

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2013

Mr. Damon Thorpe
Cibolo Creek Estates, LLC
P.O. Box 91090
San Antonio, TX 75209

RECEIVED
OCT 10 2013
COUNTY ENGINEER

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Cibolo Creek Estates; Located 1.13 miles from the intersection of E. Ammann Road and Bulverde Road; City of Bulverde, Texas

TYPE OF PLAN: Request for Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Investigation No. 1114638; Regulated Entity No. RN106870926; Additional ID No. 13-13080801

Dear Mr. Thorpe:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Application for the above-referenced project submitted to the San Antonio Regional Office by M&S Engineering on behalf of Cibolo Creek Estates, LLC on August 8, 2013. Final review of the CZP was completed after additional material was received on October 3, 2013. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

PROJECT DESCRIPTION

The proposed residential project will have an area of approximately 119.56 acres. It will include 10 single family residential dwellings, driveways, and paved surfaces. The impervious cover will be 9.48 acres (7.93 percent). According to a letter dated, June 13, 2013, signed by Robert Boyd, P.E., with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

TCEQ Region 13 • 14250 Judson Rd. • San Antonio, Texas 78233-4480 • 210-490-3096 • Fax 210-545-4329

PERMANENT POLLUTION ABATEMENT MEASURES

This single-family residential project will not have more than 20 percent impervious cover.

SPECIAL CONDITIONS

- I. Since this project will not have more than 20 percent impervious cover, an exemption from additional permanent BMPs is approved. If the percent impervious cover ever increases above 20 percent or the land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g), may no longer apply and the property owner must notify the appropriate regional office of these changes.
- II. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested format (Deed Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.

STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to Commencement of Construction:

4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the Austin Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.

7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
10. Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
11. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the Austin Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's

Mr. Damon Thorpe

Page 4

October 10, 2013

association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the Austin Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the Austin Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Monica Reyes of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)403-4012.

Sincerely,



Lynn Bumgardner, Water Section Manager
San Antonio Region Office
Texas Commission on Environmental Quality

LMB/MR/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625

cc: Mr. Heath Woods, P.E., M&S Engineering, L.L.C.
The Honorable Bill Krawietz, City of Bulverde
Mr. Thomas Hornseth, P.E., Comal County
Mr. Roland Ruiz, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212



M & S ENGINEERING, LLC
ENGINEERS | PLANNERS | SURVEYORS

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SAN ANTONIO
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830.228.5446
2013 OCT -3 PM 2:51
PO BOX 970
BRANCH, TX 78070
830.885.2170 FX
FIRM F-1394
WWW.MSENGR.COM

October 2, 2013

Monica Reyes
EAPP/San Antonio
210-403-4012

RE: Cibolo Creek Estates - CZP

Dear Monica,

On September 30, 2013 M&S Engineering received comments on the Cibolo Creek Estates Contributing Zone Plan (CZP) submittal. We understand that these comments need to be addressed to continue the review. Below is how we have made the corrections in regards to the comments.

Contributing Zone Plan Application Comment:

1. Item #9 – The number of lots has been changed to 10.
2. Item #12 – Corrected calculations.

CZP Site Plan Comment:

1. Scale changed to 1" = 400'.
2. Existing 10 ft. contours shown on map.
3. Approximate slopes shown on site map.
4. Construction entrance will cover 25' in width and 50' in length at the entrance of the subdivision.

If you have any questions or require additional information, please call me or Heath Woods at (830) 228-5446.

Sincerely,

Brian Mendez,
M & S Engineering, L.L.C.

Cc: Kristina Denham

PAGE 1 OF 1

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- Existing industrial site
- Existing residential site
- Existing paved and/or unpaved roads
- Undeveloped (Cleared)
- Undeveloped (Undisturbed/Uncleared)
- Other: _____

PROJECT INFORMATION

9. The type of project is:
- Residential: # of Lots: 10
 - Residential: # of Living Unit Equivalentents: _____
 - Commercial
 - Industrial
 - Other: _____

10. Total project area (size of site): 119.56 Acres
 Total disturbed area: 6.58 Acres

11. Projected population: 28

12. The amount and type of impervious cover expected after construction is complete is shown below:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	100,000	÷ 43,560 =	2.30
Parking	46,464	÷ 43,560 =	1.07
Other paved surfaces	242,557	÷ 43,560 =	5.56
Total Impervious Cover	389,021	÷ 43,560 =	8.93
Total Impervious Cover ÷ Total Acreage x 100 =			7.47 %

13. **ATTACHMENT D - Factors Affecting Surface Water Quality.** A description of factors that could affect surface water quality is found as at the end of this form. If applicable, this should included the location and description of any discharge associated with industrial activity other than construction.
14. Only inert materials as defined by 30 TAC 330.2 will be used as fill material.

FOR ROAD PROJECTS ONLY

Complete questions 15-20 if this application is exclusively for a road project.

15. Type of project:
- TXDOT road project.
 - County road or roads built to county specifications.
 - City thoroughfare or roads to be dedicated to a municipality.
 - Street or road providing access to private driveways.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
WATER POLLUTION ABATEMENT PLAN
GENERAL CONSTRUCTION NOTES

- WRITTEN CONSTRUCTION NOTIFICATION MUST BE GIVEN TO THE APPROPRIATE TCEQ REGIONAL OFFICE NO LATER THAN 48 HOURS PRIOR TO COMMENCEMENT OF THE REGULATED ACTIVITY. INFORMATION MUST INCLUDE THE DATE ON WHICH THE REGULATED ACTIVITY WILL COMMENCE, THE NAME OF THE APPROVED PLAN FOR THE REGULATED ACTIVITY, AND THE NAME OF THE PRIME CONTRACTOR AND THE NAME AND TELEPHONE NUMBER OF THE CONTACT PERSON.
- ALL CONTRACTORS CONDUCTING REGULATED ACTIVITIES ASSOCIATED WITH THIS PROJECT MUST BE PROVIDED WITH COMPLETE COPIES OF THE APPROVED WATER POLLUTION ABATEMENT PLAN AND THE TCEQ LETTER INDICATING THE SPECIFIC CONDITIONS OF ITS APPROVAL DURING THE COURSE OF THESE REGULATED ACTIVITIES. THE CONTRACTORS ARE REQUIRED TO KEEP ON-SITE COPIES OF THE APPROVED PLAN AND APPROVAL LETTER.
- IF ANY SENSITIVE FEATURE IS DISCOVERED DURING CONSTRUCTION, ALL REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MUST BE SUSPENDED IMMEDIATELY. THE APPROPRIATE TCEQ REGIONAL OFFICE MUST BE IMMEDIATELY NOTIFIED OF ANY SENSITIVE FEATURES ENCOUNTERED DURING CONSTRUCTION. THE REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MAY NOT PROCEED UNTIL THE TCEQ HAS REVIEWED AND APPROVED THE METHODS PROPOSED TO PROTECT THE SENSITIVE FEATURE AND THE EDWARDS AQUIFER FROM ANY POTENTIALLY ADVERSE IMPACTS TO WATER QUALITY.
- NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANK SYSTEM IS INSTALLED WITHIN 150 FEET OF A DOMESTIC, INDUSTRIAL, IRRIGATION, OR PUBLIC WATER SUPPLY WELL, OR OTHER SENSITIVE FEATURE.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, ALL TEMPORARY EROSION AND SEDIMENTATION (E&S) CONTROL MEASURES MUST BE PROPERLY SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND GOOD ENGINEERING PRACTICES. CONTROLS SPECIFIED IN THE TEMPORARY STORM WATER SECTION OF THE APPROVED EDWARDS AQUIFER PROTECTION PLAN ARE REQUIRED DURING CONSTRUCTION. IF INSPECTIONS INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE CONTROLS MUST REMAIN IN PLACE UNTIL DISTURBED AREAS ARE REVEGETATED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.
- IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFFSITE IMPACTS TO WATER QUALITY (E.G., FUGITIVE SEDIMENT IN STREET BEING WASHED INTO SURFACE STREAMS OR SENSITIVE FEATURES BY THE NEXT RAIN).
- SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS NOT LATER THAN WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%. A PERMANENT STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT OCCUPIES 50% OF THE BASIN VOLUME.
- LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER SHALL BE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES (E.G., SCREENING OUTFALLS, PICKED UP DAILY).
- ALL SPOILS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE MUST BE STORED ON-SITE WITH PROPER E&S CONTROLS. FOR STORAGE OR DISPOSAL OF SPOILS AT ANOTHER SITE ON THE EDWARDS AQUIFER RECHARGE ZONE, THE OWNER OF THE SITE MUST RECEIVE APPROVAL OF A WATER POLLUTION ABATEMENT PLAN FOR THE PLACEMENT OF FILL MATERIAL OR MASS GRADING PRIOR TO THE PLACEMENT OF SPOILS AT THE OTHER SITE.
- STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS PRECLUDED BY WEATHER CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 21 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF SITE. IN AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IS PRECLUDED BY SEASONAL ARID CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
- THE FOLLOWING RECORDS SHALL BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ UPON REQUEST: THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR; THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE ON A PORTION OF THE SITE; AND THE DATES WHEN STABILIZATION MEASURES ARE INITIATED.
- THE HOLDER OF ANY APPROVED EDWARDS AQUIFER PROTECTION PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:
 - ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY WATER POLLUTION ABATEMENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO PONDS, DAMS, BERMS, SEWAGE TREATMENT PLANTS, AND DIVERSIONARY STRUCTURES;
 - ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED OR A CHANGE WHICH WOULD SIGNIFICANTLY IMPACT THE ABILITY OF THE PLAN TO PREVENT POLLUTION OF THE EDWARDS AQUIFER;
 - ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED AS UNDEVELOPED IN THE ORIGINAL WATER POLLUTION ABATEMENT PLAN.

AUSTIN REGIONAL OFFICE
2800 S. IH 35, SUITE 102
AUSTIN, TEXAS 78704-5712
PHONE (512) 339-2929
FAX (512) 339-3795

SAN ANTONIO REGIONAL OFFICE
14250 JUDSON ROAD
SAN ANTONIO, TEXAS 78233-4480
PHONE (210) 490-3096
FAX (210) 545-4329

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

TEMPORARY BMP NOTE:
SEE ATTACHED SHEETS FOR TEMPORARY BMP DETAILS. ADDITIONAL BMP DETAILS PROVIDED BUT NOT CALLED OUT ON PLANS MAY BE USED AT CONTRACTOR'S DISCRETION.

SOIL DISTURBANCE NOTE

SOIL DISTURBANCES WILL OCCUR TO CLEARING, GRUBBING, AND GRADING OF AREAS TO BE USED FOR THE RESIDENTIAL LOTS, ROADS, ROAD RIGHT-OF-WAY, AND DETENTION POND. THESE DISTURBANCES CAN BE ATTRIBUTED TO, BUT NOT LIMITED TO, CLEARING AND GRUBBING RELATED TO BUILDING PAD, DRIVEWAY, UTILITY INSTALLATION, AND LANDSCAPE PREPARATION. THE REMAINING PORTIONS OF THE SITE NOT INVOLVED IN ANY OF THESE ACTIVITIES WILL REMAIN UNDISTURBED.

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE SHALL BE INSTALLED TO PROVIDE A STABLE ENTRANCE/EXIT CONDITION FROM THE CONSTRUCTION SITE TO KEEP MUD AND SEDIMENT OFF PUBLIC ROADWAYS (REFER TO THE EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION INFORMATION).

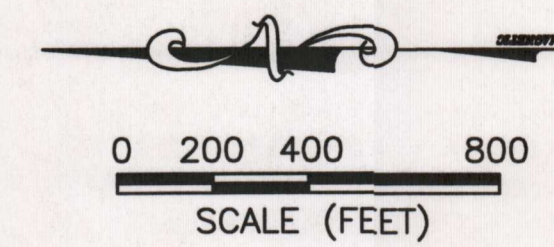
SOIL STABILIZATION NOTE

TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO STABILIZE DISTURBED AREAS (REFER TO EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION OF EROSION CONTROL MEASURES). TRAFFIC WILL BE ROUTED AROUND THESE AREAS TO REDUCE THE EXTENT OF DISTURBED AREAS BY REDUCING SEDIMENT LOADS TO SURFACE WATER.

BARE SOILS SHOULD BE SEEDED OR OTHERWISE STABILIZED WITHIN 14 CALENDAR DAYS AFTER FINAL GRADING OR WHERE CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED FOR MORE THAN 21 DAYS.
MULCHING/MATS CAN BE USED TO PROTECT THE DISTURBED AREAS WHILE VEGETATION BECOMES ESTABLISHED.

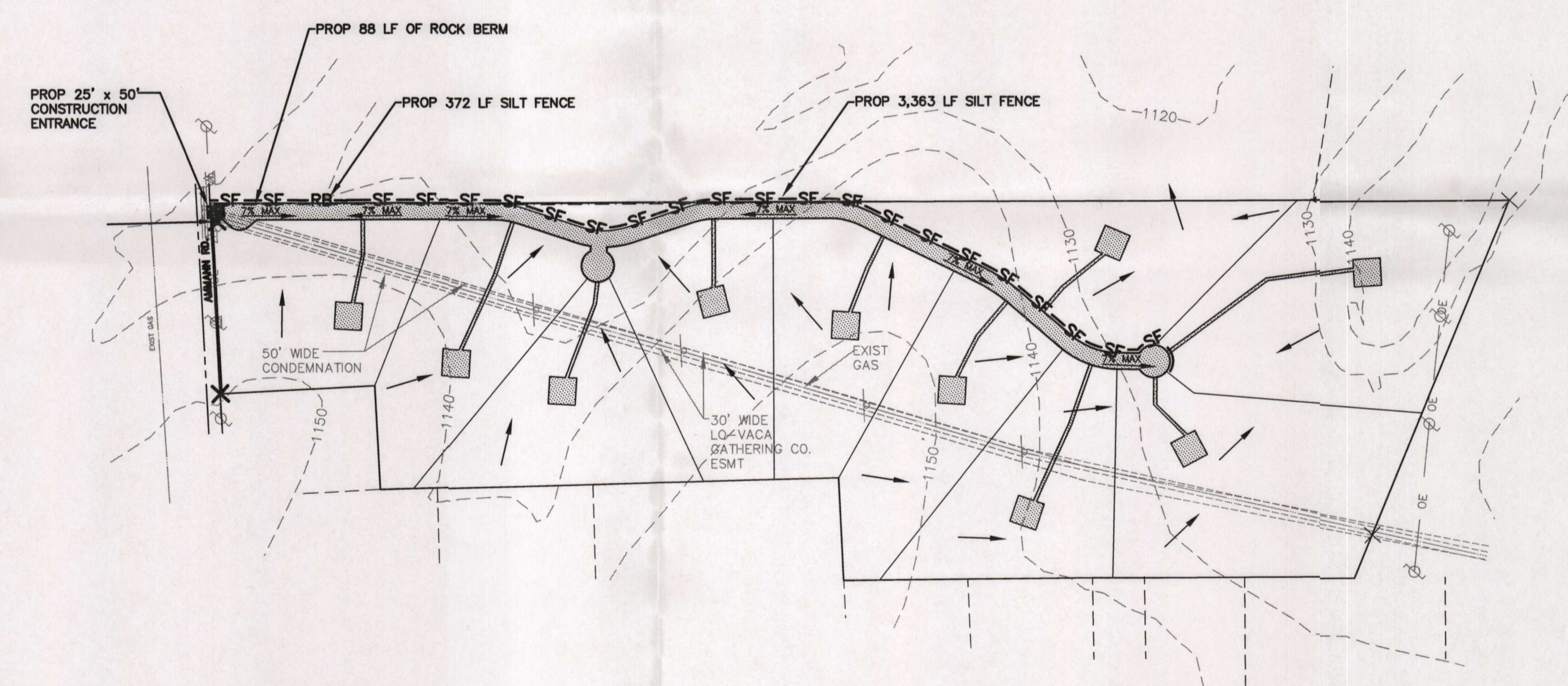
LEGEND:

- EXIST PROPERTY BOUNDARY
- - - - - 300 --- EXIST CONTOUR
- — — — — PROP PROJECT LIMITS
- PROP WATER FLOW DIRECTION (MATCH EXISTING GRADES)
- SF — SF — SF — PROP SILT FENCE
- RB — RB — RB — PROP ROCK BERM
- ▣ CONSTRUCTION ENTRANCE/EXIT
- ▨ POTENTIAL AREA OF DISTURBANCE (ACTUAL LOCATION TO BE DETERMINED BY LOT OWNER)



BENCHMARK INFORMATION

BM #1
X = 2134865.2136
Y = 13826476.6546
ELEV = 1135.14



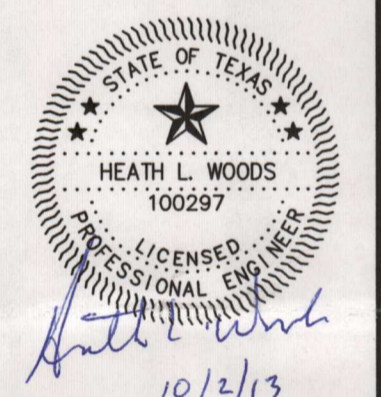
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REGION
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REVISIONS

NO.	DATE	DESCRIPTION

BRANCH OFFICES
M & S
P.O. BOX 391
MCQUEENEY, TEXAS 78123
387 WEST MILL STREET
NEW BRAUNFELS, TEXAS 78130
ENGINEERING, L.L.C.
ENGINEERS, PLANNERS, AND SURVEYORS
TEXAS REGISTERED ENGINEERING FIRM E-1394

MAIN OFFICE
P.O. BOX 970
SPRING BRANCH, TEXAS 78070
PHONE # (830) 228-5446
FAX # (830) 885-2170



CIBOLO CREEK ESTATES
CZP - SITE PLAN

JOB: 12BLKBR001
DATE: JULY 2013
SCALE: H: 1" = 400'
INTERNAL REVIEW:
DESIGN: _____
PEER: _____
PM: _____
DM: _____
OTHER: _____
SHEET: 1 OF 2



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830.885.2170 FX
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WWW.MSENGR.COM

October 2, 2013

Monica Reyes
EAPP/San Antonio
210-403-4012

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COUNTY ENGINEER

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Brian Mendez,
M & S Engineering, L.L.C.

