who are not required to submit an NOI must
remove the original site notice, and the new operator must post the required site notice prior
to the transfer of operational control, in accordance with condition (a) or (b) below. A copy
of the completed site notice must be provided to the operator of any MS4 receiving the
discharge, in accordance with Section II.F.3. above.

A transfer of operational control occurs when either of the following criteria is met:

(a) Another operator has assumed control over all areas of the site that have not been
finally stabilized; and 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 permitted operator has attempted to notify the new
operator in writing of the requirement to obtain permit coverage. Record of this
notification (or attempt at notification) shall be retained by the 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.

(b) A homebuilder has purchased one or more lots from an operator who obtained
coverage under this general permit for a common plan of development or sale. The
homebuilder is considered a new operator and shall comply with the requirements
listed above, including the development of a SWP3 if necessary. Under these
circumstances, the homebuilder is only responsible for compliance with the general
permit requirements as they apply to lot(s) it has operational control over, 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 storm water 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, where all of the following conditions are met. This waiver from coverage does not apply to non-storm water discharges. The operator must insure that any non-storm water discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

(a) the calculated rainfall erosivity (R) factor for the entire period of the construction project is less than five (5);

(b) the operator submits to the TCEQ a signed waiver certification form, supplied by the executive director, certifying that the construction activity will commence and be completed within a period when the value of the calculated rainfall erosivity R factor is less than five (5); and

(c) the waiver certification form is postmarked for delivery to the TCEQ at least two (2) days before construction activity begins.

2. Steps to Obtaining a Waiver

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

(a) Estimate the construction start date and the construction end date. The construction end date is the date that final stabilization will be achieved.

(b) Find the appropriate Erosivity Index (EI) zone in Appendix B of this permit.

(c) Find the EI percentage for the project period by adding the results for each period of the project using the table provided in Appendix D of this permit, in EPA Fact Sheet 2.1, or in USDA Handbook 703, by subtracting the start value from the end value to find the percent EI for the site.

(d) Refer to the Isoerodent Map (Appendix C of this permit) and interpolate the annual isoerodent value for the proposed construction location.

(e) Multiply the percent value obtained in Step (c) above by the annual isoerodent value obtained in Step (d). This is the R factor for the proposed project. If the value is less than 5, then a waiver may be obtained. If the value is five (5) or more, then a waiver may not be obtained, and the operator must obtain coverage under Part II.E.2. of this permit.
Alternatively, the operator may calculate a site-specific R factor utilizing the following online calculator: [http://ei.tamu.edu/index.html](http://ei.tamu.edu/index.html), or using another available resource.

The waiver certification form is not required to be posted at the small construction site.

3. **Effective Date of Waiver**

Operators of small construction activities are provisionally waived from the otherwise applicable requirements of this general permit two (2) days from the date that a completed waiver certification form is postmarked for delivery to TCEQ.

4. **Activities Extending Beyond the Waiver 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 rainfall erosivity (R) factor using the original start date and a new projected ending date, and if the R factor is still under five (5), submit a new waiver certification form at least two (2) days before the end of the original waiver period; or

(b) obtain authorization under this general permit according to the requirements delineated in either Part II.E.2. or Part II.E.3. at least two (2) days before the end of the approved waiver 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 should be submitted at least three hundred and thirty (330) days prior to commencement of construction activities to ensure timely issuance.

2. **Individual Permit Required**

The executive director may suspend an authorization or deny an NOI in accordance with the procedures set forth in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), including the requirement that the executive director provide written notice to the permittee. 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 total maximum daily load (TMDL) limitation or TMDL implementation plan on the receiving stream;
(b) the activity being determined to cause 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."

Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit, relating to 30 TAC §60.3 (Use of Compliance History). Denial of authorization to discharge under this general permit or suspension of a permittee’s authorization under this general permit shall be done according to commission rules in 30 TAC, Chapter 205 (relating to General Permits for Waste Discharges).

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

Section I. Permit Expiration

1. This general permit is issued 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.

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. Storm Water Pollution Prevention Plans (SWP3)

Storm water pollution prevention plans must be prepared to address discharges authorized under Parts II.E.2. and II.E.3. that will reach Waters of the United States, including discharges to MS4s and privately owned
separate storm sewer systems that drain to Waters of the United States, to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the construction site, including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used solely by the permitted project. The SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in storm water associated with construction activity and non-storm water discharges described in Part II.A.3., in compliance with the terms and conditions of this permit.

Individual operators at a site may develop separate SWP3s that cover only their portion of the project, provided reference is made to the other operators at the site. Where there is more than one SWP3 for a site, permittees 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.

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 must independently obtain authorization, but may work together to prepare and implement a single, comprehensive SWP3 for the entire construction site.

1. The SWP3 must clearly list the name and, for large construction activities, the general permit authorization numbers, for each operator that participates in the shared SWP3. Until the TCEQ responds to receipt of the NOI with a general permit authorization number, the SWP3 must specify the date that the NOI was submitted to TCEQ by each operator. Each operator participating in the shared plan must also sign the 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.

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 must:

(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 all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their best management practices as necessary to remain compliant with the conditions of this general permit; and

(d) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization numbers for permittees with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If the party with day-to-day operational control has not been authorized or has abandoned the site, the person with control over project specifications is considered to be the responsible party until the authority is transferred to another party and the SWP3 is updated.

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 best management practices (BMPs) described in the SWP3;

(c) indicates areas of the project where they have operational control over day-to-day activities; and

(d) includes, for areas where they have operational control over day-to-day activities, the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications.

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 storm water management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site.
2. In addition to the requirement to post the NOI, a primary operator of a large construction activity must post the site notice provided in Attachment 4 of this permit near the main entrance of the construction site. An operator of a small construction activity seeking authorization under this general permit and a secondary operator of a large construction activity must post the site notice required in Part II.E.1., 2., or 3. of this permit in order to obtain authorization (see Attachments 1, 2, and 3). If the construction project is a linear construction project (e.g. pipeline or highway), the notices must be placed in a publicly accessible location near where construction is actively underway. Notices for these linear sites may be relocated, as necessary, along the length of the project. The notices must be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:

(a) the site-specific TPDES authorization number for the project if assigned;
(b) the operator name, contact name, and contact phone number;
(c) a brief description of the project; and
(d) 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 whenever 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 site operators, 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 include, at a minimum, the information described in this section.

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;

(d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas that are authorized under the permittee’s NOI;

(e) data describing the soil or the quality of any discharge from the site;

(f) a map showing the general location of the site (e.g. a portion of a city or county map);

(g) a detailed site map (or maps) indicating the following:
   (i) drainage patterns and approximate slopes anticipated after major grading activities;
   (ii) areas where soil disturbance will occur;
   (iii) locations of all major structural controls either planned or in place;
   (iv) locations where temporary or permanent stabilization practices are expected to be used;
   (v) locations of construction support activities, including off-site activities, that are authorized under the permittee’s NOI, including material, waste, borrow, fill, or equipment storage areas;
   (vi) surface waters (including wetlands) either at, adjacent, or in close proximity to the site;
   (vii) locations where storm water discharges from the site directly to a surface water body or a municipal separate storm sewer system; and
   (viii) vehicle wash areas.

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, and

(k) the notice of intent (NOI) and acknowledgement certificate for primary operators of large construction sites, and the site notice for small construction sites and for secondary operators of large construction sites.

2. A description of the best management practices (BMPs) that will be used to minimize pollution in runoff.

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

(a) General Requirements

(i) Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.

(ii) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications.

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

(b) Erosion Control and Stabilization Practices

The SWP3 must include a description of temporary and permanent erosion control and stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation 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 as soon as practicable in portions of the site where construction activities have temporarily ceased. Stabilization measures that provide a protective cover must be initiated as soon as practicable in portions of the site where construction activities have permanently ceased. Except as provided in (A) through (D) below, these measures must be initiated no more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased:

(A) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(B) Where construction activity on a portion of the site has temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary erosion control and stabilization measures are not required on that portion of site.