Cc: Kristina Denham

PAGE 1 OF 1

CIVIL • ELECTRICAL • SURVEYING
A FULL SERVICE COMPANY

- Existing industrial site
- Existing residential site
- Existing paved and/or unpaved roads
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PROJECT INFORMATION

9. The type of project is:
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 Residential: # of Living Unit Equivalents: _____
 Commercial
 Industrial
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 Total disturbed area: 6.58 Acres
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 WATER POLLUTION ABATEMENT PLAN
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- IF ANY SENSITIVE FEATURE IS DISCOVERED DURING CONSTRUCTION, ALL REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MUST BE SUSPENDED IMMEDIATELY. THE APPROPRIATE TCEQ REGIONAL OFFICE MUST BE IMMEDIATELY NOTIFIED OF ANY SENSITIVE FEATURES ENCOUNTERED DURING CONSTRUCTION. THE REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MAY NOT PROCEED UNTIL THE TCEQ HAS REVIEWED AND APPROVED THE METHODS PROPOSED TO PROTECT THE SENSITIVE FEATURE AND THE EDWARDS AQUIFER FROM ANY POTENTIALLY ADVERSE IMPACTS TO WATER QUALITY.
- NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANK SYSTEM IS INSTALLED WITHIN 150 FEET OF A DOMESTIC, INDUSTRIAL, IRRIGATION, OR PUBLIC WATER SUPPLY WELL, OR OTHER SENSITIVE FEATURE.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, ALL TEMPORARY EROSION AND SEDIMENTATION (E&S) CONTROL MEASURES MUST BE PROPERLY SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND GOOD ENGINEERING PRACTICES. CONTROLS SPECIFIED IN THE TEMPORARY STORM WATER SECTION OF THE APPROVED EDWARDS AQUIFER PROTECTION PLAN ARE REQUIRED DURING CONSTRUCTION. IF INSPECTIONS INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE CONTROLS MUST REMAIN IN PLACE UNTIL DISTURBED AREAS ARE REVEGETATED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.
- IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFFSITE IMPACTS TO WATER QUALITY (E.G., FUGITIVE SEDIMENT IN STREET BEING WASHED INTO SURFACE STREAMS OR SENSITIVE FEATURES BY THE NEXT RAIN).
- SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS NOT LATER THAN WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%. A PERMANENT STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT OCCUPIES 50% OF THE BASIN VOLUME.
- LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER SHALL BE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES (E.G., SCREENING OUTFALLS, PICKED UP DAILY).
- ALL SPOILS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE MUST BE STORED ON-SITE WITH PROPER E&S CONTROLS. FOR STORAGE OR DISPOSAL OF SPOILS AT ANOTHER SITE ON THE EDWARDS AQUIFER RECHARGE ZONE, THE OWNER OF THE SITE MUST RECEIVE APPROVAL OF A WATER POLLUTION ABATEMENT PLAN FOR THE PLACEMENT OF FILL MATERIAL OR MASS GRADING PRIOR TO THE PLACEMENT OF SPOILS AT THE OTHER SITE.
- STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS PRECLUDED BY WEATHER CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 21 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF SITE. IN AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IS PRECLUDED BY SEASONAL ARID CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
- THE FOLLOWING RECORDS SHALL BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ UPON REQUEST: THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR; THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE ON A PORTION OF THE SITE; AND THE DATES WHEN STABILIZATION MEASURES ARE INITIATED.
- THE HOLDER OF ANY APPROVED EDWARDS AQUIFER PROTECTION PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:
 - ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY WATER POLLUTION ABATEMENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO PONDS, DAMS, BERMS, SEWAGE TREATMENT PLANTS, AND DIVERSIONARY STRUCTURES;
 - ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED OR A CHANGE WHICH WOULD SIGNIFICANTLY IMPACT THE ABILITY OF THE PLAN TO PREVENT POLLUTION OF THE EDWARDS AQUIFER;
 - ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED AS UNDEVELOPED IN THE ORIGINAL WATER POLLUTION ABATEMENT PLAN.

AUSTIN REGIONAL OFFICE
 2800 S. IH 35, SUITE 100
 AUSTIN, TEXAS 78704-5712
 PHONE (512) 339-2929
 FAX (512) 339-3795

SAN ANTONIO REGIONAL OFFICE
 14250 JUDSON ROAD
 SAN ANTONIO, TEXAS 78233-4480
 PHONE (210) 490-3096
 FAX (210) 545-4329

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

TEMPORARY BMP NOTE:
 SEE ATTACHED SHEETS FOR TEMPORARY BMP DETAILS. ADDITIONAL BMP DETAILS PROVIDED BUT NOT CALLED OUT ON PLANS MAY BE USED AT CONTRACTOR'S DISCRETION.

SOIL DISTURBANCE NOTE

SOIL DISTURBANCES WILL OCCUR TO CLEARING, GRUBBING, AND GRADING OF AREAS TO BE USED FOR THE RESIDENTIAL LOTS, ROADS, ROAD RIGHT-OF-WAY, AND DETENTION POND. THESE DISTURBANCES CAN BE ATTRIBUTED TO, BUT NOT LIMITED TO, CLEARING AND GRUBBING RELATED TO BUILDING PAD, DRIVEWAY, UTILITY INSTALLATION, AND LANDSCAPE PREPARATION. THE REMAINING PORTIONS OF THE SITE NOT INVOLVED IN ANY OF THESE ACTIVITIES WILL REMAIN UNDISTURBED.

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE SHALL BE INSTALLED TO PROVIDE A STABLE ENTRANCE/EXIT CONDITION FROM THE CONSTRUCTION SITE TO KEEP MUD AND SEDIMENT OFF PUBLIC ROADWAYS (REFER TO THE EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION INFORMATION).

SOIL STABILIZATION NOTE

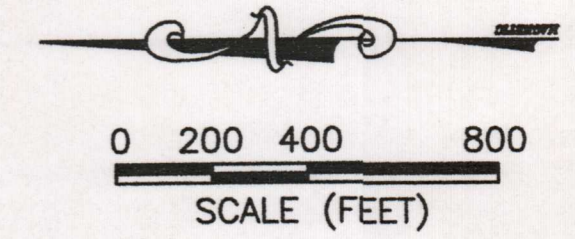
TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO STABILIZE DISTURBED AREAS (REFER TO EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION OF EROSION CONTROL MEASURES). TRAFFIC WILL BE ROUTED AROUND THESE AREAS TO REDUCE THE EXTENT OF DISTURBED AREAS BY REDUCING SEDIMENT LOADS TO SURFACE WATER.

BARE SOILS SHOULD BE SEEDED OR OTHERWISE STABILIZED WITHIN 14 CALENDAR DAYS AFTER FINAL GRADING OR WHERE CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED FOR MORE THAN 21 DAYS.

MULCHING/MATS CAN BE USED TO PROTECT THE DISTURBED AREAS WHILE VEGETATION BECOMES ESTABLISHED.

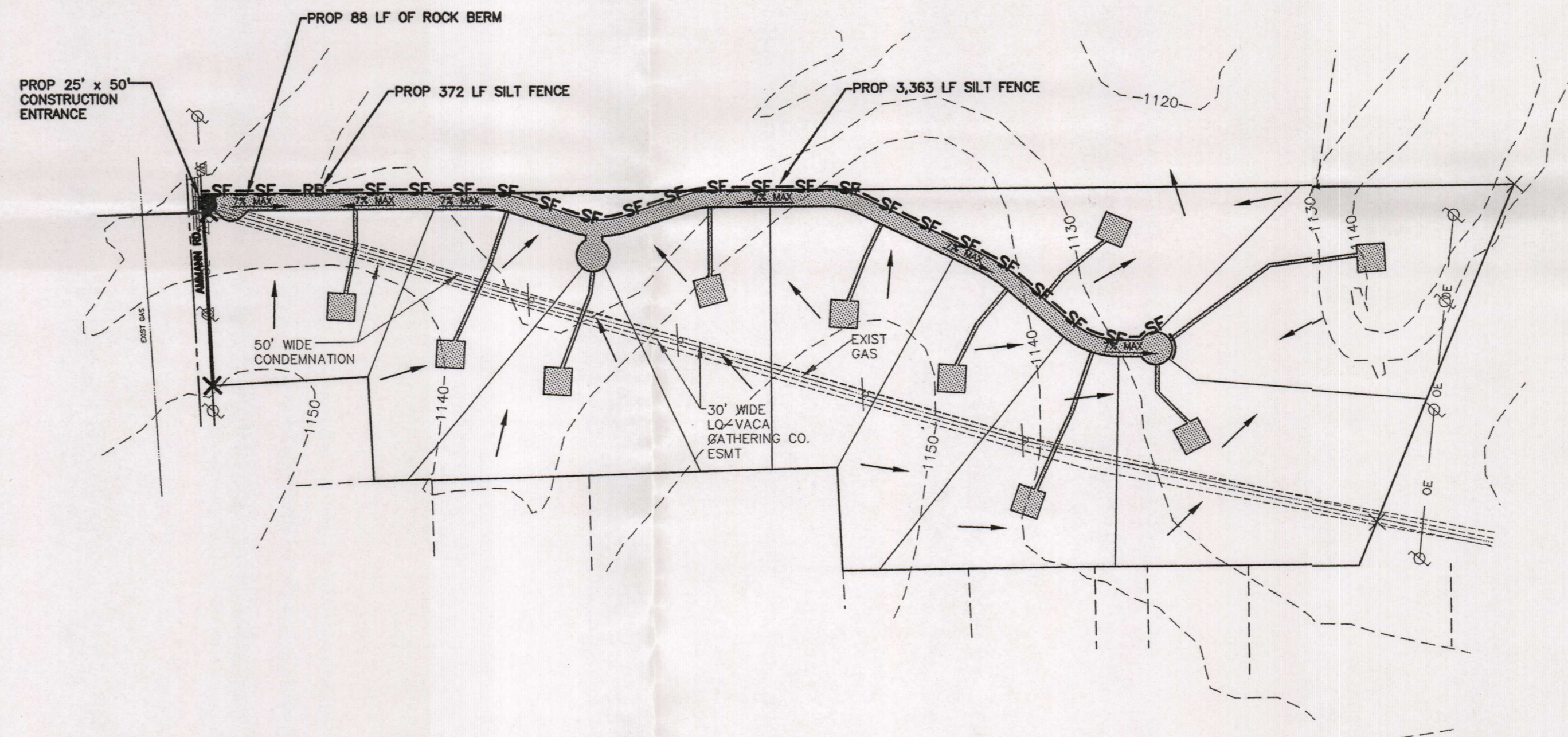
LEGEND:

- EXIST PROPERTY BOUNDARY
- - - 300 - - - EXIST CONTOUR
- PROP PROJECT LIMITS
- PROP WATER FLOW DIRECTION (MATCH EXISTING GRADES)
- SF-SF-SF- PROP SILT FENCE
- RB-RB-RB- PROP ROCK BERM
- █ CONSTRUCTION ENTRANCE/EXIT
- █ POTENTIAL AREA OF DISTURBANCE (ACTUAL LOCATION TO BE DETERMINED BY LOT OWNER)



BENCHMARK INFORMATION

BM #1
 X = 2134865.2136
 Y = 13826476.6546
 ELEV = 1135.14



RECEIVED
 OCT 1 2013
 COUNTY ENGINEER

RECEIVED TCEQ
 SAN ANTONIO REGION
 2013 OCT -3 PM 2:51

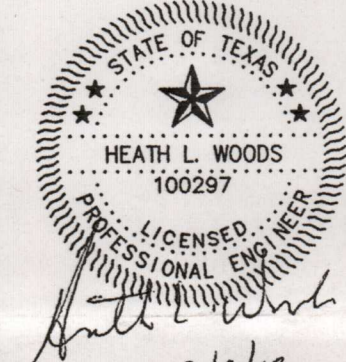
REVISIONS

NO.	DESCRIPTION

BRANCH OFFICES
 P.O. BOX 391
 McQUEENEY, TEXAS 78123
 387 WEST MILL STREET
 NEW BRAUNFELS, TEXAS 78130

M & S
 ENGINEERING, L.L.C.
 ENGINEERS, PLANNERS, AND SURVEYORS
 TEXAS REGISTERED ENGINEERING FIRM E-194

MAIN OFFICE
 P.O. BOX 970
 SPRING BRANCH, TEXAS 78070
 PHONE # (830) 228-5446
 FAX # (830) 885-2170



CIBOLO CREEK ESTATES

CZP - SITE PLAN

JOB: 12BLKBR001
 DATE: JULY 2013
 SCALE: H: 1" = 400'

INTERNAL REVIEW:
 DESIGN: _____
 PEER: _____
 PM: _____
 DM: _____
 OTHER: _____

SHEET:
 1 OF 2

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 12, 2013

RECEIVED

AUG 14 2013

COUNTY ENGINEER

Mr. Thomas H. Hornseth, P.E.
Comal County Engineer
195 David Jonas Drive
New Braunfels TX 78132-3710

Re: Edwards Aquifer, Comal County
PROJECT NAME: Cibolo Creek Estates, located 1.13 miles from Bulverde Road along East Amman Road, Bulverde, Texas

PLAN TYPE: Application for Contributing Zone Water Pollution Abatement Plan (CZP)
30 Texas Administration Code (TAC) Chapter 213; Edwards Aquifer Protection Program
EAPP File No. and Regulated Entity No.: RN106870926

Dear Mr. Hornseth:

The referenced application is being forwarded to you pursuant to the Edwards Aquifer Rules. The Texas Commission on Environmental Quality (TCEQ) is required by 30 TAC Chapter 213 to provide copies of all applications to affected incorporated cities and underground water conservation districts for their comments prior to TCEQ approval.

Please forward your comments to this office by September 12, 2013.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact the San Antonio Region Office at (210) 490-3096.

Sincerely

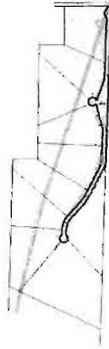
A handwritten signature in black ink, appearing to read "Todd Jones".

Todd Jones
Water Section Work Leader
San Antonio Regional Office

TJ/eg

CONTRIBUTING ZONE PLAN

CIBOLO CREEK ESTATES



Prepared for:

Damon Thorpe
Cibolo Creek Estates, LLC
P.O. Box 91093
San Antonio, Tx. 78209

TCEQ-R13
AUG - 8 2013
SAN ANTONIO

Prepared by:



M & S ENGINEERING
ENGINEERS | PLANNERS | SURVEYORS

M&S Engineering Project

Number: 7012BLKBR001

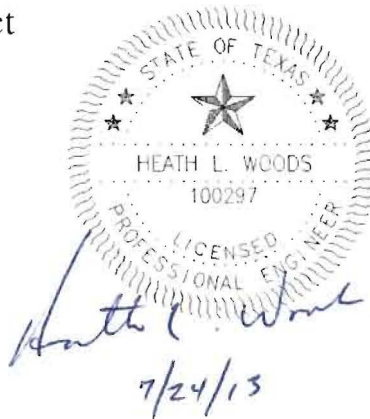
Main Office:

Mailing:

Post Office Box 970
Spring Branch, Texas 78070
Telephone: 830/228-5446
Facsimile: 830/885-2170

Physical:

6477 FM 311
Spring Branch, Texas 78070
Web: www.msengr.com



Prepared by:

Heath Woods, P.E.
M&S Engineering, L.L.C.
Texas Registered Engineering Firm F-1394

Branch Office:

Mailing:

Post Office Box 391
McQueeney, Texas 78123

Physical:

274 Riverview Road
McQueeney, Texas 78123

July 2013



TCEQ Core Data Form

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

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided)			
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)			
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other	
2. Attachments Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Customer Reference Number (if issued)		4. Regulated Entity Reference Number (if issued)	
CN		RN	

[Follow this link to search for CN or RN numbers in Central Registry**](#)

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)							
6. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check only one of the following:							
<input checked="" type="checkbox"/> Owner		<input type="checkbox"/> Operator		<input type="checkbox"/> Owner & Operator		<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Occupational Licensee		<input type="checkbox"/> Responsible Party		<input type="checkbox"/> Voluntary Cleanup Applicant		<input type="checkbox"/> Other: _____	
7. General Customer Information							
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information		<input type="checkbox"/> Change in Regulated Entity Ownership			
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)				<input type="checkbox"/> No Change**			
**If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.							
8. Type of Customer:		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual		<input type="checkbox"/> Sole Proprietorship- D.B.A	
<input type="checkbox"/> City Government		<input type="checkbox"/> County Government		<input type="checkbox"/> Federal Government		<input type="checkbox"/> State Government	
<input type="checkbox"/> Other Government		<input type="checkbox"/> General Partnership		<input checked="" type="checkbox"/> Limited Partnership		<input type="checkbox"/> Other: _____	
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)				If new Customer, enter previous Customer below		End Date:	
Cibolo Creek Estates, LLC							
10. Mailing Address:							
P.O. Box 91093							
City		San Antonio		State		TX	
ZIP		78209		ZIP + 4		2715	
11. Country Mailing Information (if outside USA)				12. E-Mail Address (if applicable)			
				damon@blackbrushllc.com			
13. Telephone Number		14. Extension or Code		15. Fax Number (if applicable)			
(210) 844-0461		N/A		(210) 579-7127			
16. Federal Tax ID (9 digits)		17. TX State Franchise Tax ID (11 digits)		18. DUNS Number (if applicable)		19. TX SOS Filing Number (if applicable)	
463153185		32051219197		N/A		801800211	
20. Number of Employees						21. Independently Owned and Operated?	
<input checked="" type="checkbox"/> 0-20		<input type="checkbox"/> 21-100		<input type="checkbox"/> 101-250		<input type="checkbox"/> 251-500	
<input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes		<input type="checkbox"/> No			

SECTION III: Regulated Entity Information

22. General Regulated Entity Information (If "New Regulated Entity" is selected below this form should be accompanied by a permit application)			
<input checked="" type="checkbox"/> New Regulated Entity		<input type="checkbox"/> Update to Regulated Entity Name	
<input type="checkbox"/> Update to Regulated Entity Information		<input type="checkbox"/> No Change** (See below)	
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.			
23. Regulated Entity Name (name of the site where the regulated action is taking place)			
Cibolo Creek Estates			

24. Street Address of the Regulated Entity: (No P.O. Boxes)							
	City		State		ZIP		ZIP + 4
25. Mailing Address:	P.O. Box 91093						
	City	San Antonio	State	TX	ZIP	78209	ZIP + 4 2715
26. E-Mail Address:	damon@blackbrushllc.com						
27. Telephone Number	28. Extension or Code		29. Fax Number (if applicable)				
(210) 844-0461	N/A		(210) 579-7127				
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)		33. Secondary NAICS Code (5 or 6 digits)			
1521	1611	236115		237310			
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)							
Large 10+ Acre Residential Subdivision							

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:	Property is located off East Ammann Rd which is 1.13 miles from the intersection of Bulverde Rd.						
36. Nearest City	County		State		Nearest ZIP Code		
Bulverde	Comal		TX		78163		
37. Latitude (N) In Decimal:	29.76611		38. Longitude (W) In Decimal:	98.476389			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		
29	45	58	98	28	35		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review – Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input checked="" type="checkbox"/> Stormwater	<input type="checkbox"/> Title V – Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Heath L. Woods, P.E.	41. Title:	Civil Department Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(830) 228-5446	4104	(830) 885-2170	hwoods@msengr.com

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	M&S Engineering	Job Title:	Civil Department Manager
Name (In Print):	Heath L. Woods	Phone:	(830) 228-5446
Signature:	Heath L. Woods	Date:	8/8/13

Contributing Zone Plan

In This Section

TCEQ-10257
Contributing Zone Plan Application

Attachment A
Road Map

Attachment B
USGS Quadrangle Map

Attachment C
Project Narrative

Attachment D
Factors Affecting Surface Water Quality

Attachment E
Volume and Character of Stormwater

Attachment F
Suitability Letter from Authorized Agent

Attachment G
Alternative Secondary Containment Methods

Attachment H
AST Containment Structure Drawings

Attachment I
20% or Less Impervious Cover Waiver

Attachment J
BMPs for Upgradient Stormwater

Attachment K
BMPs for On-site Stormwater

Attachment L
BMPs for Surface Streams

Attachment M
Construction Plans

Attachment N
Inspection, Maintenance, Repair and Retrofit Plan

Attachment O
Pilot-Scale Field Testing Plan

Attachment P
Measures for Minimizing Surface Stream Contamination

Contributing Zone Plan Application
for Regulated Activities
on the Contributing Zone to the Edwards Aquifer
and Relating to 30 TAC §213.24(1), Effective June 1, 1999

Regulated Entity Name: Cibolo Creek Estates
County: Comal Stream Basin: Indian Creek

1. Regulated activities on this site will disturb at least 5 acres.
 Regulated activities on this site will disturb less than 5 acres and are part of a larger common plan of development or sale with the potential to disturb cumulatively five or more acres.

2. Customer (Applicant):

Contact Person: Damon Thorpe
Entity: Cibolo Creek Estates, LLC
Mailing Address: P.O. Box 91090
City, State: San Antonio, TX. Zip: 78209
Telephone: (210)884-0461 FAX: (210)579-7127
Agent/Representative (If any):

Contact Person: Heath L. Woods, P.E.
Entity: M&S Engineering
Mailing Address: 6477 FM 311
City, State: Spring Branch Zip: TX
Telephone: (210)228-5446 FAX: (210)885-2170

3. This project is inside the city limits of Bulverde.
 This project is outside the city limits but inside the ETJ (extra-territorial jurisdiction) of _____.
 This project is not located within any city's limits or ETJ.

4. The location of the project site is described below. Sufficient detail and clarity has been provided so that the TCEQ's Regional staff can easily locate the project and site boundaries for a field investigation.

The property fronts E. Ammann Rd. It falls to the south. Its is located 1.13 miles from the intersection of E. Ammann Rd. and Bulverde Rd.

5. **ATTACHMENT A - Road Map.** A road map showing directions to and the location of the project site is found as at the end of this form.
6. **ATTACHMENT B - USGS Quadrangle Map.** A copy of the USGS Quadrangle Map (Scale: 1" = 2000') is found at the end of this form. The map(s) clearly shows:
 Project site boundaries.
 USGS Quadrangle Name(s).
7. **ATTACHMENT C - Project Narrative.** A detailed narrative description of the proposed project is found at the end of this form.
8. Existing project site conditions are noted below:
 Existing commercial site

- Existing industrial site
- Existing residential site
- Existing paved and/or unpaved roads
- Undeveloped (Cleared)
- Undeveloped (Undisturbed/Uncleared)
- Other: _____

PROJECT INFORMATION

9. The type of project is:
- Residential: # of Lots: _____ 11
 - Residential: # of Living Unit Equivalents: _____
 - Commercial
 - Industrial
 - Other: _____

10. Total project area (size of site): 119.56 Acres
 Total disturbed area: 6.58 Acres

11. Projected population: 28

12. The amount and type of impervious cover expected after construction is complete is shown below:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	110,000	÷ 43,560 =	1.38
Parking	60,236	÷ 43,560 =	5.57
Other paved surfaces	242,557	÷ 43,560 =	2.53
Total Impervious Cover	412,793	÷ 43,560 =	9.48
Total Impervious Cover ÷ Total Acreage x 100 =			7.93 %

13. **ATTACHMENT D - Factors Affecting Surface Water Quality.** A description of factors that could affect surface water quality is found as at the end of this form. If applicable, this should included the location and description of any discharge associated with industrial activity other than construction.

14. Only inert materials as defined by 30 TAC 330.2 will be used as fill material.

FOR ROAD PROJECTS ONLY

Complete questions 15-20 if this application is exclusively for a road project.

15. Type of project:
- TXDOT road project.
 - County road or roads built to county specifications.
 - City thoroughfare or roads to be dedicated to a municipality.
 - Street or road providing access to private driveways.

16. Type of pavement or road surface to be used:
 Concrete
 Asphaltic concrete pavement
 Other: _____
17. Length of Right of Way (R.O.W.): _____ feet.
 Width of R.O.W.: _____ feet.
 $L \times W = \text{_____ Ft}^2 \div 43,560 \text{ Ft}^2/\text{Acre} = \text{_____ acres.}$
18. Length of pavement area: _____ feet.
 Width of pavement area: _____ feet.
 $L \times W = \text{_____ Ft}^2 \div 43,560 \text{ Ft}^2/\text{Acre} = \text{_____ acres.}$
 Pavement area _____ acres \div R.O.W. area _____ acres $\times 100 = \text{_____}$ % impervious cover.
19. A rest stop will be included in this project.
 A rest stop will **not** be included in this project.
20. Maintenance and repair of existing roadways that do not require approval from the TCEQ Executive Director. Modifications to existing roadways such as widening roads/adding shoulders totaling more than one-half (1/2) the width of one (1) existing lane require prior approval from the TCEQ.

STORMWATER TO BE GENERATED BY THE PROPOSED PROJECT

21. **ATTACHMENT E - Volume and Character of Stormwater.** A description of the volume and character (quality) of the stormwater runoff which is expected to occur from the proposed project is found at the end of this form. The estimates of stormwater runoff quality and quantity are based on area and type of impervious cover. The runoff coefficient of the site for both pre-construction and post-construction conditions is included.

WASTEWATER TO BE GENERATED BY THE PROPOSED PROJECT

22. Wastewater will be disposed of by:
- On-Site Sewage Facility (OSSF/Septic Tank):
ATTACHMENT F - Suitability Letter from Authorized Agent. An on-site sewage facility will be used to treat and dispose of the wastewater from this site. The appropriate licensing authority's written approval is provided at the end of this form. It states that the land is suitable for the use of private sewage facilities and will meet or exceed the requirements for on-site sewage facilities as specified under 30 TAC Chapter 285 relating to On-site Sewage Facilities, or it identifies those areas that are not suitable for the use of private sewage facilities. The system will be designed by a licensed professional engineer or a registered sanitarian and installed by a licensed installer in compliance with 30 TAC §285.
- Sewage Collection System (Sewer Lines):
 Wastewater is to be disposed of by conveyance to the (name) treatment plant for treatment and disposal. The treatment facility is: _____
 existing.
 proposed.
- Wastewater is to be discharged in the contributing zone. Requirements under 30 TAC

§213.6(c) relating to Wastewater Treatment and Disposal Systems have been satisfied.

FOR PERMANENT ABOVEGROUND STORAGE TANKS (ASTs) ≥ 500 GALLONS

Complete questions 23-29 if this project includes the installation of AST(s) with volume(s) greater than or equal to 500 gallons.

23. Tanks and substance stored:

AST Number	Size (Gallons)	Substance to be Stored	Tank Material
1			
2			
3			
4			
5			
Total		x 1.5 =	gallons

24. The AST will be placed within a containment structure that is sized to capture one and one-half (1 1/2) times the storage capacity of the system. For facilities with more than one tank system, the containment structure is sized to capture one and one-half (1 1/2) times the cumulative storage capacity of all systems.
- ATTACHMENT G - Alternative Secondary Containment Methods.** Alternative methods for providing secondary containment are proposed. Specifications showing equivalent protection for the Edwards Aquifer are found at the end of this form.

25. Inside dimensions and capacity of containment structure(s):

Length (L) (Ft.)	Width (W) (Ft.)	Height (H) (Ft.)	L x W x H = (Ft ³)	Gallons
Total				

26. All piping, hoses, and dispensers will be located inside the containment structure.
- Some of the piping to dispensers or equipment will extend outside the containment structure.
- The piping will be aboveground
- The piping will be underground
27. The containment area must be constructed of and in a material impervious to the substance(s) being stored. The proposed containment structure will be constructed of

28. **ATTACHMENT H - AST Containment Structure Drawings.** A scaled drawing of the containment structure is found at the end of this form that shows the following:

- Interior dimensions (length, width, depth and wall and floor thickness).
- Internal drainage to a point convenient for the collection of any spillage.
- Tanks clearly labeled
- Piping clearly labeled
- Dispenser clearly labeled

29. Any spills must be directed to a point convenient for collection and recovery. Spills from storage tank facilities must be removed from the controlled drainage area for disposal within 24 hours of the spill.

- In the event of a spill, any spillage will be removed from the containment structure within 24 hours of the spill and disposed of properly.
- In the event of a spill, any spillage will be drained from the containment structure through a drain and valve within 24 hours of the spill and disposed of properly. The drain and valve system are shown in detail on the scaled drawing.

SITE PLAN

Items 30 through 41 must be included on the Site Plan.

30. The Site Plan must have a minimum scale of 1" = 400'.
Site Plan Scale: 1" = 400'.

31. 100-year floodplain boundaries

- Some part(s) of the project site is located within the 100-year floodplain. The floodplain is shown and labeled.
- No part of the project site is located within the 100-year floodplain.

The 100-year floodplain boundaries are based on the following specific (including date of material) sources(s):

32. The layout of the development is shown with existing and finished contours at appropriate, but not greater than ten-foot contour intervals. Lots, recreation centers, buildings, roads, etc. are shown on the site plan.
 The layout of the development is shown with existing contours at appropriate, but not greater than ten-foot contour intervals. Finished topographic contours will not differ from the existing topographic configuration and are not shown. Lots, recreation centers, buildings, roads, etc. are shown on the site plan.

33. A drainage plan showing all paths of drainage from the site to surface streams.

34. The drainage patterns and approximate slopes anticipated after major grading activities.

- 35. Areas of soil disturbance and areas which will not be disturbed.
- 36. Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
- 37. Locations where soil stabilization practices are expected to occur.
- 38. Surface waters (including wetlands).
- 39. Locations where stormwater discharges to surface water.
 There will be no discharges to surface water.
- 40. Temporary aboveground storage tank facilities.
 Temporary aboveground storage tank facilities will not be located on this site.
- 41. Permanent aboveground storage tank facilities.
 Permanent aboveground storage tank facilities will not be located on this site.

Permanent best management practices (BMPs) and measures that will be used during and after construction is completed.

- 42. N/A Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.
- 43. N/A These practices and measures have been designed, and will be constructed, operated, and maintained to insure that 80% of the incremental increase in the annual mass loading of total suspended solids (TSS) from the site caused by the regulated activity is removed. These quantities have been calculated in accordance with technical guidance prepared or accepted by the executive director.
 - The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.
 - A technical guidance other than the TCEQ TGM was used to design permanent BMPs and measures for this site. The complete citation for the technical guidance that was used is provided below.

- 44. N/A Owners must insure that permanent BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.
- 45. Where a site is used for low density single-family residential development and has 20 % or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.
 - This site will be used for low density single-family residential development and

has 20% or less impervious cover.

This site will be used for low density single-family residential development but has more than 20% impervious cover.

This site will not be used for low density single-family residential development.

46. N/A The executive director may waive the requirement for other permanent BMPs for multi-family residential developments, schools, or small business sites where 20% or less impervious cover is used at the site. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.

ATTACHMENT I - 20% or Less Impervious Cover Waiver. This site will be used for multi-family residential developments, schools, or small business sites and has 20% or less impervious cover. A request to waive the requirements for other permanent BMPs and measures is found at the end of this form.

This site will be used for multi-family residential developments, schools, or small business sites but has more than 20% impervious cover.

This site will not be used for multi-family residential developments, schools, or small business sites.

47. **ATTACHMENT J - BMPs for Upgradient Stormwater.**

A description of the BMPs and measures that will be used to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site is provided as **ATTACHMENT J** at the end of this form.

If no surface water, groundwater or stormwater originates upgradient from the site and flows across the site, an explanation is provided as **ATTACHMENT J** at the end of this form.

If permanent BMPs or measures are not required to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site, an explanation is provided as **ATTACHMENT J** at the end of this form.

48. **ATTACHMENT K - BMPs for On-site Stormwater.**

A description of the BMPs and measures that will be used to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site is provided as **ATTACHMENT K** at the end of this form.

If permanent BMPs or measures are not required to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff, an explanation is provided as **ATTACHMENT K** at the end of this form.

49. **ATTACHMENT L - BMPs for Surface Streams.** A description of the BMPs and measures that prevent pollutants from entering surface streams is provided at the end of this form.

50. **ATTACHMENT M - Construction Plans.** Construction plans and design calculations for the proposed permanent BMPs and measures have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans

and design information have been signed, sealed, and dated by the Texas Licensed Professional Engineer. Construction plans for the proposed permanent BMPs and measures are provided at the end of this form. Design Calculations, TCEQ Construction Notes, all proposed structural measures, and appropriate details must be shown on the construction plans.

51. N/A **ATTACHMENT N - Inspection, Maintenance, Repair and Retrofit Plan.** A plan for the inspection, maintenance, repair, and, if necessary, retrofit of the permanent BMPs and measures is provided at the end of this form. The plan has been prepared and certified by the engineer designing the permanent BMPs and measures. The plan has been signed by the owner or responsible party. The plan includes procedures for documenting inspections, maintenance, repairs, and, if necessary, retrofits as well as a discussion of record keeping procedures.
52. N/A The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.
- Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by or prepared by the executive director.
 - **ATTACHMENT O - Pilot-Scale Field Testing Plan.** A plan for pilot-scale field testing is provided at the end of this form.
53. X **ATTACHMENT P - Measures for Minimizing Surface Stream Contamination.** A description of the measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development is provided at the end of this form. The measures address increased stream flashing, the creation of stronger flows and in-stream velocities, and other in-stream effects caused by the regulated activity which increases erosion that result in water quality degradation.

Responsibility for maintenance of permanent BMPs and measures after construction is complete.

54. X The applicant is responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.
55. X A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer if the site is for use as a multiple single-family residential development, a multi-family residential development, or a non-residential development such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

ADMINISTRATIVE INFORMATION

56. X Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional

office.

57. X Any modification of this Contributing Zone Plan may require TCEQ review and Executive Director approval prior to construction, and may require submission of a revised application, with appropriate fees.
58. X The site description, controls, maintenance, and inspection requirements for the storm water pollution prevention plan (SWPPP) developed under the EPA NPDES general permits for stormwater discharges have been submitted to fulfill paragraphs 30 TAC §213.24(1-5) of the technical report. All requirements of 30 TAC §213.24(1-5) have been met by the SWPPP document.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **CONTRIBUTING ZONE PLAN APPLICATION** is hereby submitted for TCEQ review and Executive Director approval. The application was prepared by:

Heath L. Woods

Print Name of Customer/Agent

Heath L. Woods

Signature of Customer/Agent

8/6/13

Date

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Attachment A

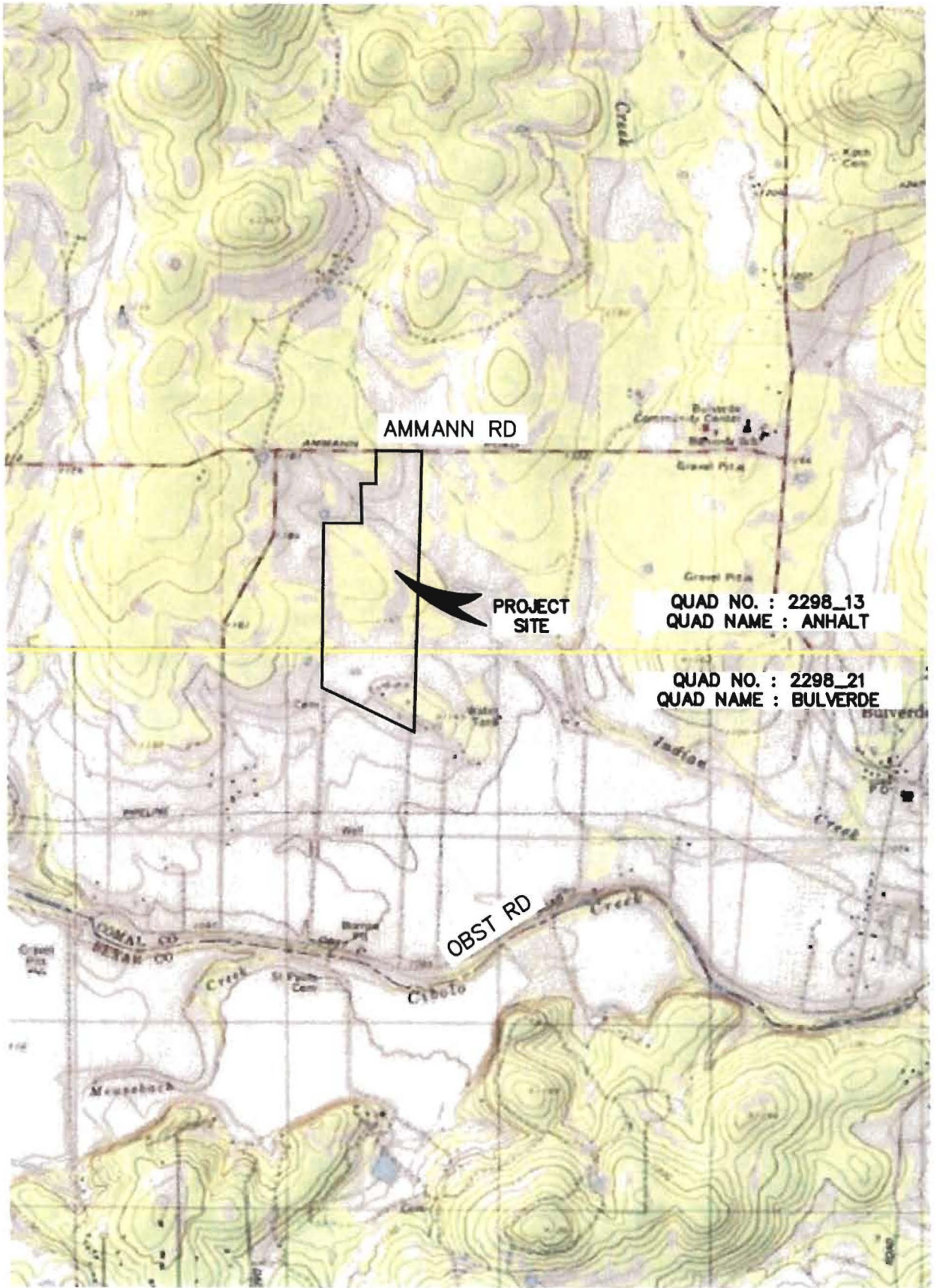
Road Map

CIBOLO CREEK ESTATES



Attachment B

USGS Quadrangle Map



USGS MAP

Attachment C

Project Narrative

PROJECT NARRATIVE

The site is located off of East Amman Rd. It is 1.13 miles from the intersection with Bulverde Rd. A portion of the property is located within the Bulverde city limits. The development of Cibolo Creek Estates consists of 119.56 acres out of an existing 329.59 acre tract. The disturbed area for Cibolo Creek Estates will be 6.58 acres. The private road will provide access to future 10+ acre tracts.

The existing site of Cibolo Creek Estates consists of rocky terrain, densely forested hills, ranch road and a couple ranch buildings. No portion of the development is located in the 100-Year FEMA floodplain. The development area is located in the Edwards Aquifer Contributing Zone.

Proposed improvements include an asphalt roadway, gated entry with turnaround, and a mail facility.

Four drainage basins, totaling 1,125 acres, were delineated for the hydrologic analysis of this property. All stormwater flowing through the site drains into unnamed tributaries of Indian Creek. The owner has requested that low water crossings be designed where drainage crosses the road. The small amount of impervious cover added to the overall drainage area does not significantly increase stormwater discharges from the site and has no adverse impact downstream. Therefore, no detention is planned for this project.

Attachment D

Factors Affecting Surface Water Quality

FACTORS AFFECTING SURFACE WATER QUALITY

Potential sources of pollution that may be expected to affect the quality of storm water discharges from the site during construction include:

- Soil erosion due to clearing of site.
- Oil, grease, fuel and hydraulic fluid contamination from construction equipment and vehicle drippings.
- Hydrocarbons from asphalt paving.
- Trash and litter from construction workers and material wrappings.
- Tar, fertilizers, cleaning solvents, detergents, and petroleum based products.