(C) In arid areas, semiarid areas, and areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased or is precluded by arid conditions, erosion control and stabilization measures must be initiated as soon as practicable. Where vegetative controls are not feasible due to arid conditions, the operator shall install non-vegetative erosion controls. If non-vegetative controls are not feasible, the operator shall install temporary sediment controls as required in Paragraph (D) below.

(D) In areas where temporary stabilization measures 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 frequency established in Section III.F.7.(a) for unstabilized sites.

(iv) Final stabilization must be achieved prior to termination of permit coverage.

(c) Sediment Control Practices

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

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

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

(2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin 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 are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(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 Acres:

(A) Sediment traps and sediment basins may be used to control solids in storm water 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.

3. A Description of Permanent Storm Water Controls

A description of any measures that will be installed during the construction process to
control pollutants in storm water discharges that may occur after construction operations
have been completed must be included in the SWP3. Permittees are only responsible for the
installation and maintenance of storm water management measures prior to final stabilization
of the site or 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 the generation of dust. The SWP3 shall include a description of
controls utilized to accomplish this requirement.

(b) The SWP3 must include a description of construction and waste materials expected
to be stored on-site and a description of controls to minimize pollutants from these
materials.

(c) The SWP3 must include a description of potential pollutant sources from areas other
than construction (such as storm water discharges from dedicated asphalt plants and
dedicated concrete batch plants), and a description of controls and measures that will
be implemented at those sites to minimize pollutant discharges.

(d) Permittees shall place velocity dissipation devices at discharge locations and along
the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive
flow velocity from the structure to a water course, so that the natural physical and
biological characteristics and functions are maintained and protected.

(e) Permittees shall design and utilize appropriate controls to minimize the offsite
transport of suspended sediments and other pollutants if it is necessary to pump or
channel standing water from the site.

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 storm water
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 storm water 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 Water Pollution Abatement Plan 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, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of storm water 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 must 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 must work with the owner or operator of the property to remove the sediment.

7. Inspections of Controls

(a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid or semi-arid 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.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, 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 on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

(b) 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. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed. 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 above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, 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 on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).
In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

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.

A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; 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.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

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.

8. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-storm water components of the discharge, as listed in Part II.A.3. of this permit.

9. The SWP3 must include the information required in Part III.B. of this general permit.

Part IV. Storm Water Runoff from Concrete Batch Plants

Discharges of storm water runoff from concrete batch plants at regulated construction sites 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. If discharges of storm water runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or individual permit. 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 must sample the storm water 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>
<thead>
<tr>
<th>Benchmark Parameter</th>
<th>Benchmark Value</th>
<th>Sampling Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil and Grease</td>
<td>15 mg/L</td>
<td>1/quarter (*1)(*2)</td>
<td>Grab (*3)</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>100 mg/L</td>
<td>1/quarter (*1)(*2)</td>
<td>Grab (*3)</td>
</tr>
<tr>
<td>pH</td>
<td>6.0 - 9.0</td>
<td>1/quarter (*1)(*2)</td>
<td>Grab (*3)</td>
</tr>
<tr>
<td>Total Iron</td>
<td>1.3 mg/L</td>
<td>1/quarter(*1)(*2)</td>
<td>Grab (*3)</td>
</tr>
</tbody>
</table>

(*1) 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.

(*2) 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 storm water 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 storm water discharge occurred at least once following submission of the NOI or following the date that automatic authorization was obtained under Section II.E.2., and prior to terminating coverage.

(*3) A grab sample shall be collected from the storm water 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 storm water run on to the permitted facility, by laboratory analyses of samples of storm water 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 Storm Water Pollution Prevention Plan (SWP3) Requirements – The following are required in addition to other SWP3 requirements listed in this general permit (including, but not limited to Part III.F.7. of this permit):

1. Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of storm water discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that will be used to reduce the pollutants in these discharges to assure compliance with 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:

   (1) the location of all outfalls for storm water discharges associated with concrete batch plants that are authorized under this permit;
   (2) a depiction of the drainage area and the direction of flow to the outfall(s);
   (3) structural controls used within the drainage area(s);
   (4) 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

(5) 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 storm water and that have a potential to affect the quality of storm water 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 storm water and that drain to storm water outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

(d) Sampling Data - A summary of existing storm water discharge sampling data must be maintained, if available.

2. Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3’s “Description of Potential Pollutant Sources” from Part IV.B.1.(a) 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.

(1) 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 storm water. 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.

(2) Operators must prevent the exposure of fine granular solids, such as cement, to storm water. 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 storm water runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment.
Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(c) Inspections - Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to storm water 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 storm water pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

(e) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of storm water 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 storm water associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit.
and with the permittee’s SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(b) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part IV.B.1., “Description of Potential Pollutant Sources”); and pollution prevention measures and controls identified in the SWP3 (as required in Part IV.B.2., “Measures and Controls”). The revisions may include a schedule for implementing the necessary changes.

(c) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC Section 305.128, relating to Signatories to Reports.

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

Section C. Prohibition of Wastewater Discharges

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

Part V. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under Sections II.E.1., 2., and 3. of this general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks that are associated with off-site production facilities. Wash out water associated with on-site concrete production facilities must be authorized under a separate TCEQ general permit or individual permit.

1. Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

2. Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. 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.

3. Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge
of concrete truck washout water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

4. The discharge of washout water shall not cause or contribute to groundwater contamination.

5. If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated map.

Part VI. Retention of Records

The permittee must retain the following records for a minimum period of three (3) years from the date that a NOT is submitted as required by Part II.E.3. 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:

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

Part VII. Standard Permit Conditions

1. 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, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.

2. Authorization under this general permit may be suspended or revoked for cause. 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 revoking, suspending, or terminating authorization under this permit. 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.

3. 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.

4. Inspection and entry shall be allowed under Texas Water Code Chapters 26-28, Texas Health and Safety Code §§361.032-361.033 and 361.037, and 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code §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.

5. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§26.136, 26.212, and 26.213 for violations including but not limited to the following:

a. negligently or knowingly violating the federal Clean Water Act (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);

b. 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.

6. 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).

7. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

**Part VIII. Fees**

1. A fee of must be submitted along with the NOI:

   a. $325 if submitting a paper NOI, or
   b. $225 if submitting a NOI electronically.

2. 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.

3. No separate annual fees will be assessed. 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

<table>
<thead>
<tr>
<th>County</th>
<th>Eligible Date Ranges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrews</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Archer</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Armstrong</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Bailey</td>
<td>Nov. 1 - Apr. 30, or Nov. 15 - May 14</td>
</tr>
<tr>
<td>Baylor</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Borden</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Brewster</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Briscoe</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Brown</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Callahan</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Carson</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Castro</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Childress</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Cochran</td>
<td>Nov. 1 - Apr. 30, or Nov. 15 - May 14</td>
</tr>
<tr>
<td>Coke</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Coleman</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Collingsworth</td>
<td>Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28</td>
</tr>
<tr>
<td>Concho</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Cottle</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Crane</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Crockett</td>
<td>Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30</td>
</tr>
<tr>
<td>Crosby</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Culberson</td>
<td>Nov. 1 - May 14</td>
</tr>
<tr>
<td>Dallam</td>
<td>Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Dawson</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Deaf Smith</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Dickens</td>
<td>Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30</td>
</tr>
<tr>
<td>Dimmit</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Donley</td>
<td>Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28</td>
</tr>
<tr>
<td>Eastland</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Ector</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Edwards</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Fisher</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Floyd</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Foard</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Gaines</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Garza</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Glasscock</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Hale</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Hall</td>
<td>Feb. 1 - Mar. 30</td>
</tr>
<tr>
<td>Hardeman</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Hansford</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Hartley</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Haskell</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Hockley</td>
<td>Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Howard</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Hudspeth</td>
<td>Nov. 1 - May 14</td>
</tr>
<tr>
<td>Hutchinson</td>
<td>Nov. 15 - Apr. 30</td>
</tr>
<tr>
<td>Irion</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Jeff Davis</td>
<td>Nov. 1 - Apr. 30, or Nov. 15 - May 14</td>
</tr>
<tr>
<td>Jones</td>
<td>Dec. 15 - Feb. 14</td>
</tr>
<tr>
<td>Kent</td>
<td>Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30</td>
</tr>
</tbody>
</table>
Appendix B:
Erosivity Index (EI) Zones in Texas