Potential sources of pollution that may be expected to affect the quality of storm water discharges from the site after development include:

- Oil, grease, fuel and hydraulic fluid contamination from vehicle drippings.
- Dirt and dust from vehicles.
- Trash and litter.

Attachment E

Volume and Character of Stormwater

VOLUME AND CHARACTER OF STORMWATER

The overall contributing drainage area for this project is comprised of 4 sub-basins which total to approximately 1,135 acres. The stormwater runoff for the pre-project conditions would be across rocky soil, with native grasses and trees. The site has an average slope ranging from 1% to 5%. Using PondPack, peak discharges for each sub-basin were calculated.

Table 1: Existing Drainage Areas

Name	Area (acres)	Composite CN	Time of Concentration (hrs)	Peak Discharge	
				10-Year (cfs)	100-Year (cfs)
BASIN 01	773.41	75.710	0.6250	1771.80	3468.57
BASIN 02	198.53	78.167	0.5785	511.30	966.87
BASIN 03	133.10	76.397	0.6418	306.95	596.47
BASIN 04	20.39	78.594	0.4345	62.81	116.90

Table 2: Proposed Drainage Areas

Name	Area (acres)	Composite CN	Time of Concentration (hrs)	Peak Discharge	
				10-Year (cfs)	100-Year (cfs)
BASIN 01	773.41	75.746	0.6250	1773.76	3470.68
BASIN 02	198.53	78.374	0.5785	514.23	969.96
BASIN 03	133.10	76.620	0.6418	309.02	598.66
BASIN 04	20.39	78.594	0.4345	62.81	116.90

The characteristics of the post-project stormwater generated onsite will be influenced by site features that generate non-point pollution. This non-point pollution will include oil and grease from the paved areas, suspended solids, sedimentation, and nutrients for lawn care, and possible pesticides and herbicides. The stormwater runoff will flow across pervious areas of rocky soil, with native grasses before discharge into the unnamed contributors of Indian Creek.

Attachment F

Suitability Letter from Authorized Agent



Comal County
OFFICE OF COMAL COUNTY ENGINEER

June 13, 2013

Mr. Heath Woods, P.E.
M&S Engineering, L.L.C.
P.O. Box 970
Spring Branch, TX 78070

Re: Cibolo Creek Estates within Comal County, Texas

Dear Mr. Woods:

We are in receipt of your June 13, 2013 application stating that the requirements of TAC §285.4(c) were not applicable. In addition, we received your letter stating that no further developments are proposed on either property. Based on these statements, we interpose no objection to your assertion that the Application for Licensing Authority Recommendation for Private Sewerage Facilities for a Proposed Subdivision does not apply.

If you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

Robert Boyd, P.E.
Comal County Assistant Engineer

cc: Scott Haag, Comal County Commissioner, Precinct No. 2

Alternative Secondary Containment Methods

Attachment G

Alternative Secondary Containment Methods

NOT APPLICABLE

Attachment H

AST Containment Structure Drawings

Attachment H

AST Containment Structure Drawings

NOT APPLICABLE

Attachment I

20% or Less Impervious Cover Waiver

Attachment I

20% Or Less Impervious Cover Waiver

NOT APPLICABLE

Attachment J

BMPs for Upgradient Stormwater

Attachment J

BMPs For Upgradient Stormwater

The upgradient stormwater would continue to be accepted onto the project site. The stormwater runoff from the areas that are immediately upgradient of the site are currently undeveloped. No BMP's are required because the site will be re-vegetated after construction is complete.

Attachment K

BMPs for On-site Stormwater

BMPs FOR ON-SITE STORMWATER

The proposed Cibolo Creek Estates is less than 20% impervious cover, therefore no permanent BMPs are required for the runoff entering the unnamed contributors to the Indian Creek.

Attachment L

BMPs for Surface Streams

Attachment L

BMPs for Surface Streams

The proposed Cibolo Creek Estates is less than 20% impervious cover, therefore no filtration is required for the runoff entering into the Indian Creek.

Attachment M

Construction Plans

Attachment M

Construction Plans

NOT APPLICABLE

Inspection, Maintenance, Repair and Retrofit Plan

Attachment N

Inspection, Maintenance, Repair and Retrofit Plan

NOT APPLICABLE

Attachment O

Pilot-Scale Field Testing Plan

Attachment O

Pilot-Scaled Field Testing Plan

NOT APPLICABLE

Measures for Minimizing Surface Stream Contamination

Measures for Minimizing Surface Stream Contamination

The BMPs for the construction of this project will be the use of rock berms and silt fencing. The following inspection and maintenance procedures will be implemented:

1. Silt fencing and rock berms must be in place prior to the start of construction and will remain in place until construction has been complete and the site stabilized from further erosion.
2. The contractor will inspect the rock berms and silt fencing at least once a week and within 24 hours of a storm of 0.5 inches or more in depth. The contractor will repair or replace any damaged TBMPs. The contractor shall correct damage or deficiencies as soon as practical after the inspection but no later than 7 days after the inspection.
3. Contractor will place trench excavation on the upgradient side of the trench.
4. All soil, sand, gravel, and excavated material stockpiled on-site will have appropriately sized silt fencing placed upgradient and down gradient.
5. The contractor will keep a record of the weekly inspections, noting the condition of the rock berms, silt fencing and construction entrance and any corrective action taken to maintain the erosion control structures. In addition to the inspection and maintenance reports, the operator should keep records of the construction activity on-site, in particular, the following information should be kept.
 - A. The dates when major grading activities occur in a particular area.
 - B. The dates when construction activities cease in an area, temporarily or permanently.
 - C. The dates when an area is stabilized, temporarily or permanently.
 - D. Records to be maintained in SWPPP.

Storm Water Pollution Prevention Plan

In This Section

T.P.D.E.S. Storm Water Pollution Prevention Plan – Note

Phase I TPDES Checklist

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Storm Water Pollution Prevention Plan

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Attachment I

Permit Requirements
(TPDES General Permit – March 5, 2003)

**T.P.D.E.S. STORM WATER
POLLUTION PREVENTION PLAN
TO ACCOMPANY
CIBOLO CREEK ESTATES**

**AMMANN RD.
Bulverde, Texas**

NOTE:

The information included within this report in no way relieves the permittee from compliance with all regulations of the TPDES General Permit TXR 150000. The complete regulations are available in the March 5, 2013 TPDES General Permit as well as within Attachment "F" of this report.

The General Contractor shall retain this Pollution Prevention Plan, inspection and maintenance reports, plan modifications, and other related documentation on-site for representatives of the EPA, TCEQ, The State of Texas, or the City of Seguin to inspect upon request. Copies of this Storm Water Pollution Prevention Plan and all other reports required by the TPDES Permit, as well as all of the data used to complete the NOI (Notice of Intent), shall be retained for a period of three (3) years beginning after completion of final site stabilization by the General Contractor.

July 2013

M & S Engineering, Ltd.
P. O. Box 970
Spring Branch, Texas 78070
Tel 830/228-5446
Fax 830-885-2170

**PHASE I
(= or > 5 ACRES)
TPDES CHECKLIST**

Date
Completed

Consultant shall deliver two binders of the SWPPP to the Construction Project Leader (CPL)

UPON INITIAL RECEIPT OF SWPPP, THE CPL SHALL:

- _____ ▪ Sign the NOI form (see Attachment C)
- _____ ▪ Send via certified mail the executed NOI to the TCEQ, with a cover letter, to the MS4 (see Attachment C)
- _____ ▪ Send via certified mail a \$100 check to the TCEQ (see Attachment C for address and form)
- _____ ▪ Insert copies of the signed forms into the 2 binders and forward the FIELD binder to the GC

PRIOR TO CONSTRUCTION START, THE GC SHALL:

- _____ ▪ Post the NOI and Posting Notice on site visible to public (See Attachment C)
- _____ ▪ Conduct a precon with the subs and review the Responsible Party form, obtain signatures from the Responsible Parties and forward a copy of these completed forms to the CPL (see Attachment D)
- _____ ▪ Provide the Responsible Party Certification to the CPL prior to mobilization
- _____ ▪ Make sure the controls are in place prior to allowing the construction to proceed

DURING CONSTRUCTION, THE GC SHALL:

- _____ ▪ Conduct additional Responsible Party meetings as new contractors are introduced to the site
- _____ ▪ Conduct inspections of the controls every 7 days or within 24 hours of a ½" rain or greater, complete the report and perform any corrective actions within 48 hours
- _____ ▪ Submit inspection records monthly to the CPL with pay requests – a minimum of 2 inspections should occur during a month and until grass is established, inspections and management of the controls will need to continue (see Attachment E). Inspection reports shall be signed by GC's superintendent and owner.
- _____ ▪ If disturbed areas will be left untouched for more that 21 days, temporary stabilization is required to be installed by the 14th day.

UPON CONSTRUCTION COMPLETION:

- _____ ▪ Once grass is established to within 70%, CPL shall sign the NOT form and send via certified mail to the TCEQ (see attachment F)
- _____ ▪ The GC will provide the FIELD binder with the original inspection reports to the CPL as part of Close Out

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GENERAL INFORMATION

Project Name and Location: Cibolo Creek Estates
Bulverde, Texas
Latitude: **029° 45' 58" N**
Longitude: **098° 28' 35" W**

Owner Name and Address: Cibolo Creek Estates, LLC
P.O. Box 91093
San Antonio, Texas 78163

SITE DESCRIPTION

Description of Existing Conditions

The project site is located within the city's limits of Bulverde. Refer to vicinity map located in Attachment A.

Description of Activities

The scope of this project is the construction/development of a single private road that will provide access to 10+ acre lots.

Sequence of Major Activities

Below is a general sequence of events to be followed throughout each phase. There may be an event, which is not applicable to the proposed work as described on the relevant construction documents for a particular phase and as such should be disregarded:

1. Install erosion and sedimentation controls (i.e. Silt Fences and Stabilized Construction Entrances) as indicated on the approved construction plans
2. Begin site clearing
3. Construct roadways
4. Install Landscaping or hydromulch to disturbed areas
5. Re-vegetate disturbed areas
6. Remove temporary erosion and sedimentation controls

Total Site Area/Total Disturbed Area

The subdivision of Cibolo Creek Estates is 119.56 acres. The area of disturbance for the subdivision is 6.58 acres of the total 119.56 acres. This disturbance consists of a private road, driveway and parking.

Existing Soils Data

The information presented below is derived from the United States Department of Agriculture – Soil Conservation Service.

AnB—Anhalt clay, 1 to 3 percent slopes

Map Unit Setting

Landscape: Plateaus *Elevation:* 1,200 to 2,200 feet *Mean annual precipitation:* 25 to 32 inches *Mean annual air temperature:* 63 to 70 degrees F *Frost-free period:* 230 to 240 days

Map Unit Composition

Anhalt and similar soils: 85 percent *Minor components:* 15 percent

Description of Anhalt Setting

Landform: Plains *Down-slope shape:* Linear *Across-slope shape:* Linear *Parent material:* Residuum weathered from limestone

Properties and qualities

Slope: 1 to 3 percent *Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock *Drainage class:* Well drained *Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr) *Depth to water table:* More than 80 inches *Frequency of flooding:* None *Frequency of ponding:* None *Calcium carbonate, maximum content:* 15 percent *Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm) *Available water capacity:* Low (about 4.8 inches)

Interpretive groups

Farmland classification: All areas are prime farmland *Land capability (nonirrigated):* 3e *Hydrologic Soil Group:* D *Ecological site:* Deep Redland 29-35" PZ (R081CY358TX)

Typical profile

0 to 23 inches: Clay *23 to 32 inches:* Clay *32 to 35 inches:* Bedrock

Minor Components Unnamed, minor components

Percent of map unit: 15 percent

BrB—Bolar clay loam, 1 to 3 percent slopes

Map Unit Setting

*Landscape: Hills Elevation: 1,000 to 1,900 feet Mean annual precipitation: 20 to 36 inches
Mean annual air temperature: 64 to 68 degrees F Frost-free period: 220 to 240 days*

Map Unit Composition

Bolar and similar soils: 85 percent Minor components: 15 percent

Description of Bolar Setting

*Landform: Ridges Landform position (two-dimensional): Backslope, footslope, summit
Landform position (three-dimensional): Interfluvium Down-slope shape: Convex Across-slope shape: Convex Parent material: Residuum weathered from limestone*

Properties and qualities

*Slope: 1 to 3 percent Depth to restrictive feature: 20 to 40 inches to paralithic bedrock
Drainage class: Well drained Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high
(0.06 to 1.98 in/hr) Depth to water table: More than 80 inches Frequency of flooding: None Frequency of ponding: None Calcium carbonate, maximum content: 60 percent Available water capacity: Low (about 4.2 inches)*

Interpretive groups

*Farmland classification: All areas are prime farmland Land capability (nonirrigated): 2e
Hydrologic Soil Group: C Ecological site: Clay Loam 29-35" PZ (R081CY357TX)*

Typical profile

0 to 14 inches: Clay loam 14 to 28 inches: Clay loam 28 to 30 inches: Bedrock

Minor Components Unnamed, minor components

Percent of map unit: 15 percent

DeB—Denton silty clay, 1 to 3 percent slopes

Map Unit Setting

Landscape: Plateaus *Elevation:* 700 to 1,500 feet *Mean annual precipitation:* 28 to 34 inches *Mean annual air temperature:* 64 to 68 degrees F *Frost-free period:* 220 to 250 days

Map Unit Composition

Denton and similar soils: 85 percent *Minor components:* 15 percent

Description of Denton Setting

Landform: Plains *Down-slope shape:* Linear *Across-slope shape:* Linear *Parent material:* Residuum weathered from limestone

Properties and qualities

Slope: 1 to 3 percent *Depth to restrictive feature:* 31 to 60 inches to lithic bedrock
Drainage class: Well drained *Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr) *Depth to water table:* More than 80 inches
Frequency of flooding: None *Frequency of ponding:* None *Calcium carbonate, maximum content:* 30 percent *Available water capacity:* Low (about 5.0 inches)

Interpretive groups

Farmland classification: All areas are prime farmland *Land capability (nonirrigated):* 2e
Hydrologic Soil Group: D *Ecological site:* Clay Loam 29-35" PZ (R081CY357TX)

Typical profile

0 to 14 inches: Silty clay *14 to 33 inches:* Silty clay *33 to 40 inches:* Bedrock

Minor Components Unnamed, minor components

Percent of map unit: 15 percent

DeC3—Denton silty clay, 1 to 5 percent slopes, eroded

Map Unit Setting

Landscape: Plateaus *Elevation:* 700 to 1,500 feet *Mean annual precipitation:* 28 to 34 inches *Mean annual air temperature:* 64 to 68 degrees F *Frost-free period:* 220 to 250 days

Map Unit Composition

Denton, eroded, and similar soils: 85 percent *Minor components:* 15 percent

Description of Denton, Eroded Setting

Landform: Plains *Down-slope shape:* Linear *Across-slope shape:* Linear *Parent material:* Residuum weathered from limestone

Properties and qualities

Slope: 1 to 5 percent *Depth to restrictive feature:* 31 to 60 inches to lithic bedrock
Drainage class: Well drained *Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr) *Depth to water table:* More than 80 inches
Frequency of flooding: None *Frequency of ponding:* None *Calcium carbonate, maximum content:* 30 percent *Available water capacity:* Low (about 4.7 inches)

Interpretive groups

Farmland classification: Not prime farmland *Land capability (nonirrigated):* 3e
Hydrologic Soil Group: D *Ecological site:* Clay Loam 29-35" PZ (R081CY357TX)

Typical profile

0 to 14 inches: Silty clay *14 to 31 inches:* Silty clay *31 to 40 inches:* Bedrock

Minor Components Unnamed, minor components

Percent of map unit: 15 percent

KrA—Krum clay, 0 to 1 percent slopes

Map Unit Setting

Landscape: Plains, river valleys *Elevation:* 600 to 1,300 feet *Mean annual precipitation:* 26 to 36 inches *Mean annual air temperature:* 63 to 70 degrees F *Frost-free period:* 230 to 250 days

Map Unit Composition

Krum and similar soils: 85 percent *Minor components:* 15 percent

Description of Krum Setting

Landform: Stream terraces, stream terraces *Landform position (three-dimensional):* Tread *Down-slope shape:* Linear *Across-slope shape:* Convex *Parent material:* Clayey alluvium of pleistocene age derived from mixed sources

Properties and qualities

Slope: 0 to 1 percent *Depth to restrictive feature:* More than 80 inches *Drainage class:* Well drained *Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr) *Depth to water table:* More than 80 inches *Frequency of flooding:* None *Frequency of ponding:* None *Calcium carbonate, maximum content:* 50 percent *Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm) *Sodium adsorption ratio, maximum:* 3.0 *Available water capacity:* High (about 9.3 inches)

Interpretive groups

Farmland classification: All areas are prime farmland *Land capability (nonirrigated):* 2s *Hydrologic Soil Group:* C *Ecological site:* Clay Loam 28-40" PZ (R086AY199TX)

Typical profile

0 to 19 inches: Clay *19 to 49 inches:* Clay *49 to 80 inches:* Clay

Minor Components Unnamed, minor components

Percent of map unit: 15 percent

PuC—Purves clay, 1 to 5 percent slopes

Map Unit Setting

Landscape: Plateaus Elevation: 400 to 1,800 feet Mean annual precipitation: 27 to 37 inches Mean annual air temperature: 64 to 68 degrees F Frost-free period: 210 to 240 days

Map Unit Composition

Purves and similar soils: 85 percent Minor components: 15 percent

Description of Purves Setting

Landform: Plains Down-slope shape: Convex Across-slope shape: Linear Parent material: Residuum weathered from limestone

Properties and qualities

Slope: 1 to 5 percent Depth to restrictive feature: 8 to 20 inches to lithic bedrock Drainage class: Well drained Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr) Depth to water table: More than 80 inches Frequency of flooding: None Frequency of ponding: None Calcium carbonate, maximum content: 40 percent Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm) Available water capacity: Very low (about 2.8 inches)

Interpretive groups

Farmland classification: Not prime farmland Land capability (nonirrigated): 4e Hydrologic Soil Group: D Ecological site: Shallow 29-35" PZ (R081CY574TX)

Typical profile

0 to 19 inches: Clay 19 to 22 inches: Bedrock

Minor Components Unnamed, minor components

Percent of map unit: 15 percent

RcD—Real-Comfort-Doss complex, 1 to 8 percent slopes

Map Unit Setting

Landscape: Plateaus Elevation: 900 to 2,300 feet Mean annual precipitation: 23 to 36 inches Mean annual air temperature: 64 to 70 degrees F Frost-free period: 210 to 260 days

Map Unit Composition

Real and similar soils: 40 percent Comfort and similar soils: 30 percent Doss and similar soils: 20 percent Minor components: 10 percent

Description of Real Setting

Landform: Plains Down-slope shape: Convex Across-slope shape: Convex Parent material: Residuum weathered from limestone

Properties and qualities

Slope: 1 to 8 percent Depth to restrictive feature: 8 to 20 inches to paralithic bedrock Drainage class: Well drained Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr) Depth to water table: More than 80 inches Frequency of flooding: None Frequency of ponding: None Calcium carbonate, maximum content: 70 percent Available water capacity: Very low (about 0.6 inches)

Interpretive groups

Farmland classification: Not prime farmland Land capability (nonirrigated): 6s Hydrologic Soil Group: D Ecological site: Adobe 29-35" PZ (R081CY355TX)

Typical profile

0 to 4 inches: Gravelly loam 4 to 8 inches: Very gravelly loam 8 to 24 inches: Bedrock

Name of Receiving Water

The direct runoff from the site drains into Indian Creek.