Appendix C: Isoerodent Map

### Appendix D: Erosivity Indices for EI Zones in Texas

#### Periods:

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

* 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 15 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*
SMALL CONSTRUCTION SITE NOTICE:
LOW POTENTIAL FOR EROSION
FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program
TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with Part II.E.1. of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from small construction sites automatically authorized based on low rainfall erosivity. Additional information regarding the TCEQ storm water permit program may be found on the internet at:
http://www.tceq.state.tx.us/nav/permits/wq_construction.html

<table>
<thead>
<tr>
<th>Operator Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name and Phone Number:</td>
<td></td>
</tr>
<tr>
<td>Project Description:</td>
<td></td>
</tr>
</tbody>
</table>

(Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized)

For Small Construction Sites Authorized Under Part II.E.1., the following certification must be completed:

I ____________ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an automatic authorization based on low rainfall erosivity under Part II.E.1. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. Construction activities at this site shall occur within a time period listed in Appendix A of the TPDES general permit for this county, that period beginning on _______ and ending on _______. I understand that if construction activities continue past this period, all storm water runoff must be authorized under a separate provision of the general permit. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title ______________________________________________________ Date ______________________  

Date Notice Removed
MS4 operator notified per Part II.F.3.
SMALL CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program
TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with Part II.E.2. of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from small construction sites. Additional information regarding the TCEQ storm water permit program may be found on the internet at:
http://www.tceq.state.tx.us(nav/permits/wq_construction.html

Operator Name:

Contact Name and Phone Number:

Project Description: Physical address or description of the site’s location, estimated start date and projected end date, or date that disturbed soils will be stabilized

Location of Storm Water Pollution Prevention Plan:

For Small Construction Activities Authorized Under Part II.E.2. (Obtaining Authorization to Discharge) the following certification must be completed:

I ______________________________ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.D.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A storm water pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title__________________________ Date _____________________

MS4 operator notified per Part II.F.3.
**LARGE CONSTRUCTION SITE NOTICE**

*FOR THE*  
**Texas Commission on Environmental Quality (TCEQ)**  
**Storm Water Program**  
**TPDES GENERAL PERMIT TXR150000**  
**“SECONDARY OPERATOR” NOTICE**

This notice applies to secondary operators of construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of storm water runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.E.2. of the general permit. Additional information regarding the TCEQ storm water permit program may be found on the internet at: [http://www.tceq.state.tx.us/nav/permits/sw_permits.html](http://www.tceq.state.tx.us/nav/permits/sw_permits.html)

<table>
<thead>
<tr>
<th>Site-Specific TPDES Authorization Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Operator Name:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Contact Name and Phone Number:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Project Description: <em>Physical address or description of the site’s location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.</em></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Location of Storm Water Pollution Prevention Plan (SWP3):</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

For Large Construction Activities Authorized Under Part II.E.3. (Obtaining Authorization to Discharge) the following certification must be completed:

I ________________________________ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A storm water pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title ________________________________ Date ________________________________

**Date Notice Removed**  
__MS4 operator notified per Part II.F.3._
LARGE CONSTRUCTION SITE NOTICE
FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program
TPDES GENERAL PERMIT TXR150000

“PRIMARY OPERATOR” NOTICE

This notice applies to construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of storm water runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.E.2. of the general permit. This notice shall be posted along with a copy of the signed Notice of Intent (NOI), as applicable. Additional information regarding the TCEQ storm water permit program may be found on the internet at: http://www.tceq.state.tx.us/nav/permits/sw_permits.html

<table>
<thead>
<tr>
<th>Site-Specific TPDES Authorization Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operator Name:</td>
</tr>
<tr>
<td>Contact Name and Phone Number:</td>
</tr>
<tr>
<td>Project Description: Physical address or description of the site’s location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.</td>
</tr>
<tr>
<td>Location of Storm Water Pollution Prevention Plan:</td>
</tr>
</tbody>
</table>
Appendix B

Contractor and Owner
Acknowledgement Certifications
STORM WATER POLLUTION PREVENTION PLAN
OWNER CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY 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.

OWNER (PRINTED NAME): ROBERTO E PUGA

OWNER SIGNATURE: __________________________ DATE: 12-17-12

PHONE NUMBER: (714) 388-1802
STORM WATER POLLUTION PREVENTION PLAN
GENERAL CONTRACTOR CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT I UNDERSTAND THE TERMS AND CONDITIONS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT THAT AUTHORIZES STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY FROM THE CONSTRUCTION SITE IDENTIFIED AS PART OF THIS CERTIFICATION.

COMPANY: ARCADIS-US INC (dba Malcolm Pirnie, Inc)

SIGNED: [Signature]
TITLE: Vice President

ADDRESS: 410 N. 44th Street Suite 1000 Phoenix, AZ 85008

TELEPHONE: 602-797-4536
DATE: 12/17/2012
Appendix C

Construction Inspection Forms
QUARTERLY SWPPP INSPECTION

Business Name: __________________________ Date: __________ Weather: ________

Inspector(s): __________________________ Inspector Affiliation: ______________

Tenant Contact Name _______________________ Title: ________________________

Inspector familiar with industrial activities performed at this facility? Yes or No

<table>
<thead>
<tr>
<th>INSPECTION ITEM</th>
<th>YES / NO or N/A</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effectiveness of Employee Training and Education Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ SWPPP training records will be checked during</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comprehensive Site Compliance Evaluation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effectiveness of Spill Prevention and Response Measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Outdoor areas are free of spilled material</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Spill Kit available and stocked</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Storage containers are clearly labeled</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effectiveness of the Good Housekeeping Measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Leasehold free of trash and debris</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Waste receptacle intact with no leakage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effectiveness of Maintenance Program for Structural Controls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ No evidence of flooding or other drainage problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Structural controls maintained/functional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e.g., oil/water separators, water quality ponds)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effectiveness of Erosion Control Measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Area is free of soil erosion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effectiveness of BMPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ BMPs are being performed satisfactorily</td>
<td></td>
<td></td>
</tr>
<tr>
<td>❑ Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ADDITIONAL COMMENTS: ___________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

N/A = Inspection item is not applicable at this location.
Storm Water Construction Inspection Report

Project Name: 
Location: 
NPDES Tracking #: 

A. General Information

<table>
<thead>
<tr>
<th>Date of Inspection</th>
<th>Start/End Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector’s Name, Title</td>
<td></td>
</tr>
<tr>
<td>Inspector’s Signature</td>
<td></td>
</tr>
<tr>
<td>Inspector’s Contact Information (phone, email, or address)</td>
<td></td>
</tr>
<tr>
<td>Inspector’s Qualifications (list additional qualifications as applicable)</td>
<td>See SWPPP Section regarding Inspector Qualifications</td>
</tr>
<tr>
<td>Describe present phase of construction</td>
<td></td>
</tr>
</tbody>
</table>

Type of Inspection:
- [ ] Regular 7-day
- [ ] Post-storm event (within 24 hrs)
- [ ] Monthly (after final site stabilization)

If this is a post-storm report:
- Storm Start Date & Time: 
- Storm Duration (hrs): 
- Approximate Amount of Precipitation (in): 

B. Site-specific BMPs

List the structural and non-structural BMPs used on the construction site below (add as many BMPs as necessary). Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

<table>
<thead>
<tr>
<th>BMPs</th>
<th>Maintenance Needed?</th>
<th>If corrective action needed, list here with notes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>[ ] Yes [ ] No</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>[ ] Yes [ ] No</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>[ ] Yes [ ] No</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>[ ] Yes [ ] No</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>[ ] Yes [ ] No</td>
<td></td>
</tr>
</tbody>
</table>

C. Overall Site Issues

Below are some general site issues that should be assessed during inspections.

<table>
<thead>
<tr>
<th>BMP/activity</th>
<th>Answer?</th>
<th>If corrective action needed, list here with notes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Are disturbed areas not actively being worked properly stabilized?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>2</td>
<td>Are natural resource areas (e.g. streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>3</td>
<td>Are perimeter controls and sediment barriers (e.g. silt fences) adequately installed (keyed into substrate) and maintained?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>4</td>
<td>Are discharge points and receiving waters free of any sediment deposits?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>5</td>
<td>Are storm drain inlets properly protected?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>6</td>
<td>Is the construction exit preventing sediment from being tracked into the street?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>7</td>
<td>Is trash/litter from work areas collected and placed in covered dumpsters?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>8</td>
<td>Are washout facilities (e.g. paint, stucco, concrete) available, clearly marked, and maintained?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>9</td>
<td>Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills and leaks, or harmful material?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>10</td>
<td>Are materials that are potential stormwater contaminants (e.g. gasoline) stored inside or under cover?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
<tr>
<td>11</td>
<td>Are non-stormwater discharges (e.g. wash water, dewatering) properly controlled?</td>
<td>[ ] Yes [ ] No [N/A]</td>
</tr>
</tbody>
</table>
Storm Water Construction Inspection Report

Project Name: 
Location: 
NPDES Tracking #: 

Malcolm Pirnie
Construction Storm Water Pollution Prevention Plan 2 of 2
Former ASARCO Smelter Remediation Site
Records Retention: 3 years from expiration or termination of permit

<table>
<thead>
<tr>
<th>BMP/activity</th>
<th>Answer?</th>
<th>If corrective action needed, list here with notes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Are portable toilets located away from areas susceptible to water flow?</td>
<td>□ Yes □ No □ N/A</td>
<td></td>
</tr>
<tr>
<td>13 Are there any new BMPs that need to be implemented due to changes in, for example, construction, site, or weather?</td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>14 Are changes to the SWPPP needed?</td>
<td>□ Yes □ No</td>
<td></td>
</tr>
</tbody>
</table>

Non-Compliance

Describe any incidents of non-compliance not described above:

*If possible, periodic photos are recommended and should be attached to the inspection report

Record Keeping and Distribution:

1. File copy in SWPPP binder on site.
2. Send original to SWPPP Contact(s) via email, fax or regular mail to:

   Malcolm Pirnie
   ATTN: Gilbert Trejo/Alicia Fogg
   211 N. Florence Street, Suite 202
   El Paso, Texas 79901
   Telephone Number: 915-747-3904 / 915-747-3907
   Fax: 915-533-9045
   Email: Gilbert.Trejo@arcadis-us.com/Alicia.Fogg@arcadis-us.com

3. SWPPP Contact(s) will certify below and return to Inspector for re-filing in SWPPP binder on site.

CERTIFICATION STATEMENT

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 and Title: __________________________
Signature: ___________________________ Date: ___________________________
Appendix D

Corrective Action Log
## SWPPP Corrective Actions Log

**SWPPP Contact:**

<table>
<thead>
<tr>
<th>Inspection Date</th>
<th>Inspector(s) Name</th>
<th>Description of BMP Deficiency</th>
<th>Description of Corrective Action Needed (include planned date and responsible personnel)</th>
<th>Date of Corrective Action/Responsible Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix E

Grading and Stabilization Activities Log
### Grading and Stabilization Activities Log

**Project Name:**  
**SWPPP Contact:**

<table>
<thead>
<tr>
<th>Date Grading Activity Initiated</th>
<th>Description of Grading Activity</th>
<th>Date Grading Activity Ceased (Indicate Temporary or Permanent)</th>
<th>Date When Stabilization Measures are Initiated</th>
<th>Description of Stabilization Measure and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix F

Training Log
**TRAINING RECORD FORM**
Storm Water Pollution Prevention Plan

<table>
<thead>
<tr>
<th>Name:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**Description of Training Received:**

**Materials Used:**

My signature below certifies that I have read the required sections of the Storm Water Pollution Prevention Plan, dated ________________, that apply to my work area and clearly understand my responsibilities concerning prevention of potential pollutants entering storm drainage systems and management’s dedication to the quality of water which exits the Facility. I certify that I have completed the training indicated.

<table>
<thead>
<tr>
<th>Trainee Name</th>
<th>Job</th>
<th>Initial</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>And Signature</td>
<td>Title or</td>
<td>Review</td>
<td>Completed</td>
</tr>
</tbody>
</table>

**TRAINER & TITLE:**

*For On-the-Job Training, the Supervisor is to complete these sections, date, and sign as trainer.*

1. SWPP training records shall be kept on all current and former SWPP Team members and their employees, when trained, for at least three years.

2. File any training materials in the SWPPP training file.
Appendix G

Delegation of Authority
Delegation of Authority Form

Delegation of Authority

I, _______________________ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the ____________________________ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

________________________________________ (name of person or position)
________________________________________ (company)
________________________________________ (address)
________________________________________ (city, state, zip)
________________________________________ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in ____________________________________ (Reference State Permit), and that the designee above meets the definition of a “duly authorized representative” as set forth in ____________________________________ (Reference State Permit).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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: ___________________________

Company: ___________________________

Title: ___________________________

Signature: ___________________________

Date: ___________________________
Appendix H

SWPPP Revisions
### SWPPP AMENDMENT LOG

**Project Name:** Category I, 4 Cell Landfill Construction and East Borrow Source Area  
**SWPPP Contact:** Alicia Fogg/Gilbert Trejo

<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>Description of the Amendment</th>
<th>Date of Amendment</th>
<th>Amendment Prepared by [Name(s) and Title]</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Revisions for Phase 2 of landfill construction</td>
<td>12-19-2011</td>
<td>Alicia Fogg, P.E.(Env. Engineer), Karina E Correa (Env. Specialist)</td>
</tr>
<tr>
<td>002</td>
<td>Changed wattles at perimeter of stockpiles to rock berm and waddles. Included a detail drawing or rock berm detail. Sheet Title: Rock Berm Detail, Drawing Number: 1</td>
<td>01-12-2012</td>
<td>Alicia Fogg, P.E.(Env. Engineer), Karina E Correa (Env. Specialist), Rick Kosciolek (CAD Designer)</td>
</tr>
<tr>
<td>003</td>
<td>Added East Borrow Source Area Construction Activities on East Property</td>
<td>12-12-2012</td>
<td>Alicia Fogg, P.E.(Env. Engineer), Karina E Correa (Env. Specialist), Isaac Thomas, P.E. (Civil Engineer), Rick Kosciolek (CAD Designer)</td>
</tr>
</tbody>
</table>
Appendix I

City Code – Storm water Management
Chapter 15.20 - STORMWATER MANAGEMENT

Sections:
15.20.010 - Purpose.
15.20.020 - Scope.
15.20.030 - Administration.
15.20.040 - Duties and responsibilities of stormwater administrator.
15.20.050 - Duties and responsibilities of the director of the department of transportation.
15.20.060 - Abbreviations.
15.20.070 - Definitions.
15.20.080 - General prohibition.
15.20.090 - Specific prohibitions and requirements.
15.20.100 - Release reporting and cleanup.
15.20.110 - Stormwater discharge from construction activities.
15.20.120 - Stormwater discharges associated with industrial activity.
15.20.130 - Application of SDPCP.
15.20.140 - Citizen participation.
15.20.150 - Criminal penalty.
15.20.160 - Authority to issue citations.

15.20.010 - Purpose.

The purpose of this chapter is for the elimination or reduction of pollutants from entering the city's municipal separate storm sewer system and for control over discharges to and from the system. The provisions of this chapter are to complement the health and safety ordinance, the public services ordinance, the streets, sidewalks and public places ordinance, all agreements with the city and the building and construction ordinance. It shall be the purpose of this chapter:

A. To maintain and improve the quality of surface water and groundwater within the jurisdiction of the city.
B. To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the city.
C. To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm drains and natural waters of the city.
D. To encourage recycling of used motor oil and safe disposal of other hazardous consumer products.
E. To facilitate compliance with state and federal standards and permits by owners and operators of facilities engaged in industrial activities and construction sites within the city.
F. To enable the city to comply with all federal and state laws, regulations and permits applicable to stormwater discharge.

(Ord. 13477 § 1 (part), 1998)

15.20.020 - Scope.

This chapter shall apply to any stormwater discharge associated with industrial activity, as defined by Section 122.26(b)(14) of Title 40, Code of Federal Regulations.