CONTROLS

General

Sediment will be retained on site to the maximum extent practicable. Control measures will be properly selected, installed, and maintained in accordance with manufacturer's specifications and good engineering practice. If controls are damaged or rendered

ineffective, the erosion and sediment controls will be repaired or replaced immediately. When dewatering (pumping) the site, the sediment-laden discharge will be detained for a sufficient time to allow the majority of the sediment to settle out. Direct discharge into a storm sewer will not be allowed.

Permanent Stabilization Practices

Disturbed pervious portions of the site where construction activity permanently ceases will be stabilized with vegetation as noted within the project construction documents or by means of broadcast or hydraulic seeding¹ for areas not covered by the project construction documents no later than 14 days after the last disturbance. A minimum of four (4) inches of topsoil will be placed within these disturbed pervious portion, and between the curb and Right-of-Way Line.

Table 1: Seeding/Hydromulching Requirements

<u>Description</u>	<u>Broadcast Seeding</u>		<u>Hydraulic Seeding</u>	
	<u>March 2 to Sept. 14</u>	<u>Sept. 15 to March 1</u>	<u>March 2 to Sept. 14</u>	<u>Sept. 15 to March 1</u>
Seeds	2 lbs per 1000 sf of Hulled Bermuda	2 lbs per 1000 sf of Unhulled Bermuda & 7 lbs per 1000 sf of Winter Rye	7 lbs per 1000 sf of Hulled Bermuda	1 lbs per 1000 sf Unhulled Bermuda & 7 lbs per 1000 sf of Winter Rye
Purity	95%	95%	95%	95%
Germination	85%	90%	85%	90%
Fertilizer	Pelleted or Granular Slow Release: analysis of 15-15-15 rate of 1 lb per 1000 sf		Water Soluble Fertilizer: analysis of 15-15-15 rate of 1 to 1.5 lbs per 1000 sf	
Mulch Type	Hay straw, or mulch applied at a rate of 45 lbs per 1000 sf with a Soil Tackifier at a rate of 1.4 lbs per 1000 sf			

Temporary Stabilization Practices

Exposed soils will have textures soil surfaces to reduce sheet flow and improve surface water impoundment. Existing trees and vegetation will be left in any areas which are not to be regarded to the maximum extent possible¹.

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable. Where construction activity

¹ See Table 1: "Seeding/Hydromulch Requirements"

on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site. In areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

Temporary Structural Practices

Silt fencing shall be incorporated throughout the construction process. The placement of the silt fencing shall be perpendicular to runoff flow. Refer to project construction documents for quantity, timing of placement and actual locations of these erosion control devices. In areas where silt fencing is to be situated but is non-installable, high service rock berms shall be incorporated.

The EPA General Permit requires that, where it is attainable, a temporary or permanent sediment basin be installed in any drainage location where more than 10 acres in the upstream drainage area are disturbed at one time. Based on the phasing of construction it is anticipated that this requirement will not be met. But if more than 10 acres are disturbed, a sediment basin shall be installed. The sediment basin must provide at least 3,600 cubic feet of storage for every acre of land, which it drains (flows from upland areas that are undisturbed may be diverted around the basin). For drainage locations with 10 or fewer disturbed acres, sediment traps, filter fences, or equivalent measures must be installed along the downhill boundary of the construction site.

Stabilized construction entrances will be employed during the construction of this site to help minimize vehicle tracking of sediments. Paved streets adjacent to these site entrances shall be cleaned regularly to remove any excess mud, dirt or rock tracked from the site. Refer to the project construction documents for actual locations of these erosion control devices. Staging areas will be utilized in locations as decided by the project general contractor and validated by the civil engineer. If the contractor determines the need for additional stabilized construction entrances, construction staging areas or pits, their locations shall be agreed upon by the contractor and the engineer.

Storm Water Management

The site is made up of 4 drainage basins. The 4 drain into Indian Creek which runs through the property and exits to the east. The small amount of impervious cover added to the overall drainage area does not significantly increase stormwater discharges from the site. Therefore no detention is planned for this project.

Neither this site, nor the surrounding parcels of land, are listed on the National Register of Historic Places and therefore adverse effects from storm water discharges or related activities will be non-existent.

Other Controls

All waste materials will be collected and disposed of in accordance with applicable local and state solid waste management regulations. All personnel shall be instructed regarding the correct procedure for waste disposal.

Sanitary waste shall be regularly collected from portable units by a licensed sanitary waste management contractor.

Hazardous Waste Practices

No hazardous waste is expected to be generated or encountered in this project. In the event that hazardous wastes are encountered, they will be disposed of in the manner specified by local or state regulations. Spills of hazardous waste in amounts that equal or exceed Reportable Quantity (RQ), as defined by the EPA through issued regulations (40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302), will be handled in the following steps:

1. Notify the National Response Center immediately at 1-800-424-8802.
2. Submit a written description of the release to the EPA Region 6 office providing the date and circumstances of the release and the steps to be taken to prevent another release:
Attn: Hazardous Waste Dept.
1445 Roos Ave. STE 1200
Dallas, TX 75202
1-214-665-2224 (Region 6 Emergency Line)
3. Modify this Storm water Pollution Prevention Plan to include the information dealing with, and the steps needed to correct, the encountered hazardous waste spill.

The following practices will be used to reduce the risks associated with hazardous materials, if hazardous materials are needed for the work:

1. Products will be kept in original containers unless they are not resealable.
2. Original labels and material safety data will be retained.
3. If surplus product must be disposed of, manufacturers' or local and state recommended methods for proper disposal will be followed.

INSPECTIONS

Each container will designate a qualified person (or persons) to perform the following inspections:

1. Disturbed areas and areas used for storage of materials that are exposed to precipitation will be inspected for evidence of, or the potential for, pollutants entering the drainage system.
2. Erosion and sediment control measures identified in the plan will be observed to ensure that they are operating correctly.
3. Where discharge locations are points are accessible, they will be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters.
4. Locations where vehicles enter or exit the site will be inspected for evidence of off-site sediment tracking.
5. Permanent seeding and planting will be inspected for bare spots, washouts and unhealthy growth.

The inspection shall be conducted by the responsible person at least once every seven (7) calendar days and within 24 hours after a storm providing $\frac{1}{2}$ inches of rainfall or greater. If one or more of the following conditions apply, the frequency of inspections shall be conducted at least once every month:

1. The site has been either finally or temporarily stabilized.
2. Where runoff is unlikely due to winter conditions (i.e. site is covered with snow, ice, or where frozen ground exists).
3. During seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches).

The information required within an inspection and maintenance report is as follows:

1. summary of the scope of the inspection
2. name(s) and qualification of personnel making the inspection
3. the date(s) of the inspection
4. Major observations relating to the implementation of the storm water pollution prevention plan
5. changes required to correct damages or deficiencies in the control measures

In addition to the required routine inspections, the following record of information will also be maintained:

1. The dates when major grading activities occur.
2. The dates when construction activities temporarily or permanently cease on a portion of the site.
3. The dates when stabilization measures are initiated.

Inspection and maintenance reports as well as all records required by this storm water pollution prevention plan shall become part of the storm water pollution plan. Copies of example forms to be used for the inspection and maintenance reports as well as related records are included as Attachment E.

MAINTENANCE

Based on the results of the inspection, any changes required to correct damages or deficiencies in the control measures shall be made within seven (7) calendar days after the inspection. If existing stabilization/erosion controls need modification or additional stabilization/erosion controls are necessary, implementation shall be achieved prior to the next anticipated storm event. If, however, the execution of this requirement becomes impractical, then the implementation will occur as soon as possible, with the incident duly noted with an explanation of the impracticality, in the inspection report.

Sediment accumulation at each control will be removed and properly disposed when the depth of accumulation equals or exceeds six (6) inches. If sediment accumulation is found to be contaminated, its disposal shall be off-site in a manner, which conforms to the appropriate applicable regulations.

NON-STORM WATER DISCHARGES

The materials listed below are anticipated to be present on-site during construction:

1. Concrete
2. Tar
3. Fertilizers
4. Petroleum based products
5. Wood
6. Masonry
7. Fuel
8. Lubricants

Material management practices will be utilized to reduce the risk of spills, or other accidental exposure of the materials listed above to storm water runoff, including the following:

1. An effort shall be made to store only enough products required to complete the work as so defined in the approved construction documents.
2. All materials stored on-site shall be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
3. Products should be kept in their original containers with the original manufacturer's label.
4. Manufacturer's recommendations for proper use and disposal shall be followed.
5. Substances shall not be mixed with one another unless recommended by the manufacturer.
6. Whenever possible, all of a product shall be used before disposing of its respective container.
7. The site superintendent should inspect daily to ensure proper use and disposal of on-site materials.

These practices will be used to reduce the risks associated with hazardous materials, if hazardous materials are used.

1. Products will be kept in original containers unless they are not resealable.
2. Original labels and material safety data information will be retained.
3. If surplus product must be disposed of, manufacturers' or local and state recommended methods for proper disposal will be followed.

Cibolo Creek Estates
P.O. Box 91093
San Antonio, TX. 78209

Owner/Developer Certification

"I certify under penalty of law that I understand the terms and conditions of the general Texas Pollutant Discharge Elimination System (TPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

CIBOLO CREEK ESTATES, LLC

Firm

DAMON THORPE

Printed Name

Dan Thorpe
Signature

BROKER ASSOCIATE

Title

JULY 23, 2013

Date

Cibolo Creek Estates
P.O. Box 91093
San Antonio, TX. 78209

Contractor/Subcontractor Certification

“I certify under penalty of law that I understand the terms and conditions of the general Texas Pollutant Discharge Elimination System (TPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.”

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: General Contractor
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

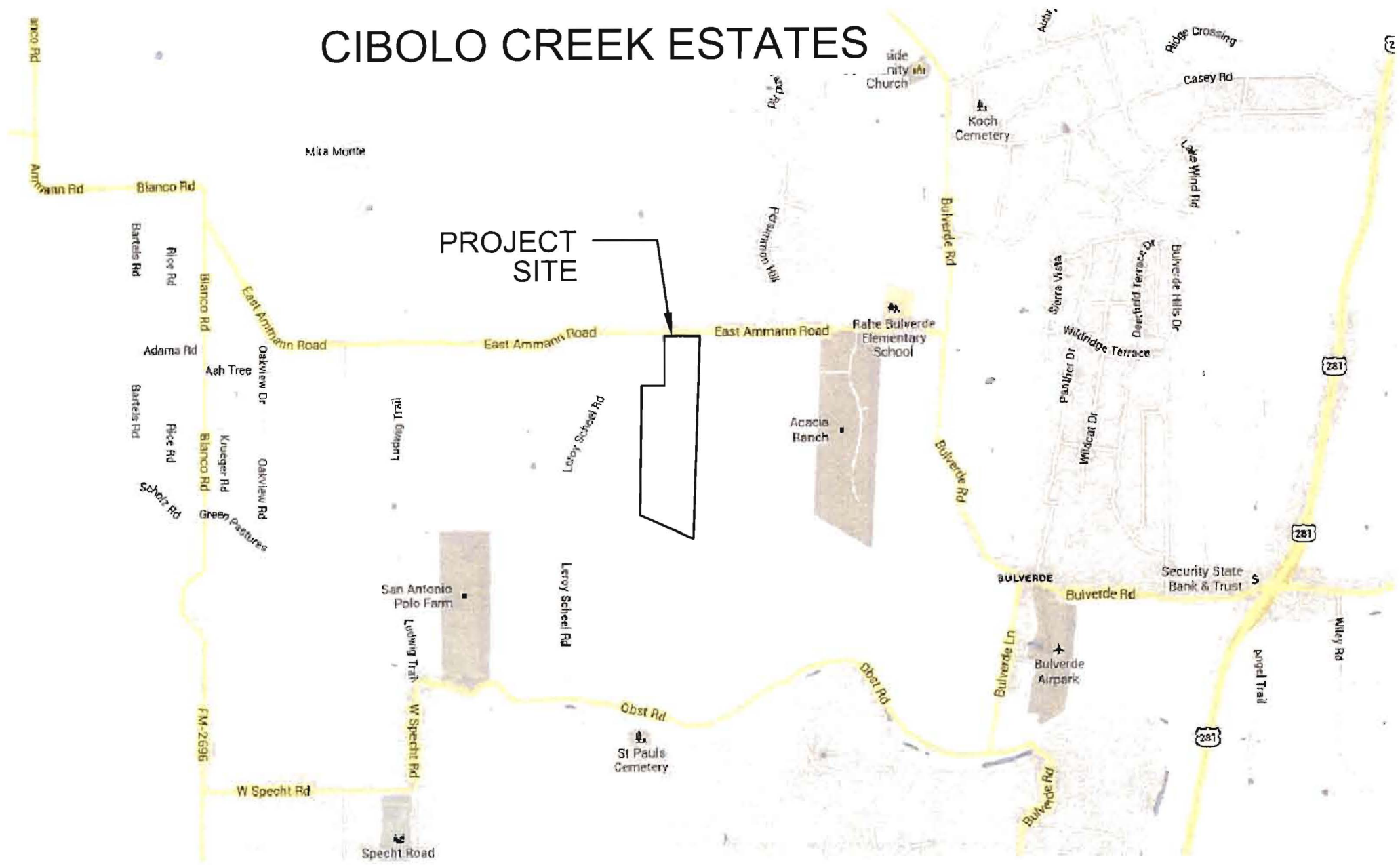
ATTACHMENT A

VICINITY MAP

STORM WATER POLLUTION PREVENTION PLAN

CIBOLO CREEK ESTATES

PROJECT SITE



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
WATER POLLUTION ABATEMENT PLAN
GENERAL CONSTRUCTION NOTES

- WRITTEN CONSTRUCTION NOTIFICATION MUST BE GIVEN TO THE APPROPRIATE TCEQ REGIONAL OFFICE NO LATER THAN 48 HOURS PRIOR TO COMMENCEMENT OF THE REGULATED ACTIVITY. INFORMATION MUST INCLUDE THE DATE ON WHICH THE REGULATED ACTIVITY WILL COMMENCE, THE NAME OF THE APPROVED PLAN FOR THE REGULATED ACTIVITY, AND THE NAME OF THE PRIME CONTRACTOR AND THE NAME AND TELEPHONE NUMBER OF THE CONTACT PERSON.
- ALL CONTRACTORS CONDUCTING REGULATED ACTIVITIES ASSOCIATED WITH THIS PROJECT MUST BE PROVIDED WITH COMPLETE COPIES OF THE APPROVED WATER POLLUTION ABATEMENT PLAN AND THE TCEQ LETTER INDICATING THE SPECIFIC CONDITIONS OF ITS APPROVAL. DURING THE COURSE OF THESE REGULATED ACTIVITIES, THE CONTRACTORS ARE REQUIRED TO KEEP ON-SITE COPIES OF THE APPROVED PLAN AND APPROVAL LETTER.
- IF ANY SENSITIVE FEATURE IS DISCOVERED DURING CONSTRUCTION, ALL REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MUST BE SUSPENDED IMMEDIATELY. THE APPROPRIATE TCEQ REGIONAL OFFICE MUST BE IMMEDIATELY NOTIFIED OF ANY SENSITIVE FEATURES ENCOUNTERED DURING CONSTRUCTION. THE REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MAY NOT PROCEED UNTIL THE TCEQ HAS REVIEWED AND APPROVED THE METHODS PROPOSED TO PROTECT THE SENSITIVE FEATURE AND THE EDWARDS AQUIFER FROM ANY POTENTIALLY ADVERSE IMPACTS TO WATER QUALITY.
- NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANK SYSTEM IS INSTALLED WITHIN 150 FEET OF A DOMESTIC, INDUSTRIAL, IRRIGATION, OR PUBLIC WATER SUPPLY WELL, OR OTHER SENSITIVE FEATURE.
- PRIOR TO COMMENCEMENT OF CONSTRUCTION, ALL TEMPORARY EROSION AND SEDIMENTATION (E&S) CONTROL MEASURES MUST BE PROPERLY SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND GOOD ENGINEERING PRACTICES. CONTROLS SPECIFIED IN THE TEMPORARY STORM WATER SECTION OF THE APPROVED EDWARDS AQUIFER PROTECTION PLAN ARE REQUIRED DURING CONSTRUCTION. IF INSPECTIONS INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE CONTROLS MUST REMAIN IN PLACE UNTIL DISTURBED AREAS ARE REVEGETATED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.
- IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFFSITE IMPACTS TO WATER QUALITY (E.G., FUGITIVE SEDIMENT IN STREET BEING WASHED INTO SURFACE STREAMS OR SENSITIVE FEATURES BY THE NEXT RAIN).
- SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS NOT LATER THAN WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%. A PERMANENT STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT OCCUPIES 50% OF THE BASIN VOLUME.
- LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER SHALL BE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES (E.G., SCREENING OUTFALLS, PICKED UP DAILY).
- ALL SPOILS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE MUST BE STORED ON-SITE WITH PROPER E&S CONTROLS. FOR STORAGE OR DISPOSAL OF SPOILS AT ANOTHER SITE ON THE EDWARDS AQUIFER RECHARGE ZONE, THE OWNER OF THE SITE MUST RECEIVE APPROVAL OF A WATER POLLUTION ABATEMENT PLAN FOR THE PLACEMENT OF FILL MATERIAL OR MASS GRADING PRIOR TO THE PLACEMENT OF SPOILS AT THE OTHER SITE.
- STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS PRECLUDED BY WEATHER CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 21 DAYS. TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF SITE, IN AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IS PRECLUDED BY SEASONAL ARID CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
- THE FOLLOWING RECORDS SHALL BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ UPON REQUEST: THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR; THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE ON A PORTION OF THE SITE; AND THE DATES WHEN STABILIZATION MEASURES ARE INITIATED.
- THE HOLDER OF ANY APPROVED EDWARDS AQUIFER PROTECTION PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:
 - ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY WATER POLLUTION ABATEMENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO PONDS, DAMS, BERMS, SEWAGE TREATMENT PLANTS, AND DIVERSIONARY STRUCTURES;
 - ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED OR A CHANGE WHICH WOULD SIGNIFICANTLY IMPACT THE ABILITY OF THE PLAN TO PREVENT POLLUTION OF THE EDWARDS AQUIFER;
 - ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED AS UNDEVELOPED IN THE ORIGINAL WATER POLLUTION ABATEMENT PLAN.

AUSTIN REGIONAL OFFICE
2800 S. IH 35, SUITE 100
AUSTIN, TEXAS 78704-5712
PHONE (512) 339-2929
FAX (512) 339-3795

SAN ANTONIO REGIONAL OFFICE
14250 JUDDSON ROAD
SAN ANTONIO, TEXAS 78233-4480
PHONE (210) 490-3096
FAX (210) 545-4329

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

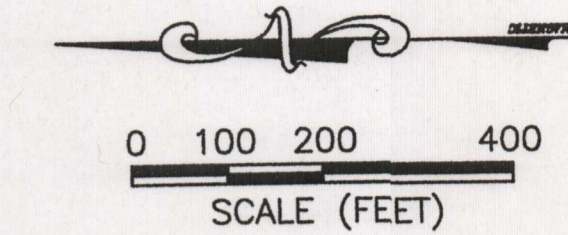
TEMPORARY BMP NOTE:
SEE ATTACHED SHEETS FOR TEMPORARY BMP DETAILS. ADDITIONAL BMP DETAILS PROVIDED BUT NOT CALLED OUT ON PLANS MAY BE USED AT CONTRACTOR'S DISCRETION.