(Ord. 13477 § 1 (part), 1998)

15.20.030 - Administration.

The city manager shall, to the extent that the duties and responsibilities established in Section 15.20.040 have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the city, designate the stormwater administrator who shall then undertake the duties and responsibilities established in Section 15.20.040, and administer and coordinate the implementation and enforcement of all provisions of this chapter.

(Ord. 14456 § 1, 2000: Ord. 13477 § 1 (part), 1998)
(Ord. No. 17393, § 11, 8-24-2010, eff. 9-1-2010)

15.20.040 - Duties and responsibilities of stormwater administrator.

http://library.municode.com/print.asp... Municode 2/3/2012
Duties and responsibilities of the stormwater administrator shall include, but not be limited to, the following:

A. Be the custodian of the MS4, including all dams, detention and retention basins, storm drains, outlet working channels and pumping stations;
B. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
C. Review permit applications to determine whether proposed developments will eliminate or reduce the pollutants entering the MS4;
D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 from which prior approval is required);
E. Maintain surveillance over the operation and maintenance condition of the MS4 to ensure its safe and effective functioning; notify the deputy director for streets of any required maintenance and/or repair work;
F. Conduct an annual inspection of the MS4 and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness and maintenance condition of the system, and a line item list of required special maintenance or repairs to the deputy director of streets;
G. Establish and implement a program to locate and eliminate illicit discharges and improper disposals to the MS4;
H. Establish and implement a program to prevent, contain and respond to spills that may discharge into MS4. This program shall be in conjunction with the fire department's haz-mat division;
I. Establish and implement a program to identify and control pollutants in stormwater discharges from any industrial or commercial facility that the stormwater administrator determines that is contributing a substantial pollutant loading to the MS4.

(Ord. 14456 §§ 2—4, 2000; Ord. 13477 § 1 (part), 1998)

15.20.050 - Duties and responsibilities of the director of the department of transportation.

The director of the department of transportation shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the city:

A. Maintain and repair the MS4 to ensure its safety and operational capability;
B. Participate in the annual inspection of the MS4 conducted by the stormwater administrator and advise the stormwater administrator of any required maintenance, repairs or alterations to the system;
C. Prepare and submit to the stormwater administrator an annual schedule of maintenance and repair to the MS4;
D. Carry out the annual schedule of maintenance repair as approved by the stormwater administrator;
E. Immediately notify the stormwater administrator of any illicit discharges to the MS4.

(Ord. 14456 § 5, 2000; Ord. 13477 § 1 (part), 1998)

15.20.060 - Abbreviations.

The following abbreviations when used in this chapter shall have the designated meanings:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMP</td>
<td>best management practices</td>
</tr>
<tr>
<td>BTEX</td>
<td>benzene, toluene, ethylbenzene, and xylene</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>EPA</td>
<td>U.S. Environmental Protection Agency</td>
</tr>
<tr>
<td>HHW</td>
<td>hazardous household waste</td>
</tr>
<tr>
<td>mg/l</td>
<td>milligrams per liter</td>
</tr>
<tr>
<td>MS4</td>
<td>municipal separate storm sewer system</td>
</tr>
<tr>
<td>NOI</td>
<td>notice of intent</td>
</tr>
<tr>
<td>NOT</td>
<td>notice of termination</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>ppb</td>
<td>parts per billion</td>
</tr>
<tr>
<td>PST</td>
<td>petroleum storage tank</td>
</tr>
<tr>
<td>RPE</td>
<td>registered professional engineer</td>
</tr>
<tr>
<td>RQ</td>
<td>reportable quantity</td>
</tr>
<tr>
<td>SDPCP</td>
<td>storm drain pollution control plan</td>
</tr>
<tr>
<td>SWPPP</td>
<td>stormwater pollution prevention plan</td>
</tr>
<tr>
<td>TPH</td>
<td>total petroleum hydrocarbons</td>
</tr>
<tr>
<td>U.S.C</td>
<td>United States Code</td>
</tr>
</tbody>
</table>

(Ord. 13477 § 1 (part), 1998)

15.20.070 - Definitions.

A. Generally. For the purpose of this chapter, the following words shall have the meaning set forth in this section.
B. Terms.

“Agricultural stormwater runoff” means any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

“Best management practices (BMP)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“City” means the City of El Paso, Texas, or the city council of El Paso.

“Coal pile runoff” means the rainfall runoff from or through any coal storage pile.

“Commencement of construction” means the disturbance of soils associated with or clearing, grading, or excavating activities or other construction activities.

“Discharge” means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

“Discharger” means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

“Domestic sewage” means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences free from industrial waste.

“Environmental Protection Agency (EPA)” means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

“Final stabilization” means the status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of seventy percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of rip-rap, gabions, or geotextiles) have been employed.

“Fire department” means the fire department of the city or any duly authorized representative thereof.

“Garbage” means putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

“Harmful quantity” means, for purposes of this chapter, discharges of oil, motor fuel, or other petroleum products in such quantities that the stormwater administrator has determined may be harmful to the public health or welfare of the public or the environment include discharges of such products that are of sufficient quantity to:

a. Violate applicable water quality standards;
b. Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines;
c. Cause any damage to the MS4; or
d. Interfere with the operation of the MS4.

“Hazardous household waste (HHW)” means any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

“Hazardous substance” means any substance listed in Table 302.4 of 40 CFR Part 302.

“Hazardous waste” means any substance identified or listed as a hazardous waste by the EPA in 40 CFR Part 261.

“Hazardous waste treatment, disposal, and recovery facility” means all contiguous land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.

“Herbicide” means a substance or mixture of substances used to destroy a plant or to inhibit plant growth.
"Industrial activity" means the categories of industries and activities identified in Section 122.26(6)(14) of Title 40, Code of Federal Regulations, as amended, including, without limitation, construction activity including clearing, grading and excavation activities (except for operations that result in the disturbance of less than five acres of total land area which are not part of a larger plan of development or sale).

"Industrial waste" means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business, including transportation related activities.

"Motor vehicle fluid" means any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

"Municipal landfill (or landfill)" means an area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile (as these terms are defined in regulations promulgated by the Texas Commission on Environmental Quality).

"Municipal separate storm sewer system (MS4)" means the system of conveyances (including roads with drainage systems, municipal streets, flood control dams, retention and detention basins, grate and/or curb inlets, curbs, gutters, ditches, man-made channels, arroyos, agriculture drains, storm drains or designated flow paths) owned operated or controlled by the city and designated or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

"Municipal solid waste" means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

"NPDES general permit for stormwater discharges associated with industrial activity (or industrial general permit)" means the industrial general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent modifications or amendments thereto.

"NPDES general permit for stormwater discharges from construction sites (or construction general permit)" means the construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

"NPDES permit" means a permit issued by EPA (or by the state under authority delegated pursuant to 33 U.S.C Section 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Non-point source" means any source of any discharge of a pollutant that is not a "point source."

"Notice of intent (NOI)" means the notice of intent that is required by either the industrial general permit or the construction general permit.

"Notice of termination (NOT)" means the notice of termination that is required by either the industrial general permit or the construction general permit.

"Oil" means any kind of oil in any form, including, but not limited to petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

"Operator" means the person or persons who, either individually or taken together, meet the following two criteria; (a) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (b) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

"Owner" means the person who owns a facility or part of a facility or who has control over day-to-day activities.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns or person who has control over day to day activities. This definition includes all federal, state, and local governmental entities.

"Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (as these terms are defined in Section 76.001 of the Texas Agriculture Code).

"Petroleum product" means a petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene distillate fuel oil, and No. 1 and No. 2 diesel.

"Petroleum storage tank (PST)" means any one or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

"Point source" means 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.

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial,
municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

"Pollution" means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

"Qualified personnel" means persons approved by the stormwater administrator who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

"Registered professional engineer (RPE)" means a person who has been duly licensed and registered by the State Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States or onto the ground in such a manner that a pollutant may be discharged in the MS4.

"Reportable quantity (RQ)" means, for any "hazardous substance," the quantity established and listed in Table 302.4 of 40 CFR Part 302; for any "extremely hazardous substance," the quantity established in 40 CFR Part 355 and listed in Appendix A thereto.