SOIL DISTURBANCE NOTE
SOIL DISTURBANCES WILL OCCUR TO CLEARING, GRUBBING, AND GRADING OF AREAS TO BE USED FOR THE RESIDENTIAL LOTS, ROADS, ROAD RIGHT-OF-WAY, AND DETENTION POND. THESE DISTURBANCES CAN BE ATTRIBUTED TO, BUT NOT LIMITED TO, CLEARING AND GRUBBING RELATED TO BUILDING PAD, DRIVEWAY, UTILITY INSTALLATION, AND LANDSCAPE PREPARATION. THE REMAINING PORTIONS OF THE SITE NOT INVOLVED IN ANY OF THESE ACTIVITIES WILL REMAIN UNDISTURBED.
TEMPORARY GRAVEL CONSTRUCTION ENTRANCE SHALL BE INSTALLED TO PROVIDE A STABLE ENTRANCE/EXIT CONDITION FROM THE CONSTRUCTION SITE TO KEEP MUD AND SEDIMENT OFF PUBLIC ROADWAYS (REFER TO THE EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION INFORMATION).

SOIL STABILIZATION NOTE
TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO STABILIZE DISTURBED AREAS (REFER TO EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION OF EROSION CONTROL MEASURES). TRAFFIC WILL BE ROUTED AROUND THESE AREAS TO REDUCE THE EXTENT OF DISTURBED AREAS BY REDUCING SEDIMENT LOADS TO SURFACE WATER.
BARE SOILS SHOULD BE SEED OR OTHERWISE STABILIZED WITHIN 14 CALENDAR DAYS AFTER FINAL GRADING OR WHERE CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED FOR MORE THAN 21 DAYS.
MULCHING/MATS CAN BE USED TO PROTECT THE DISTURBED AREAS WHILE VEGETATION BECOMES ESTABLISHED.

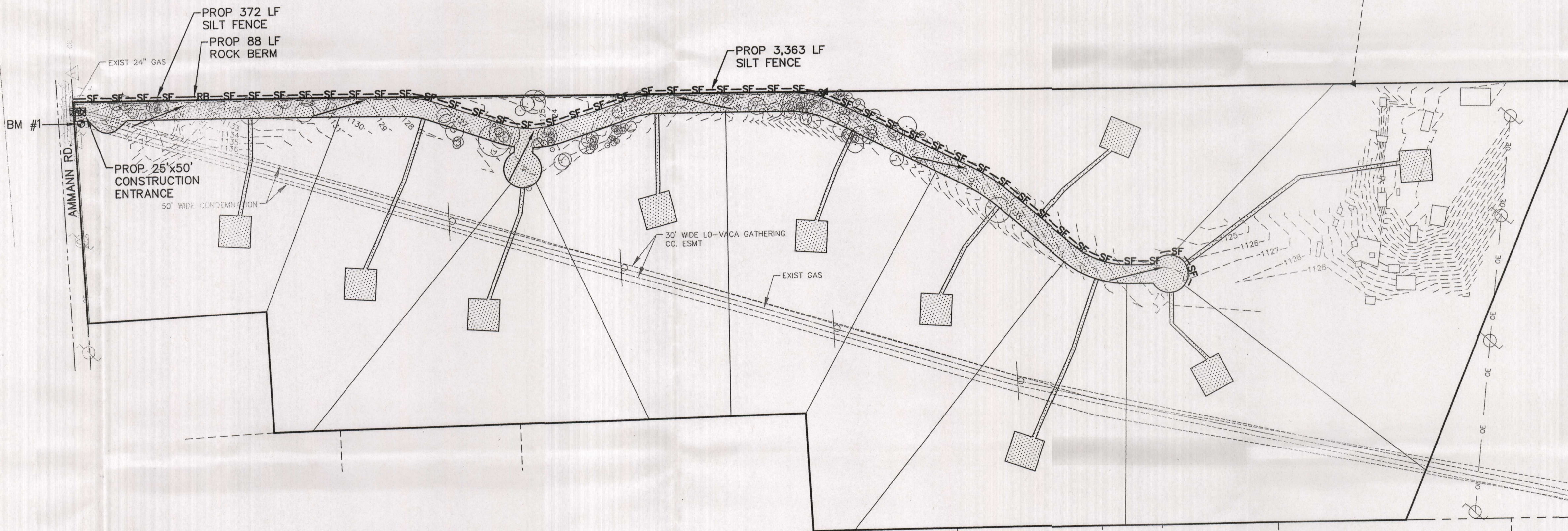
LEGEND:

- EXIST PROPERTY BOUNDARY
- - - 300 - - - EXIST CONTOUR
- PROP PROJECT LIMITS
- PROP WATER FLOW DIRECTION
- SF-SF-SF- PROP SILT FENCE
- RB-RB-RB- PROP ROCK BERM
- [Pattern] CONSTRUCTION ENTRANCE/EXIT
- [Pattern] POTENTIAL AREA OF DISTURBANCE (ACTUAL LOCATION TO BE DETERMINED BY LOT OWNER)



BENCHMARK INFORMATION

BM #1
X = 2134865.2136
Y = 13826476.6546
ELEV = 1135.14



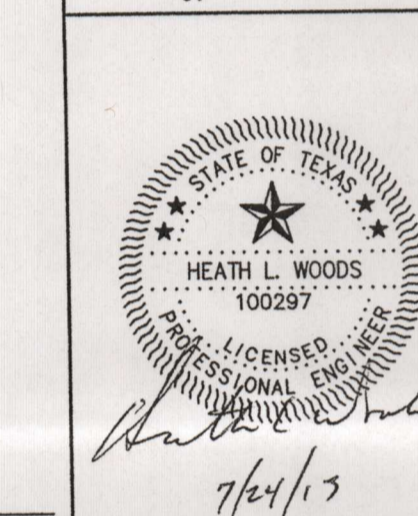
TCEQ-R13
MAY - 8 2003
SAN ANTONIO

REVISIONS

NO.	DATE	DESCRIPTION

BRANCH OFFICES
M & S
P.O. BOX 391
MCQUEENEY, TEXAS 78123
387 WEST MILL STREET
NEW BRAUNFELS, TEXAS 78130
ENGINEERING, L.L.C.
ENGINEERS, PLANNERS, AND SURVEYORS
TEXAS REGISTERED ENGINEERING FIRM #1-194

MAIN OFFICE
P.O. BOX 970
SPRING BRANCH, TEXAS 78070
PHONE # (830) 858-5446
FAX # (830) 858-2170



CIBOLO CREEK ESTATES

CZP - SITE PLAN

JOB: 12BLKBR001
DATE: JULY 2013
SCALE: H: 1" = 200'
INTERNAL REVIEW:
DESIGN: [Signature]
PEER:
PM:
DM:
OTHER:

SHEET:
1 OF 2

ATTACHMENT B

EROSION AND SEDIMENTATION CONTROL DETAILS

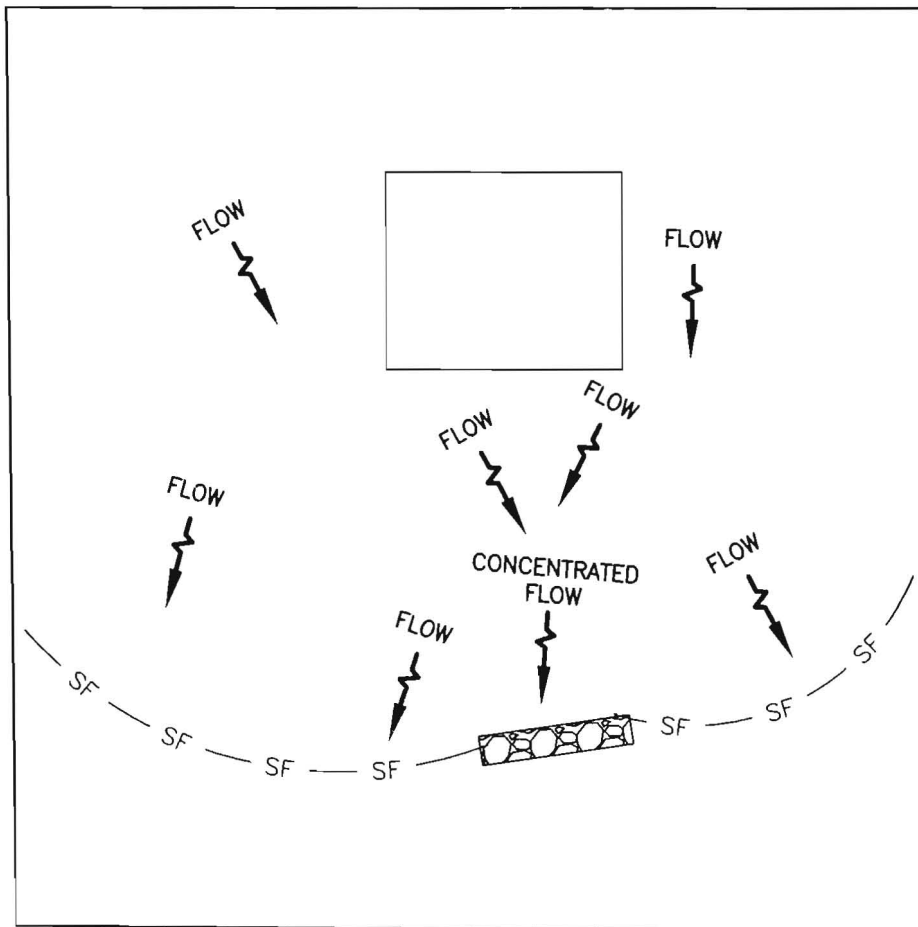
**SILT FENCE DETAIL
(EXHIBIT A1)**

**TRIANGULAR FILTER DIKE DETAIL
(EXHIBIT A2)**




**ROCK BERM DETAIL
(EXHIBIT A3)**

**STABILIZED CONSTRUCTION ENTRANCE DETAIL
(EXHIBIT A4)**

**TREE PROTECTION CONTRUCTION FENCE DETAIL
(EXHIBIT A5)**



LEGEND

- PROPERTY LINE
- - - - - SF - - - - - SILT FENCE
-  ROCK BERM
-  BUILDING
- - - - - DISTURBED AREA
-  FLOW DIRECTION

NOTES:

1. EACH PROPERTY OWNER IS RESPONSIBLE FOR ENSURING A STORM WATER POLLUTION PREVENTION PLAN IS DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH THE TPDES GENERAL PERMIT TXR150000. THIS PLAN MUST INCLUDE THE DESIGN AND PLACEMENT OF APPROPRIATE TEMPORARY CONTROLS SUCH AS SILT FENCE AND ROCK BERMS.
2. IF THE AVERAGE IMPERVIOUS COVER PER LOT EXCEEDS THE ASSUMPTIONS DESCRIBED IN THE APPROVED EDWARDS AQUIFER PLAN, A MODIFICATION TO THE PLAN MUST BE APPROVED PRIOR TO CONSTRUCTION.
3. THIS DETAIL PROVIDES GENERAL GUIDANCE FOR THE PLACEMENT OF CONTROLS. THESE CONTROLS SHOULD BE TAILORED TO FIT THE SPECIFIC ONSITE CONDITIONS AND THE PROPOSED CONSTRUCTION.
4. SILT FENCE SHOULD BE INSTALLED DOWN-SLOPE OF DISTURBED AREA, FOLLOWING THE CONTOUR AS CLOSELY AS POSSIBLE. THE ENDS OF THE FENCE SHOULD BE CURVED UPHILL TO CREATE AN IMPOUNDMENT AREA. THE FENCE SHOULD BE SITED SO THAT THE MAXIMUM DRAINAGE AREA IS $\frac{1}{4}$ ACRE/100 FEET OF FENCE.
5. ROCK BERMS SHOULD BE INSTALLED IN AREAS OF CONCENTRATED FLOW WITH DRAINAGE AREA NOT TO EXCEED 5 ACRES.

SOIL STABILIZATION NOTES:

6. TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO STABILIZE DISTURBED AREAS. TRAFFIC WILL BE ROUTED AROUND THESE AREAS TO REDUCE THE EXTENT OF DISTURBED AREAS BY REDUCING SEDIMENT LOADS TO SURFACE WATER.
7. BARE SOILS SHOULD BE SEEDED OR OTHERWISE STABILIZED WITHIN 14 CALENDAR DAYS AFTER FINAL GRADING OR WHERE CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED FOR MORE THAN 21 DAYS.
8. MULCHING/MATS CAN BE USED TO PROTECT THE DISTURBED AREAS WHILE VEGETATION BECOMES ESTABLISHED.

SCALE - NTS

DATE - DEC 2009

DRAWN - SRJ

SHEET - 1 of 1

TYPICAL LOT PLAN FOR TEMPORARY BMPS

MAIN OFFICE
P.O. BOX 970
SPRING BRANCH, TEXAS 78070
PHONE • (830) 228-5446
FAX • (830) 855-2170

M & S



ENGINEERING, LLC.
ENGINEERS AND PLANNERS

BRANCH OFFICE
P.O. BOX 391
MCQUEENEY, TEXAS 78123

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
WATER POLLUTION ABATEMENT PLAN

GENERAL CONSTRUCTION NOTES
1. WRITTEN CONSTRUCTION NOTIFICATION MUST BE GIVEN TO THE APPROPRIATE TCEQ REGIONAL OFFICE NO LATER THAN 48 HOURS PRIOR TO COMMENCEMENT OF THE REGULATED ACTIVITY. INFORMATION MUST INCLUDE THE DATE ON WHICH THE REGULATED ACTIVITY WILL COMMENCE, THE NAME OF THE APPROVED PLAN FOR THE REGULATED ACTIVITY, AND THE NAME OF THE PRIME CONTRACTOR AND THE NAME AND TELEPHONE NUMBER OF THE CONTACT PERSON.

2. ALL CONTRACTORS CONDUCTING REGULATED ACTIVITIES ASSOCIATED WITH THIS PROJECT MUST BE PROVIDED WITH COMPLETE COPIES OF THE APPROVED WATER POLLUTION ABATEMENT PLAN AND THE TCEQ LETTER INDICATING THE SPECIFIC CONDITIONS OF ITS APPROVAL. DURING THE COURSE OF THESE REGULATED ACTIVITIES, THE CONTRACTORS ARE REQUIRED TO KEEP ON-SITE COPIES OF THE APPROVED PLAN AND APPROVAL LETTER.

3. IF ANY SENSITIVE FEATURE IS DISCOVERED DURING CONSTRUCTION, ALL REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MUST BE SUSPENDED IMMEDIATELY. THE APPROPRIATE TCEQ REGIONAL OFFICE MUST BE IMMEDIATELY NOTIFIED OF ANY SENSITIVE FEATURES ENCOUNTERED DURING CONSTRUCTION. THE REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MAY NOT PROCEED UNTIL THE TCEQ HAS REVIEWED AND APPROVED THE METHODS PROPOSED TO PROTECT THE SENSITIVE FEATURE AND THE EDWARDS AQUIFER FROM ANY POTENTIALLY ADVERSE IMPACTS TO WATER QUALITY.

4. NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANK SYSTEM IS INSTALLED WITHIN 150 FEET OF A DOMESTIC, INDUSTRIAL, IRRIGATION, OR PUBLIC WATER SUPPLY WELL, OR OTHER SENSITIVE FEATURE.

5. PRIOR TO COMMENCEMENT OF CONSTRUCTION, ALL TEMPORARY EROSION AND SEDIMENTATION (E&S) CONTROL MEASURES MUST BE PROPERLY SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND GOOD ENGINEERING PRACTICES. CONTROLS SPECIFIED IN THE TEMPORARY STORM WATER SECTION OF THE APPROVED EDWARDS AQUIFER PROTECTION PLAN ARE REQUIRED DURING CONSTRUCTION. IF INSPECTIONS INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE CONTROLS MUST REMAIN IN PLACE UNTIL DISTURBED AREAS ARE REVEGETATED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.

6. IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFFSITE IMPACTS TO WATER QUALITY (E.G., FUGITIVE SEDIMENT IN STREET BEING WASHED INTO SURFACE STREAMS OR SENSITIVE FEATURES BY THE NEXT RAIN).

7. SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS NOT LATER THAN WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%. A PERMANENT STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT OCCUPIES 50% OF THE BASIN VOLUME.

8. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER SHALL BE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES (E.G., SCREENING OUTFALLS, PICKED UP DAILY).

9. ALL SPOILS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE MUST BE STORED ON-SITE WITH PROPER E&S CONTROLS. FOR STORAGE OR DISPOSAL OF SPOILS AT ANOTHER SITE ON THE EDWARDS AQUIFER RECHARGE ZONE, THE OWNER OF THE SITE MUST RECEIVE APPROVAL OF A WATER POLLUTION ABATEMENT PLAN FOR THE PLACEMENT OF FILL MATERIAL OR MASS GRADING PRIOR TO THE PLACEMENT OF SPOILS AT THE OTHER SITE.

10. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS PRECLUDED BY WEATHER CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 21 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF SITE. IN AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IS PRECLUDED BY SEASONAL ARID CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.

11. THE FOLLOWING RECORDS SHALL BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ UPON REQUEST: THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR, THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASE ON A PORTION OF THE SITE, AND THE DATES WHEN STABILIZATION MEASURES ARE INITIATED.

12. THE HOLDER OF ANY APPROVED EDWARDS AQUIFER PROTECTION PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:

- A. ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY WATER POLLUTION ABATEMENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO PONDS, DAMS, BERMS, SEWAGE TREATMENT PLANTS, AND DIVERSIONARY STRUCTURES;
- B. ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED OR A CHANGE WHICH WOULD SIGNIFICANTLY IMPACT THE ABILITY OF THE PLAN TO PREVENT POLLUTION OF THE EDWARDS AQUIFER;
- C. ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED AS UNDEVELOPED IN THE ORIGINAL WATER POLLUTION ABATEMENT PLAN.

AUSTIN REGIONAL OFFICE
2800 S. IH 35, SUITE 100
AUSTIN, TEXAS 78704-5712
PHONE (512) 339-2929
FAX (512) 339-3795

SAN ANTONIO REGIONAL OFFICE
14250 JUDSON ROAD
SAN ANTONIO, TEXAS 78233-4480
PHONE (210) 490-3096
FAX (210) 545-4329

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

TEMPORARY BMP NOTE:
SEE ATTACHED SHEETS FOR TEMPORARY BMP DETAILS. ADDITIONAL BMP DETAILS PROVIDED BUT NOT CALLED OUT ON PLANS MAY BE USED AT CONTRACTOR'S DISCRETION.

SOIL DISTURBANCE NOTE

SOIL DISTURBANCES WILL OCCUR TO CLEARING, GRUBBING, AND GRADING OF AREAS TO BE USED FOR THE RESIDENTIAL LOTS, ROADS, ROAD RIGHT-OF-WAY, AND DETENTION POND. THESE DISTURBANCES CAN BE ATTRIBUTED TO, BUT NOT LIMITED TO, CLEARING AND GRUBBING RELATED TO BUILDING PAD, DRIVEWAY, UTILITY INSTALLATION, AND LANDSCAPE PREPARATION. THE REMAINING PORTIONS OF THE SITE NOT INVOLVED IN ANY OF THESE ACTIVITIES WILL REMAIN UNDISTURBED.