"Rubbish" means nonputrescible solid waste, excluding ashes, that consist of:

a. Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and
b. Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (one thousand six hundred to one thousand eight hundred degrees Fahrenheit).

"Sanitary sewer (or sewer)" means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

"Septic tank waste" means any domestic sewage removed from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"Service station" means any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

"Sewage (or sanitary sewage)" means the domestic sewage and industrial waste that is discharged into the city sanitary sewer systems and passes through the sanitary sewer system to the city sewage treatment plant for treatment.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Solid waste" means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, from community and institutional activities, and material from transportation related activities.

"State" means the State of Texas.

"Storm drain pollution control plan (SDPCP)" means a plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR Section 122.26 (b) (14), and which is not excluded from EPA's definition of the same term.

Stormwater pollution prevention plan (SWPPP). See "storm drain pollution control plan (SDPCP)."

"Uncontaminated" means not containing a harmful quantity of any pollutant.

"Used oil (or used motor oil)" means any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

"Water in the state (or water)" means any groundwater, percolating or otherwise, lakes, ponds, impounding reservoirs, springs, rivers, canals, streams, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial,
"Water quality standard" means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in Chapter 307 of Title 31 of the Texas Administrative Code.

"Waters of the United States" means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States": at 40 CFR Section 122.2; including the Rio Grande River, but not including any waste waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States": at 40 CFR Section 122.2; including the Rio Grande River, but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

"Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland generally include swamps, marshes, bogs, and similar areas.

"Yard waste" means leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance operations.

(Ord. 16822 § 1 (part), 2008; Ord. 13477 § 1 (part), 1998)

15.20.080 - General prohibition.

A. No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) or waters within the jurisdiction of the city any discharge that is not composed entirely of stormwater.

B. It is an affirmative defense to any enforcement action for violation of subsection A of this section that the discharge was composed entirely of one or more of the following categories of discharges:
   1. A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
   2. A discharge resulting from firefighting;
   3. Agricultural stormwater runoff;
   4. A discharge from water line flushing, but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
   5. A discharge from lawn watering, landscape irrigation, or other irrigation water;
   6. A discharge from a diverted stream flow or natural spring;
   7. A discharge from uncontaminated pumped groundwater or rising groundwater;
   8. Uncontaminated groundwater infiltration (as defined as 40 CFR Section 35.2005 (20)) to the MS4;
   9. Uncontaminated discharge from a foundation drain, crawl space pump, footing drain or sump pump;
   10. A discharge from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
   11. A discharge from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
   12. A discharge from individual residential or charity car washing;
   13. An uncontaminated discharge from riparian habitat or wetland;
   14. A discharge from water used in street washing; provided, that the water is not contaminated with any harmful cleaning substance;

C. No affirmative defense shall be available under subsection B of this section if the discharge or flow in question has been determined by the city to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, and written notice of such determination has been provided to the discharger.

(Ord. 13477 § 1 (part), 1998)

15.20.090 - Specific prohibitions and requirements.

A. The specific prohibitions and requirements in this section are within but do not limit the general prohibition of all the discharges prohibited by the general prohibition in Section 15.20.080.

B. No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

C. No person shall release or cause, allow, or permit to be introduced any of the following substances into the MS4 nor the waters within the jurisdiction of the city such that the substance may enter the air or groundwater:
   1. Any used motor oil, antifreeze, or any other motor vehicle fluid;
   2. Any industrial waste;
   3. Any hazardous waste, including hazardous household waste;
   4. Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
   5. Any wastewater from a commercial carwash facility; from any commercial vehicle washing, cleaning, or maintenance facility at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility;

   Any other substance defined in the Texas Water Code to be a pollutant.
6. Any wastewater from the commercial washing, cleaning, de-icing, or other maintenance of aircraft;
7. Any wastewater from a commercial mobile power washer or from the washing or other cleaning of building exterior where the wastewater contains any harmful cleaning substance;
8. Any wastewater from commercial floor, rug, or carpet cleaning;
9. Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of any cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
10. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
11. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
12. Any filter backwash from a swimming pool, fountain, or spa;
13. Any swimming pool or spa water;
14. Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
15. Any water from a water curtain in a spray room used for painting vehicles or equipment;
16. Any contaminated runoff from a vehicle wrecking yard;
17. Any substance or material that will damage, block, or clog the MS4;
18. Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge complies with all state and federal standards and requirements.

D. No person shall introduce or cause to be introduced into the MS4 or waters within the jurisdiction of the city any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with landfilling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.

E. No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.

F. Regulation of Pesticides, Herbicides, and Fertilizers.
1. Any sale, distribution, application, labeling, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must comply fully with all state and federal statutes and regulations including, without limitation, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and all federal regulations promulgated pursuant to FIFRA; Chapters 63, 75, and 76 of the Texas Agriculture Code and all state regulations promulgated pursuant thereto; and any other state or federal requirement.
2. No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
3. No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

G. Used Oil Regulation.
1. No person shall:
a. Discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse;
b. Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in all landfill or knowingly discharge used oil onto the ground;
c. Introduce used oil into the environment by any method, including application of used oil to a road or land for dust suppression, weed abatement, or other similar use.
2. A retail dealer who annually sells directly to the public more than five hundred gallons of oil in containers for use off-premises shall post in a prominent place a sign provided by the state informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.

(Ord. 13477 § 1 (part), 1998)

15.20.100 - Release reporting and cleanup.

A. The operator of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States, shall telephone and notify the fire department and the city engineer as soon as practicable concerning the incident:
1. An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
2. An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
3. An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
B. The immediate notification required by subsection A of this section shall include the following information:
Stormwater discharge from construction activities.

A. General Requirements.
   1. All operators of construction sites shall use the methodology on best management practices from the "stormwater quality best management practices for construction activities" manual. The city council may, by resolution, adopt a stormwater quality best management practices for construction activities manual.
   2. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once a month and within twenty-four hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be revised as appropriate, and as soon as is practicable.
   3. All plans and specifications that are prepared for the construction of site improvements shall include a storm drain pollution control plan (SDPCP), that illustrates and describes the best management practices required by subsection (A)(1) of this section that will be implemented at the construction site. The stormwater administrator may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by city personnel are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. Together with written notification to the applicant that the approval sought is denied, the stormwater administrator shall provide the applicant a written explanation of the reasons for the denial. The applicant may request review of the decision made by the stormwater administrator by the development coordinating committee. Any such request for review shall be made within ten days of the date the applicant receives notification of the decision of the stormwater administrator. The decision whether or not to review the decision of the stormwater administrator shall be within the sole discretion of the committee, and may be limited to written materials considered by the committee to be relevant.
   4. No person shall do any clearing, grubbing, excavation or grading on a site prior to the stormwater administrator granting approval of the submitted SDPCP for such site.

B. Storm Drain Pollution Control Plan Standards. All SDPCP requirements shall be construed and established in accordance with the SDPCP standards.

C. Storm Drain Pollution Control Plan Requirements. All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of five or more acres of total land area, or that are part of a common

1. The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
2. The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
3. The time and duration (thus far) of the release;
4. An estimate of the quantity and concentration (if known) of the substance released;
5. The source of the release;
6. Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
7. Any precautions that should be taken as a result of the release;
8. Any steps that have been taken to contain and clean up the released material and minimize its impacts; and
9. The names and telephone numbers of the person or persons to be contacted for further information.

C. Within fourteen days following such release, the operator of a facility, vehicle, or other source of the release shall submit a written report to the city engineer containing each of the items of information specified above in subsection B of this section, as well as the following additional information:
   1. The ultimate duration, concentration, and quantity of the release;
   2. All actions taken to respond to contain, and clean up the released substances, and all precautions taken to minimize the impacts;
   3. Any known or anticipated acute or chronic health risks associated with the release;
   4. Where appropriate, advice regarding medical attention necessary for exposed individuals;
   5. The identity of any governmental/private sector representatives responding to the release; and
   6. The measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

D. Any release report required by a state or federal authority containing the information described in subsections B and C of this section, shall be adequate to meet the reporting requirements of subsection C of this section upon submittal to the city.