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE SHALL BE INSTALLED TO PROVIDE A STABLE ENTRANCE/EXIT CONDITION FROM THE CONSTRUCTION SITE TO KEEP MUD AND SEDIMENT OFF PUBLIC ROADWAYS (REFER TO THE EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION INFORMATION).

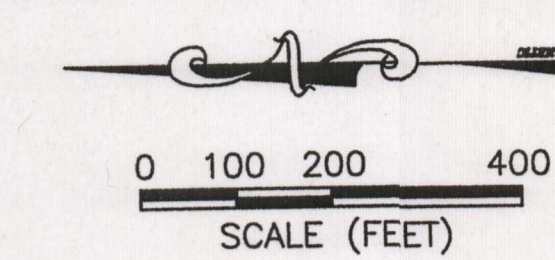
SOIL STABILIZATION NOTE

TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO STABILIZE DISTURBED AREAS (REFER TO EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL FOR CONSTRUCTION OF EROSION CONTROL MEASURES). TRAFFIC WILL BE ROUTED AROUND THESE AREAS TO REDUCE THE EXTENT OF DISTURBED AREAS BY REDUCING SEDIMENT LOADS TO SURFACE WATER.

BARE SOILS SHOULD BE SEEDED OR OTHERWISE STABILIZED WITHIN 14 CALENDAR DAYS AFTER FINAL GRADING OR WHERE CONSTRUCTION ACTIVITY HAS TEMPORARILY CEASED FOR MORE THAN 21 DAYS. MULCHING/MATS CAN BE USED TO PROTECT THE DISTURBED AREAS WHILE VEGETATION BECOMES ESTABLISHED.

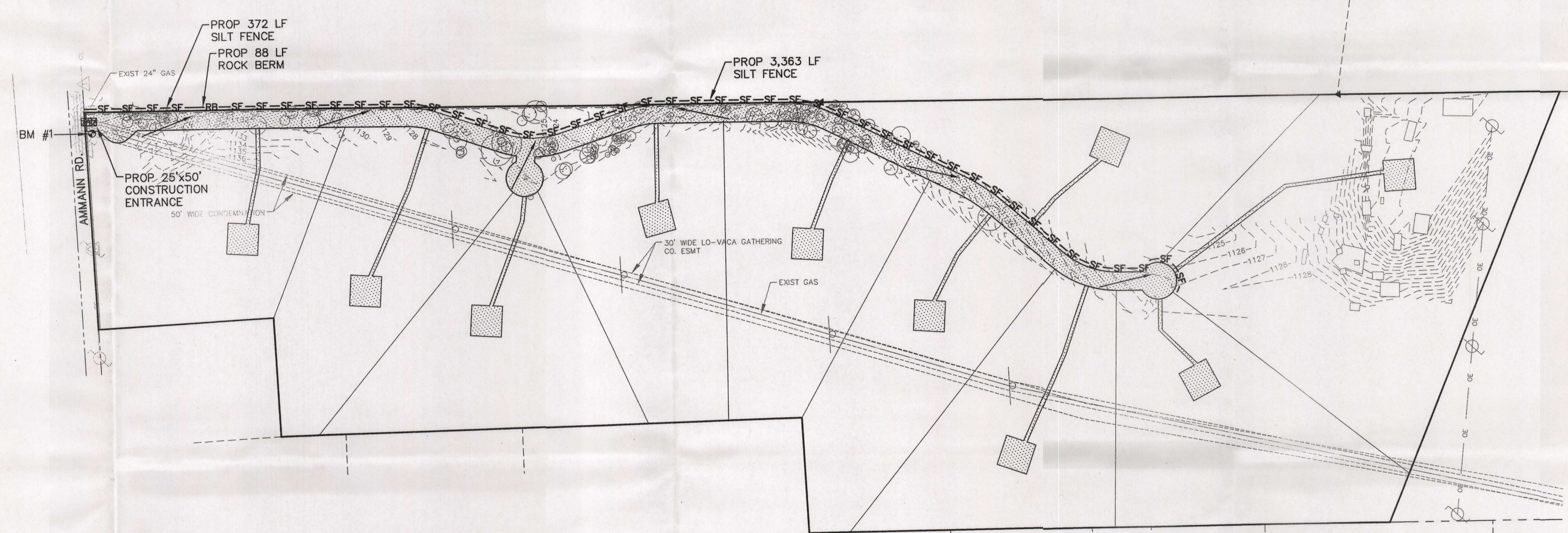
LEGEND:

- EXIST PROPERTY BOUNDARY
- - - 300 - - - EXIST CONTOUR
- PROP PROJECT LIMITS
- > PROP WATER FLOW DIRECTION
- SF-SF-SF- PROP SILT FENCE
- RB-RB-RB- PROP ROCK BERM
- [Pattern] CONSTRUCTION ENTRANCE/EXIT
- [Pattern] POTENTIAL AREA OF DISTURBANCE (ACTUAL LOCATION TO BE DETERMINED BY LOT OWNER)



BENCHMARK INFORMATION

BM #1
X = 2134865.2136
Y = 13826476.6546
ELEV = 1135.14



REVISIONS

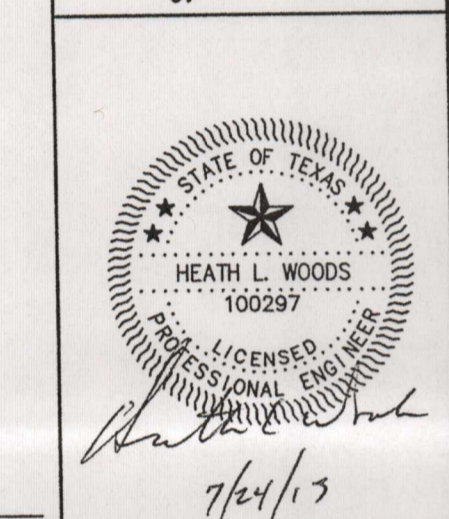
BRANCH OFFICES

M & S

McQUEENEY, TEXAS 78123
387 WEST MILL STREET
NEW BRAUNFELS, TEXAS 78130

ENGINEERING, L.L.C.
ENGINEERS, PLANNERS AND SURVEYORS
TEXAS REGISTERED ENGINEERING FIRM 1-1304

MAIN OFFICE
P.O. BOX 970
SPRING BRANCH, TEXAS 78070
PHONE # (830) 228-5446
FAX # (830) 885-2170



CIBOLO CREEK ESTATES
CZP - SITE PLAN

JOB: 12BLKBR001
DATE: JULY 2013
SCALE: H: 1" = 200'

INTERNAL REVIEW:

DESIGN: *[Signature]*
PEER: _____
PM: _____
DM: _____
OTHER: _____

SHEET: 1 OF 2

Date: Jul 23, 2013, 4:52pm User: ID: bmmrdr File: S:\Active Projects\12BLKBR001\Ammann Rd Development\dwg\12BLKBR001-WPAP-SPLN-001.dwg

TCEQ-R13
AUG - 8 2013
SAN ANTONIO

ATTACHMENT C

PERMIT FORMS

NOTICE OF INTENT (NOI) FORM

MS4 DRAFT LETTER



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

IMPORTANT:

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

ePERMITS: Sign up now for online NOI: <https://www3.tceq.texas.gov/steers/index.cfm>
Pay a \$225 reduced application fee by using ePermits.

APPLICATION FEE:

- You must pay the **\$325** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
 - Go to <https://www3.tceq.texas.gov/epay/index.cfm>
 - Select Fee Type: GENERAL PERMIT CONSTRUCTION STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**
 - Mailed Check/Money Order No.: _____
Name Printed on Check: _____
 - EPAY Voucher No.: _____
Is the Payment Voucher copy attached? Yes

RENEWAL: Is this NOI a Renewal of an existing General Permit Authorization?
(Note: A permit cannot be renewed after June 3, 2013.)

- Yes The Permit number is: TXR15 _____
(If a permit number is not provided, a new number will be assigned.)
- No

1) OPERATOR (Applicant)

- a)** If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN _____

- b) What is the Legal Name of the entity (applicant) applying for this permit?
Cibolo Creek Estates, LLC
 (The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)
- c) What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in TAC 305.44(a).
 Prefix (Mr. Ms. Miss): Mr.
 First/Last Name: Damon Thorpe Suffix: _____
 Title: Owner Credential: _____
- d) What is the Operator Contact's (Responsible Authority) contact information and mailing address as recognized by the US Postal Service (USPS)? You may verify the address at:
<http://zip4.usps.com/zip4/welcome.jsp>
 Phone #: (210) 884-0461 ext: _____ Fax #: (210) 579-7127
 E-mail: damon@blackbrshllc.com
 Mailing Address: P.O. Box 91093
 Internal Routing (Mail Code, Etc.): _____
 City: San Antonio State: TX ZIP Code: 78209
 If outside USA: Territory: _____ Country Code: _____ Postal Code: _____
- e) Indicate the type of Customer (The instructions will help determine your customer type):
- | | | |
|---|--|--|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Sole Proprietorship-DBA |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> General Partnership | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Estate | <input type="checkbox"/> Federal Government |
| <input type="checkbox"/> State Government | <input type="checkbox"/> County Government | <input type="checkbox"/> City Government |
| <input type="checkbox"/> Other Government | | |
- f) Independent Operator? Yes No
 (If governmental entity, subsidiary, or part of a larger corporation, check "No".)
- g) Number of Employees:
 0-20; 21-100; 101-250; 251-500; or 501 or higher
- h) Customer Business Tax and Filing Numbers:
 (REQUIRED for Corporations and Limited Partnerships. Not Required for Individuals, Government, or Sole Proprietors)
 State Franchise Tax ID Number: 463153185
 Federal Tax ID: _____
 Texas Secretary of State Charter (filing) Number: _____
 DUNS Number (if known): _____

2) APPLICATION CONTACT

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

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

Yes, go to Section 3). No, complete section below.

Prefix (Mr. Ms. Miss): Mr.
 First/Last Name: Heath L. Woods Suffix: _____
 Title: Civil Department Manager Credential: _____

Organization Name: M&S Engineering, LLC
Phone No.: (830) 228-5446 ext: _____ Fax Number: _____
E-mail: hwoods@msengr.com
Mailing Address: 6477 FM 311
Internal Routing (Mail Code, Etc.): _____
City: Spring Branch State: TX ZIP Code: 78070
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

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

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

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

- a) TCEQ issued RE Reference Number (RN): RN _____
- b) Name of project or site (the name known by the community where located):
Cibolo Creek Estates _____
- c) In your own words, briefly describe the primary business of the Regulated Entity: (Do not repeat the SIC and NAICS code):
To build a private road for future large 10 acre home tracts _____
- d) County (or counties if > 1) Comal _____ +
- e) Latitude: 29°45'58" _____ Longitude: 98°28'35" _____
- f) Does the site have a physical address?
 Yes, complete Section A for a physical address.
 No, complete Section B for site location information.

Section A: Enter the physical address for the site.

Verify the address with USPS. If the address is not recognized as a delivery address, provide the address as identified for overnight mail delivery, 911 emergency or other online map tools to confirm an address.

Physical Address of Project or Site:

Street Number: 815 Street Name: Obst Rd.
City: Spring Branch State: Texas ZIP Code: 78070

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.: located 2 miles west from intersection of Hwy 290 & IH35 accessible on Hwy 290 South)

City where the site is located or, if not in a city, what is the nearest city:

State: _____ ZIP Code where the site is located: _____

4) GENERAL CHARACTERISTICS

- a) Is the project/site located on Indian Country Lands?
 - Yes - If the answer is Yes, you must obtain authorization through EPA, Region 6.
 - No

- b) Is your construction activity associated with a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources?
 - Yes - If the answer is Yes, you may be under jurisdiction of the Railroad Commission of Texas and may need to obtain authorization through EPA, Region 6.
 - No

- c) What is the Primary Standard Industrial Classification (SIC) Code that best describes the construction activity being conducted at the site?
Primary SIC Code: 1521

- d) If applicable, what is the Secondary SIC Code(s): _____

- e) What is the total number of acres disturbed? 6.58 Ac.

- f) Is the project site part of a larger common plan of development or sale?
 - Yes - If the answer is Yes, the total number of acres disturbed can be less than 5 acres.
 - No - If the answer is 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.

- g) What is the name of the first water body(s) to receive the stormwater runoff or potential runoff from the site?
Indian Creek

- h) What is the segment number(s) of the classified water body(s) that the discharge will eventually reach?

i) Is the discharge into an MS4?

Yes - If the answer is Yes, provide the name of the MS4 operator below.

No

If Yes, provide the name of the MS4 operator:

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

j) 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 - If the answer is Yes, provide the name(s) of the impaired water body(s) below.

No

If Yes, provide the name(s) of the impaired water body(s):

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

Yes - If the answer is Yes, complete certification below by checking "Yes."

No

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

Yes

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

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL
Texas Commission on
Environmental Quality
Stormwater Processing Center
(MC228)
P.O. Box 13087
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL
Texas Commission on
Environmental Quality
Stormwater Processing Center
(MC228)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact List:

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

Notice of Intent Process:

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

- 1) **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as receiving regular mail delivery. Never give an overnight/express mailing address.
- 2) **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.
-or-
Denial of Coverage: If the operator fails to respond to the NOD or the response is inadequate, coverage under the general permit may be denied. If coverage is denied, the operator will be notified.

General Permit (Your Permit)

For NOIs submitted **electronically** through ePermits, provisional coverage under the general permit begins immediately following confirmation of receipt of the NOI form by the TCEQ.

For **paper** NOIs, provisional coverage under the general permit begins **7 days after a completed NOI is postmarked for delivery** to the TCEQ.

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

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) (including instructions) are available in Adobe Acrobat PDF format on the TCEQ web site <http://www.tceq.texas.gov>.

Change in Operator

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

TCEQ Central Registry Core Data Form

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

You can find the information on the Central Registry web site at <http://www12.tceq.texas.gov/crpub/index.cfm>. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your permit number under the search field labeled "Additional ID". Capitalize all letters in the permit number.

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

Fees associated with a General Permit

Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Application Fee: This fee is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit.

Mailed Payments:

Payment must be mailed under separate cover at one of the addresses below using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)

BY REGULAR U.S. MAIL

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

BY OVERNIGHT/EXPRESS MAIL

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

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

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

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

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

1. Operator (Applicant)

a) Enter assigned Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. **This is not a permit number, registration number, or license number.** If this customer has not been assigned a CN, leave the space for the CN blank. If this customer has already been assigned this number, enter the permittee's CN.

b) Legal Name

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

c) Person Signing Application

Provide information about person signing section 5) Certification.

d) Operator Contact's (Responsible Authority) Contact Information and Mailing Address

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at <http://www.usps.com> for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

The area code and phone number should provide contact to the operator. Leave Extension blank if not applicable.

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

e) Type of Customer (Entity Type)

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

Sole Proprietorship – DBA

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

- be under the person's name
- have its own name (doing business as or d.b.a.)
- have any number of employees

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

Individual

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

Partnership

- A customer that is established as a partnership as defined by the Texas Secretary of State Office (TX SOS). A Limited Partnership or Limited Liability Partnership (Partnership) is required to file with the Texas Secretary of State. A General Partnership or Joint Venture is not required to register with the state.
- **Partnership (Limited Partnership or Limited Liability Partnership):** A limited partnership is defined in the Act as a partnership formed by two or more persons under the provisions of Section 3 of the Uniform Limited Partnership Act (Art. 6132a, Revised Civil Statutes of Texas) and having as members one or more general partners and one or more limited partners. The limited partners as such are not bound by the obligations of the partnership. Limited partners may not take part in the day-to-day operations of the business. A Limited Partnership must file with the Texas Secretary of State. A registered limited liability partnership is a general or limited partnership that is registered with the Texas Secretary of State. The partnership's name must contain the words "Registered Limited Liability Partnership" or the abbreviation "L.L.P." as the last words or letters of its name.
- **General Partnership:** A general partner may or may not invest, participates in running the partnership and is liable for all acts and debts of the partnership and any member of it. A General Partnership does not have limited partners. For a General Partnership, there is no registration with the state or even written agreement necessary for a general partnership to be formed. The legal definition of a partnership is generally stated as "an association of two or more persons to carry on as co-owners a business for profit" (Revised Uniform Partnership Act § 101 [1994]).
- **Joint Venture:** A joint venture is but another name for a special partnership. It might be distinguished from a general partnership in that the latter is formed for the transaction of a general business, while a joint venture is usually limited to a single transaction. That is, a joint venture is a special combination of persons in the nature of a partnership engaged in the joint prosecution of a particular transaction for mutual benefit or profit.

Corporation

A customer meets all of these conditions:

- is a legally incorporated entity under the laws of any state or country
- is recognized as a corporation by the Texas Secretary of State

- has proper operating authority to operate in Texas.
- The corporation's 'legal name' as filed with the Texas Secretary of State must be provided as applicant. An 'assumed' name of a corporation is not recognized as the 'legal name' of the entity.

Government

Federal, state, county, or city government (as appropriate)
 The customer is either an agency of one of these levels of government or the governmental body itself. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization should not be included as a part of the 'legal name' as applicant.

Trust or Estate

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

Other Government

A utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.

f) Independent Entity

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

g) Number of Employees

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

h) Customer Business Tax and Filing Numbers

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

State Franchise Tax ID Number

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

Federal Tax ID

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

TX SOS Charter (filing) Number

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

DUNS Number

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

2. APPLICATION CONTACT

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

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

a) Regulated Entity Reference Number (RN)

A number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not a permit number, registration number, or license number. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>

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

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

b) Site/Project Name/Regulated Entity

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

c) Description of Activity Regulated

In your own words, briefly describe the primary business that you are doing that requires this authorization. Do not repeat the SIC Code description.

d) County

Identify the county or counties in which the regulated entity is located.

e) Latitude and Longitude

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

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

f) Site/Project (RE) Physical Address/Location Information

Enter the complete address for the site in Section A if the address can be validated through the US Postal Service. If the physical address is not recognized as a USPS delivery address, you may need to validate the address with your local police (911 service) or through an online map site used to locate a site. Please confirm this to be a complete and valid address. Do not use a rural route or post office box for a site location.

If a site does not have an address that includes a street (or house) number and street name, enter NO ADDRESS for the street name in Section A. In Section B provide a complete written location description. For example: "The site is located 2 miles west from intersection of Hwy 290 & IH35, located on the southwest corner of the Hwy 290 South bound lane." Provide the city (or nearest city) and zip code of the facility location.