E. The notifications required by subsections B and C of this section shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the city, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this chapter or to state or federal law.

F. Any person responsible for any release as described in subsection A of this section shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment and any other appropriate remedial action in response to the release.

G. Any person responsible for a release described in subsection A of this section shall reimburse the city for any cost incurred by the city in responding to the release within thirty days of being invoiced by the city.

(Ord. 13477 § 1 (part), 1998)
(Ord. No. 17393, § 13, 8-24-2010, eff. 9-1-2010)
1. Any operator who intends to obtain coverage for stormwater discharges from a construction site under the NPDES general permit for stormwater discharges from construction sites (the construction general permit) shall submit a signed copy of its notice of intent (NOI) and a SDPCP to the city prior to the approval of any subdivision, building permit or grading permit. For stormwater discharges from construction sites where the operator changes, an NOI shall be submitted at least two days prior to when the operator commences work at the site.

2. All construction sites with construction activity resulting in the disturbance of five acres or more will be required to submit an SDPCP and an application fee. Individual lots that are part of a larger development of five acres or more will not be required to submit an SDPCP or the application fees; however, such individual lots will be required to comply with the requirements of the SDPCP of the larger development. The following provision shall apply to all construction sites with construction activity resulting in the disturbance of five acres or more:

   a. A SDPCP shall be developed for each construction site. A single SDPCP may be prepared for different operators at the construction site for a more effective coordination of BMPs and cost sharing. Individual operators may develop separate SDPCPs that covers only their portion of the project, provided that reference is made to other operators of the site. The SDPCP shall be developed in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site. The SDPCP shall describe and ensure the implementation of practices which will be used to reduce pollutants in stormwater discharges from the construction site and to assure compliance with the permit.

   b. A storm drain pollution control plan (SDPCP) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this chapter and any other city ordinance.

   c. The SDPCP shall be prepared, signed, and sealed by a registered professional engineer.

   d. The SDPCP shall be completed prior to the submittal of plans to the city engineer. The SDPCP shall be updated and modified as appropriate and as required by the construction general permit and this chapter. Any update or modification to the SDPCP shall be prepared, signed, and sealed by a registered professional engineer, if the original SDPCP was required by subsection (C)(2) of this section, to have been prepared by a registered professional engineer.

   e. The SDPCP shall be submitted to the storm-water administrator for review and approval prior to the commencement of any construction.

   f. Upon the city engineer's review of the SDPCP or any site inspection that the city engineer may conduct, the city engineer may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SDPCP does not comply with the requirements of the construction general permit, any individual or group NPDES permit issued for stormwater discharge from the construction site or any additional requirement imposed by or under this chapter. Also, if at any time the city engineer determines that the SDPCP is not being fully implemented, the city may similarly deny approval of any building permit, grading permit, subdivision plat, site development plan or any other city approval necessary to commence or continue construction, or to assume occupancy, at the site.

   g. All contractors and subcontractors identified in a SDPCP shall sign a copy of the following certification statement before conducting any professional service identified in the SDPCP:

      I certify under penalty of Law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the stormwater discharges associated with industrial activity from the construction site identified as part of this certification.

      The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; the date the certification is made.

   h. The SDPCP, with the registered professional engineer’s signature and seal affixed, and the certifications of contractors and subcontractors required by Section 15.20.130(C)(7), and with any modifications attached, shall be retained at the construction site from the date of commencement of construction through the date of final stabilization.

   i. The operator shall make the SDPCP and any modification there to available to the city upon request.

   j. The city may notify the operator at any time that the SDPCP does not meet the requirements of the construction general permit, any applicable individual or group NPDES permit issued for storm-water discharges from the construction site, or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or chapter which are not being met by the SDPCP, and identify which provisions of the SDPCP require modifications in order to meet such requirements. Within seven days of such notification from the city (or as otherwise provided by the city), the operator shall make the required changes to the SDPCP and shall submit to the city a written certification that the requested changes have been made.

   k. The operator shall amend the SDPCP whenever there is a change in design, construction, operation, or maintenance of the site, which has a significant effect on the potential for the discharge of pollutants to the potential for the discharge of pollutants to the MS4 or the waters of the United States, and which has not otherwise been addressed in the SDPCP, or if the SDPCP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges associated with construction activity. In addition, the SDPCP shall be amended to identify any new contractor that will implement a measure in the SDPCP.

   l. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once a

http://library.municode.com/print.asp...
15.20.120 - Stormwater discharges associated with industrial activity.

A. All operators of facilities which are sources of stormwater discharges associated with industrial activity, other than construction activities covered by Section 15.20.110, shall comply with the following requirements:

1. Any operator who intends to obtain coverage for stormwater discharge associated with industrial activity under the NPDES general permit for stormwater discharges associated with industrial activity ("the industrial general permit") shall submit a signed copy of its notice of intent (NOI) to the city at least two days prior to the commencement of the industrial activity at the facility. If industrial activity is already underway upon the effective date of the ordinance codified in this chapter, the NOI shall be submitted within thirty days from the effective date of said ordinance. Where the operator of a facility with a stormwater discharge associated with industrial activity which is covered by the industrial general permit changes, the new operator of the facility shall submit an NOI at least two days prior to the change.

2. A storm drain pollution control plan (SDPCP) shall be prepared and implemented in accordance with the requirements of the industrial general permit or any individual or group NPDES permit issued for stormwater discharge from the industrial facility, and with any additional requirement imposed by or under this chapter, and any other city ordinance.

3. The SDPCP shall be signed, and sealed by a registered professional engineer.

4. The SDPCP shall be completed prior to the submittal of the NOI to the city and, for a new industrial operation, prior to the commencement of the industrial activity at the facility. The SDPCP shall be updated and modified as appropriate and as required by the industrial general permit and this chapter. Any update or modification to the SDPCP shall be signed, and sealed by a registered professional engineer.

5. A copy of any NOI that is required by subsection (A)(1) of this section shall be submitted to the city in conjunction with any application for a permit or any other city approval necessary to commence or continue operation of the industrial facility.

6. An operator shall submit the SDPCP and any modifications thereto, to the city for review and approval prior to the commencement of any industrial activity at the facility.

7. Upon the city's review of the SDPCP and any site inspection that the stormwater administrator may conduct, the city may deny approval of any application for a permit or any other city approval necessary to commence or continue operation of the facility, on the grounds that the SDPCP does not comply with the requirements of the industrial general permit, any individual or group NPDES permit issued for stormwater discharges from the industrial facility, or any additional requirement imposed by or under this chapter. Also, if at any time the city determines that the SDPCP is not being fully implemented, the city may similarly deny approval of any application for a permit or other city approval necessary to commence or continue operation of the industrial facility.

8. Any modification to the SDPCP shall be signed, and sealed by a registered professional engineer, as required for the original SDPCP by subsection (A)(3) of this section.

9. Based on the results of the inspections required by subsection (C)(2)(l) of this section, the site description and the pollution prevention measures identified in the SDPCP shall be observed by the operator to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking on a daily basis.

m. A report summarizing the scope of any inspection required by subsection (C)(2)(l) of this section, and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SDPCP, and actions taken in accordance with subsection (C)(2)(m) of this section shall be made and retained as part of the SDPCP for at least three years from the date that the site is finally stabilized. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SDPCP, the facility's NPDES permit, and this chapter. The report shall be certified and signed by the person responsible for making it.

n. The operator shall retain copies of any SDPCP and all reports required by this chapter or by the NPDES permit for the site, and records of all data used to complete the NOI, for a period of at least three years from the date that the site is finally stabilized.

o. Where a site has been finally stabilized and all stormwater discharges from construction activities that are authorized by this chapter and by the NPDES permit for those construction activities are eliminated, or where the operator of all stormwater discharges at a facility changes, the operator of the construction site shall submit to the city a notice of termination (NOT) that includes the information required for notices of termination by Part VIII of the construction general permit.

q. Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit written certification to the city that the site has been finally stabilized. (See definition of final stabilization in this chapter). The city may withhold an occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the city has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

(Ord. 13477 § 1 (part), 1998)
(Ord. No. 17393, § 14, 8-24-2010, eff. 9-1-2010)
The SDPCP with the registered professional engineer's signature and seal affixed, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required notice of termination (NOT) has been submitted.

10. The operator shall make the SDPCP and any modification thereto available to the city upon request.

11. The city may notify the operator at any time that the SDPCP does not meet the requirements of the industrial general permit, any applicable individual or group NPDES permit issued for storm-water discharges from the industrial facility, or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or chapter which are not being met by the SDPCP, and identify which provisions of the SDPCP require modifications in order to meet such requirements. Within thirty days of such notification, the operator shall make the required changes to the SDPCP and shall resubmit the SDPCP for review and approval.

12. The operator shall amend the SDPCP whenever there is a change in design, construction, operation, or maintenance of the site, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, or if the SDPCP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges associated with industrial activity.

13. Qualified personnel (provided by the operator) shall inspect equipment areas of the facility specified in the SDPCP at appropriate intervals. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.

14. Qualified personnel (provided by the operator) shall conduct comprehensive site compliance evaluations as required by Part IV.D.4 of the industrial general permit or by any part of a group or individual permit at intervals of no less than once per year. Based on the results of the compliance evaluation, the description of potential pollutant sources and the pollution prevention measures and controls identified in the SDPCP shall be revised as appropriate within two weeks of such evaluation and shall provide for implementation of any changes to the SDPCP in a timely manner, but in no case more than twelve weeks after the compliance evaluation.

15. A report summarizing the scope of the comprehensive site compliance evaluation required by subsection (A)(14) of this section and shall contain: personnel making the compliance inspection, the date(s) of the inspection, major observations relating to the implementation of the SDPCP, and actions taken in accordance with necessary and appropriate plan revisions shall be made and retained as part of the SDPCP for at least three years after all stormwater discharges from the facility are eliminated and the required NOT has been submitted. The report shall identify any incidence of noncompliance; or, if the report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SDPCP, the applicable NPDES permit, and this chapter. The report shall be signed by the individual responsible for the comprehensive site compliance evaluation, and it shall be submitted to the city within ten days of its completion.

16. If the industrial facility is required by Part VI.B.2 of the industrial general permit or by any part of a group or individual permit to conduct semiannual monitoring, a signed copy of each semi-annual monitoring report prepared in accordance with Part VI.D. shall be submitted to the city.

17. If the industrial facility is required by Part VI.B.3 of the industrial general permit or by any part of a group or individual permit to conduct annual monitoring, records of the monitoring results shall be retained at the facility and made available to the city upon written request. If expressly required by the city, a written report of the annual monitoring shall be prepared and submitted to the city.

18. By written notice, the city may require any industrial facility identified in accordance with this section to implement a monitoring program that includes the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing NPDES permit for the facility; oil and grease, COD, pH, BODs, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under 40 CFR 122.21 (g) (7) (iii) and (iv). The city may require written reports of any such monitoring to be submitted.

19. By written notice, the city may require any industrial facility identified in this section to conduct semiannual or annual monitoring of storm-water discharges, or the city may specify an alternative monitoring frequency and specify additional parameters to be analyzed. The city may require written reports of any such additional monitoring to be submitted.

20. The operator shall retain the SDPCP until at least one year after stormwater discharges associated with industrial activity at the facility are eliminated, or that operator is no longer operating the facility, and a notice of termination (NOT) has been submitted.

21. For discharges subject to the semiannual or annual monitoring requirements of Part VI.B. of the industrial general permit, in addition to the records-retention requirements of the paragraph above, operators are required to retain for a six-year period from the date of sample collection, records of all monitoring information collected. Operators must submit such monitoring results, and a summary thereof, to the city upon request.

22. Any discharge composed of coal pile runoff shall comply with the following limitations: no discharge shall exceed a maximum concentration for any time of fifty mg/l total suspended solids, nor shall such runoff be diluted with stormwater or other flows in order to meet this limitation; the pH of such discharges shall be within the range of 6.0 to 9.0. Any untreated overflow from facilities designed, constructed, and operated to treat the volume of coal pile runoff which is associated with a ten-year, twenty-four-hour rainfall event shall not be subject to the fifty mg/l limitation for total suspended solids.

23. Where all stormwater discharges associated with industrial activity that are authorized by this chapter, and by the NPDES permit for those discharges from industrial activities are eliminated, or where the operator of stormwater...
discharges associated with industrial activity at a facility changes, the operator of the facility shall submit to the city a notice of termination (NOT) that includes the information required for notices of termination by Part IX of the industrial general permit.

B. All operators of a facility with stormwater discharge associated with industrial activity not included in subsection A of this section, shall comply with all the requirements listed in subsection A of this section but with the following modifications:

1. The SDPCP shall be prepared and signed by a responsible corporate officer (as defined in the instructions for the NOI) or by such other person who is authorized to bind the operator. The signature shall constitute the attestation of the person signing and the operator that the SDPCP fully complies with the requirements of the industrial general permit, or with any individual or group NPDES permit issued for stormwater discharges from the industrial facility, and with any additional requirement imposed by or under this chapter. The SDPCP shall contain the name, title and business address of the person signing the SDPCP, and the date that the SDPCP was so signed.

2. Any significant modification to the SDPCP shall be prepared and signed by a person with authority to bind the operator.

3. The SDPCP, with the authorized signature, and with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with the industrial activity at the facility are eliminated and the required NOT has been submitted.

It is an offense for any person required to possess a stormwater permit issued by the EPA to discharge stormwater to the MS4 unless the person possesses such stormwater permit and the stormwater permit is valid and current. No person required to possess a SDPCP by this chapter shall discharge stormwater to the MS4 unless the person possesses a valid and current SDPCP.

(Ord. 13477 § 1 (part), 1998)

### 15.20.130 - Application of SDPCP.

A. There shall be a processing fee of one hundred dollars for the review and approval of storm drain pollution control plans (SDPCP) as required by Sections 15.20.110 and 15.20.120.

B. Application fees for review and approval of SDPCP shall be in addition to other fees required by other ordinances. Resubmittal of SDPCP in accordance to Section 15.20.110(C) shall be accompanied with a new application form and fee.

C. Application Form Contents. Every application will contain the following information:

1. Address of site.
2. Legal description of property.
3. Property owner's name, address and phone.
4. Contractor's name, address and phone number, if applicable.
5. SDPCP prepares name, address and phone.
6. Start and end date on construction, if applicable.
7. Acreage of disturbed area.

(Ord. 13477 § 1 (part), 1998)

### 15.20.140 - Citizen participation.

Citizen Reports of Violations.

A. All citizens are encouraged to report to the city any spills, releases, illicit connections, other instances of anyone discharging pollutants, into the MS4 or waters of the United States, and any other violation of this chapter, of which they become aware.

B. The director of public works, designated in Section 15.20.070 as the administrator of this chapter, shall receive all such citizen reports by telephone, in writing, and in person. A written record of each citizen report will be prepared and kept on file for a period of three years, and a copy of the city's record of the report will be furnished to the reporting citizen upon request. Also upon request, the city will inform the reporting citizen of any action undertaken by the city in response to the citizen's report.

C. The city shall establish a toll-free telephone number for the reporting of such violations. The toll-free number shall be displayed at various locations throughout the city, as designated by the stormwater administrator.

(Ord. 14456 § 6, 2000; Ord. 13477 § 1 (part), 1998)

### 15.20.150 - Criminal penalty.

Any person violating any provision of this chapter shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined a maximum amount of not more than two thousand dollars per violation. Each violation of a particular section of this chapter shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this chapter. A culpable mental state is not required to prove an offense under this ordinance.

(Ord. 13477 § 1 (part), 1998)

### 15.20.160 - Authority to issue citations.

The following public officials are authorized to enforce the provisions of this chapter and shall have the power to issue Class C misdemeanor citations to any person violating the provisions of this chapter.

A. The stormwater administrator and environmental personnel under his supervision;

B. [Further details follow]
Any personnel authorized to issue Class C misdemeanor citations is authorized to issue citations for violations of this chapter.

(Ord. 14456 §§ 7—9, 2000; Ord. 13477 § 1 (part), 1998)