4. GENERAL CHARACTERISTICS

a) Indian Country Lands

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

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

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

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&tac=&ti=16&pt=1&ch=3&rl=30](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&tac=&ti=16&pt=1&ch=3&rl=30)

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

Where required by federal law, discharges of stormwater associated with construction activities under the Railroad Commission's jurisdiction must be authorized by the EPA and the Railroad Commission of Texas, as applicable. Activities under Railroad Commission of Texas jurisdiction include construction of a facility that, when completed, would be associated with the exploration, development, or production of oil or gas or geothermal resources, such as a well site; treatment or storage facility; underground hydrocarbon or natural gas storage facility; reclamation plant; gas processing facility; compressor station; terminal facility where crude oil is stored prior to refining and at which refined products are stored solely for use at the facility; a carbon dioxide geologic storage facility under the jurisdiction of the Railroad Commission of Texas; and a gathering, transmission, or distribution pipeline that will transport crude oil or natural gas, including natural gas liquids, prior to refining of such oil or the use of the natural gas in any manufacturing process or as a residential or industrial fuel. The Railroad Commission of Texas also has jurisdiction over stormwater from land disturbance associated with a site survey that is conducted prior to construction of a facility that would be regulated by the Railroad Commission of Texas. Under 33 U.S.C. §1342(l)(2) and §1362(24), EPA cannot require a permit for discharges of stormwater from "field activities or operations associated with {oil and gas} exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities" unless the discharge is contaminated by contact with any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the facility. Under §3.8 of this title (relating to Water Protection), the Railroad

Commission of Texas prohibits operators from causing or allowing pollution of surface or subsurface water. Operators are encouraged to implement and maintain best management practices (BMPs) to minimize discharges of pollutants, including sediment, in stormwater during construction activities to help ensure protection of surface water quality during storm events.

c) Primary Standard Industrial Classification (SIC) Code

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

Common SIC Codes related to construction activities include:

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

For help with SIC Codes, go to:

<http://www.osha.gov/pls/imis/sicsearch.html>

d) Secondary SIC Code

Secondary SIC Code(s) may be provided. Leave blank if not applicable. For help with SIC Codes, go to:

<http://www.osha.gov/pls/imis/sicsearch.html>

e) Total Number of Acres Disturbed

Provide the approximate number of acres that the construction site will disturb. Construction activities that disturb less than one acre, unless they are part of a larger common plan that disturbs more than one acre, do not require permit coverage. Construction activities that disturb between one and five acres, unless they are part of a common plan that disturbs more than five acres, do not require submission of an NOI. Therefore, the estimated area of land disturbed should not be less than five, unless the project is part of a larger common plan that disturbs five or more acres. Disturbed means any clearing, grading, excavating, or other similar activities.

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

f) Common Plan of Development

Construction activities that disturb less than five acres do not require submission of an NOI unless they are part of a common plan of development or for sale where the area disturbed is five or more acres. Therefore, the estimated area of land disturbed should not be less than five, unless the project is part of a larger common plan that disturbs five or more acres. Disturbed means any clearing, grading, excavating, or other similar activities.

For more information on "What is a common plan of development?" go to:

www.tceq.texas.gov/permitting/stormwater/common_plan_of_development_steps.html

For further information, go to the TCEQ stormwater construction webpage at:

www.tceq.texas.gov/goto/construction and search for "Additional Guidance and Quick Links". If

you have any further questions about this item, please call the stormwater technical staff at (512)239-4671.

g) Identify the water body(s) receiving stormwater runoff

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

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

h) Identify the segment number(s) of the classified water body(s)

Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the following link to find the segment number of the classified water body where stormwater will flow from the site: www.tceq.texas.gov/waterquality/monitoring/viewer.html

You may also find the segment number in TCEQ publication GI-316:
www.tceq.texas.gov/publications/gi/gi-316

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

- 0100 (Canadian River Basin)
- 0200 (Red River Basin)
- 0300 (Sulfur River Basin)
- 0400 (Cypress Creek Basin)
- 0500 (Sabine River Basin)

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

i) Discharge into MS4 – Identify the MS4 Operator

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

j) Surface Water bodies on list of impaired waters – Identify the impaired water body(s)

Indicate Yes or No if any surface water bodies receiving discharges from the construction site are on the latest EPA-approved CWA 303(d) List of impaired waters. Provide the name(s) of surface water bodies receiving discharges or potential discharges from the construction site that are on the latest EPA-approved CWA 303(d) List of impaired waters. The EPA-approved CWA 303(d) List of impaired waters in Texas can be found at:

www.tceq.texas.gov/waterquality/assessment/305_303.html

NOTE: Do not use any "draft" documents.

k) Discharges to the Edwards Aquifer Recharge Zone and Certification

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

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

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

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

5. CERTIFICATIONS

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

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

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

b) Certification of Legal Name

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

c) Understanding of Notice of Termination

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

d) Certification of Stormwater Pollution Prevention Plan

The SWP3 identifies the areas and activities that could produce contaminated runoff at your site and then tells how you will ensure that this contamination is mitigated. For example, in describing your mitigation measures, your site's plan might identify the devices that collect and

filter stormwater, tell how those devices are to be maintained, and tell how frequently that maintenance is to be carried out. You must develop this plan in accordance with the TCEQ general permit requirements. This plan must be developed and implemented before you complete this NOI. The SWP3 must be available for a TCEQ investigator to review on request.

Operator Certification:

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

IF YOU ARE A CORPORATION:

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

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

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

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

30 Texas Administrative Code

§305.44. Signatories to Applications

(a) All applications shall be signed as follows.

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

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

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

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL

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

BY OVERNIGHT/EXPRESS MAIL

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

Fee Code: GPA

General Permit:

TXR150000

1. Check / Money Order No:
2. Amount of Check/Money Order:
3. Date of Check or Money Order:
4. Name on Check or Money Order:
5. NOI INFORMATION

If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name:

Project/Site (RE) Physical Address:

Staple Check in This Space

[Date]

[Contact]
[Address]
[Address]
[Address]

Project No.:

Re: Notification of Discharge to MS4
[Project Name]
[Address. if available]
[Address]

Dear Mr./Mrs. [Contact]

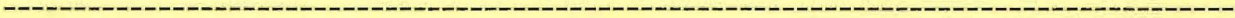
Under the new TPDES General Permit TXR150000 administered by TCEQ, please consider this a notification that construction will commence at the location referenced above. Please be advised that this is a [small/large] construction site that falls under [Phase I/Phase II] classification. A completed and signed [Notice of Intent/Construction Site Notice] is posted on the job site and a copy is included with this letter for your reference and records.

If you have any questions, please feel free to contact our office.

Sincerely,

ATTACHMENT D

PRE-CONSTRUCTION FORMS



RESPONSIBLE PARTY FORM SCHEDULE

RESPONSIBLE PARTY FORM CERTIFICATIONS

POSTING NOTICE

Damon Thorpe
 Cibolo Creek Estates, LLC
 P.O. Box 91093
 San Antonio, Texas 78209

Responsible Party Form Schedule

Prevention Pollution Measure	Responsible Party Company Name											
BEST MANAGEMENT PRACTICES												
Silt Fences												
Rock berms												
Drain inlet protection												
Gravel filter bags												
Vehicle exits (offsite tracking)												
Concrete washout pit (leaks, failure)												
Temporary vegetation												
Permanent vegetation												
Sediment control basin												
Other structural controls												
Material storage areas (leakage)												
Equipment areas (leaks, spills)												
Construction debris												
General site cleanliness												
Trash receptacles												
Natural vegetation buffer strips												
Inspections												
SWP3 Modification & Records												
POTENTIAL EROSION SOURCES												
Clearing												
Grading												
Excavation												
Drainage Construction												
Utility Construction												
Roadway or Parking Lot Construction												
Foundation Construction												
Building Construction												
Landscaping Activities												

Identify responsible parties and indicate responsible party for each pollution prevention item listed above by marking an X under the Responsible Party Name.

Damon Thorpe
Cibolo Creek Estates, LLC
P.O. Box 91093
San Antonio, Texas 78209

Responsible Party Form Certifications

“I certify under penalty of law that I understand the terms and conditions of the general Texas Pollutant Discharge Elimination System (TPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.”

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: General Contractor
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: Earthwork
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: Plumbing
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: Paving
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: Electrical
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: Fuel Station
Date: _____

(Note: Use additional sheets if necessary)

Damon Thorpe
Cibolo Creek Estates, LLC
P.O. Box 91093
San Antonio, Texas 78209

Responsible Party Form Certifications

“I certify under penalty of law that I understand the terms and conditions of the general Texas Pollutant Discharge Elimination System (TPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.”

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

Company: _____
Name: _____
Signed: _____

Phone: _____
Responsible for: _____
Date: _____

(Note: Use additional sheets if necessary)

POSTING NOTICE
(GENERAL INFORMATION)

PERMIT NUMBER	
CONTACT NAME	
CONTACT PHONE	
PROJECT DESCRIPTION	
SWP3 LOCATION (Only necessary if the site is inactive or does not have an on-site location to store the plan)	

Note: This posting is in addition to the Construction Site Notice or Notice of Intent

ATTACHMENT E

CONSTRUCTION FORMS

INSPECTION REPORT

Damon Thorpe
 Cibolo Creek Estates, LLC
 P.O. Box 91093
 San Antonio, Texas 78209

Inspection Report

Prevention Pollution Measure	Inspected in Compliance	Corrective Action Required	
		Description (use additional sheet if necessary)	Date Complete
BEST MANAGEMENT PRACTICES			
Silt fences			
Rock berms			
Drain inlet protection			
Gravel filter bags			
Vehicle exits (offsite tracking)			
Concrete washout pit (leaks, failure)			
Temporary vegetation			
Permanent vegetation			
Sediment control basin			
Other structural controls			
Material storage areas (leakage)			
Equipment areas (leaks, spills)			
Construction debris			
General site cleanliness			
Trash receptacles			
Natural vegetation buffer strips			
EVIDENCE OF EROSION			
Site Preparation			
Roadway or Parking Lot Construction			
Utility Construction			
Drainage Construction			
Building Construction			
MAJOR OBSERVATIONS			
Sediment discharges from site			
BMPs requiring maintenance			
BMPs requiring modification			
Additional BMPs required			

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

 Inspector's Name (Superintendent)

 Inspector's Signature

 Date

 Name of Owner/Operator (Firm)

 Authorized Signature

 Date

Note: If there is a "NO" answer in the second column, the right columns will need to be completed and action is required within 7 days. Use additional sheets if necessary.

ATTACHMENT F

POST-CONSTRUCTION FORMS

NOTICE OF TERMINATION (NOT) FORM

ATTACHMENT "F"
NOTICE OF TERMINATION (NOT) FORM

When the site has achieved final stabilization* or another operator/permittee (i.e. change of General Contractor) has assumed control of construction activities, the respective permittee each submit a NOT form as well as their respective certification documents** within 30 days to TCEQ at the following address:

Texas Commission on Environmental Quality
Storm Water & General Permits Team; MC-228
P.O. Box 13087
Austin, Texas 78711-3087

NOTES: A partially completed NOT is included within this attachment to be used as a guide. Before submittal to TCEQ, all pertinent sections of the NOT must be filled out. Instructions to complete the NOT form are included. A NOT form is required for each NOI form submitted.

* the permit defines final stabilization as uniform perennial vegetative cover with a density of 70% or equivalent measures such as riprap for the areas of the site not covered by permanent structures or pavement.

** found on pages 11 & 12 of this report

**Notice of Termination (NOT) for Authorizations under
TPDES General Permit TXR150000
General Information and Instructions**

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL
Texas Commission on Environmental Quality
Stormwater Processing Center (MC228)
P.O. Box 13087
Austin, TX 78711-3087

BY OVERNIGHT/EXPRESS MAIL
Texas Commission on Environmental Quality
Stormwater Processing Center (MC228)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact list:

Application Processing Questions relating to the status and form requirements:	512/239-3700 or swpermit@tceq.texas.gov
Technical Questions relating to the general permit:	512/239-4671
Environmental Law Division:	512/239-0600
Records Management for obtaining copies of forms submitted to TCEQ:	512/239-0900
Information Services for obtaining reports from program data bases (as available):	512/239-DATA (3282)
Financial Administration's Cashier's office:	512/239-0357 or 512/239-0187

Notice of Termination Process:

A Notice of Termination is **effective on the date postmarked for delivery to TCEQ**.
When your NOT is received by the program, the form will be processed as follows:

1. **Administrative Review:** The form will be reviewed to confirm the following:

- the permit number is provided
- the permit is active and has been approved
- the entity terminating the permit is the current permittee
- the site information matches the original permit record
- the form has the required original signature with title and date

2. **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a phone call will be made to the applicant to clear the deficiency.
A letter will not be sent to the permittee if unable to process the form.

3. **Confirmation of Termination:** A Notice of Termination Confirmation letter will be mailed to the operator.

General Permit (Your Permit)

Coverage under the general permit begins **48 hours after a completed NOI is postmarked for delivery to the TCEQ**. You should have a copy of your general permit when submitting your application. You may view and print your permit for which you are seeking coverage, on the TCEQ web site www.tceq.texas.gov

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) with instructions are available in Adobe Acrobat PDF format on the TCEQ web site www.tceq.texas.gov.

Change in Operator

An authorization under the general permit is **not transferable**. If the operator or owner of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted not later than 10 days prior to the change in Operator status.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. **Do not send a core data form to TCEQ.**

After final acknowledgment of coverage under the general permit, the program will assign a Customer Number (CN) and Regulated Entity Number (RN). For Construction Permits, a new RN will be assigned for each Notice of Intent filed with TCEQ, since construction project sites can overlap with other Customers. The RN assigned to your construction project will not be assigned to any other TCEQ authorization.

You can find the information on the Central Registry web site at www12.tceq.texas.gov/crpub/. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your permit number under the search field labeled "Additional ID". Capitalize all letters in the permit number.

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

Annual Water Quality Fee: This fee is assessed to operators with an active authorization under the general permit on September 1 of each year. The operator will receive an invoice for payment of the annual fee in November of each year. The payment will be due 30 days from the invoice date. A 5% penalty will be assessed if the payment is received by TCEQ after the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on September 1.

It's important for the operator to submit a **Notice of Termination (NOT)** when coverage under the general permit is no longer required. A NOT is effective on the postmarked date of mailing the form to TCEQ. It is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

• **Mailed Payments:**

You must return your payment with the billing coupon provided with the billing statement.

• **ePAY Electronic Payment:**

Go to www6.tceq.texas.gov/epay/

You must enter your account number provided at the top portion of your billing statement. Payment methods include Mastercard, Visa, and electronic check payment (ACH). A transaction over \$500 can only be made by ACH.

INSTRUCTIONS FOR FILLING OUT THE NOT FORM

A. OPERATOR (current permittee.)

1. TCEQ Issued Customer Number (CN)

2. Legal Name of Operator

The operator must be the same entity as previously submitted on the original Notice of Intent for the permit number provided.

3. Operator Mailing Address

Provide a complete mailing address for receiving mail from the TCEQ. Update the address if different than previously submitted in the Notice of Intent or Notice of Change.

4. Phone Number, Fax Number, and E-mail Address

Provide updated contact information.

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

1. Regulated Entity Reference Number (RN)

2. Site/Project Name/Regulated Entity

Provide the name of the site as previously submitted in the Notice of Intent for the permit number provided.

3. Site/Project (RE) Physical Address

Provide the physical address or location access description as previously submitted for the permit number provided.

C. REASON FOR TERMINATION

Indicate the reason for terminating the permit by checking one of the options. If the reason is not listed then provide an attachment that explains the reason for termination.

Please read your general permit carefully to determine when to terminate your permit. Permits will not be reactivated after submitting a termination form. The termination is effective on the date postmarked for delivery to TCEQ.

D. CERTIFICATIONS

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

IF YOU ARE A CORPORATION:

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

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

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

§305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

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

30 Texas Administrative Code

§305.44. Signatories to Applications.

(a) All applications shall be signed as follows.

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

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

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

ATTACHMENT G

ENDANGERED SPECIES VERIFICATION

Endangered Species Verification Comal County, Texas

The following Endangered Species list was derived from the U.S. Fish and Wildlife Southwest Region 2 and the Texas Parks and Wildlife Department websites. The U.S. Fish and Wildlife Southwest Region 2 website database contains the current species listed as threatened, or endangered under the Endangered Species Act of 1973 as well as species considered candidates for listing.

Common Name	Scientific Name	Species Group	Listing Status
Black-capped Vireo	<i>Vireo atricapilla</i>	Birds	E ¹
Cagle's map turtle	<i>Graptemys caglei</i>	Reptiles	C ¹
Comal Springs dyopid beetle	<i>Stygoparnus comalensis</i>	Insect	E ¹
Comal Springs riffle beetle	<i>Heterelmis comalensis</i>	Insect	E ¹
Fountain darter	<i>Etheostoma fonticola</i>	Fishes	E ¹
Golden-cheeked warbler (=wood)	<i>Dendroica chrysoparia</i>	Birds	E ¹
Peck's cave amphipod	<i>Stygobromus (=Stygonectes) pecki</i>	Crustaceans	E ¹
San Marcos gambusia	<i>Gambusia georgei</i>	Fishes	E ¹
San Marcos salamander	<i>Eurycea nana</i>	Amphibians	T ¹
Texas blind salamander	<i>Typhlomolge rathbuni</i>	Amphibians	E ¹
Texas wild-rice	<i>Zizania texana</i>	Flowering Plants	E ¹
Tobusch fishhook cactus		Plant	E ^{1,2}

¹ (E) Endangered, (T) Threatened, or (C) Candidate Taxon, Ready for Proposal

² Information derived from Texas Parks and Wildlife.

The Comal County list, derived from these websites, is based on information available from the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department at the date of preparation of this document. This list is subject to change, without notice, as new biological information is gathered.

ATTACHMENT H

NATIONAL REGISTER OF HISTORIC PLACES

National Register Information System
(World Wide Web – www.nr.nps.gov)

National Register of Historic Places
(World Wide Web – www.nationalregisterofhistoricplaces.com)

Comal County, Texas

Row	State	County	Resource Name	Address	City	Listed
1	TX	Comal	Breustedt, Andreas, House	1370 Church Hill Dr.	New Braunfels	1982
2	TX	Comal	Comal County Courthouse	N. Seguin Ave.	New Braunfels	1976
3	TX	Comal	Comal Hotel and Klein-Kuse House	295 E. San Antonio and 165 Market St.	New Braunfels	1986
4	TX	Comal	First Protestant Church	296 S. Seguin St.	New Braunfels	1971
5	TX	Comal	Gross, Carl W.A., House	228 S. Seguin St.	New Braunfels	2000
6	TX	Comal	Gurene Historic District	Both sides of Seguin, New Braunfels, and Austin Sts.	Greune	1975
7	TX	Comal	Guadalupe Hotel	471 Main Plaza	New Braunfels	1975
8	TX	Comal	Holz-Forshage-Krueger Building	472 W. San Antonio St.	New Braunfels	1997
9	TX	Comal	Hotel Faust	240 S. Seguin St.	New Braunfels	1985
10	TX	Comal	Klein, Stephen, House	131 S. Seguin St.	New Braunfels	1970
11	TX	Comal	Lindheimer House	489 Comal Ave.	New Braunfels	1970
12	TX	Comal	Comal Power Plant	Jct. of Landa Rd. and Landa Park Dr.	New Braunfels	2004
13	TX	Comal	Gruene Historic District (Boundary Increase)	Gruene Rd. W. from Seguin St. to the W. side of Gruene Bridge	New Braunfels	2004
14	TX	Comal	Natural Bridge Caverns Sinkhole Site	Address Restricted	Natural Bridge Caverns	2004

ATTACHMENT I

**PERMIT REQUIREMENTS
(TPDES GENERAL PERMIT – MARCH 5, 2013)**

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR150000, issued March 5, 2008

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

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

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

EFFECTIVE DATE: March 5, 2013

ISSUED DATE: FEB 19 2013

A handwritten signature in black ink that reads "Bryan W. Shaw".

For the Commission

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

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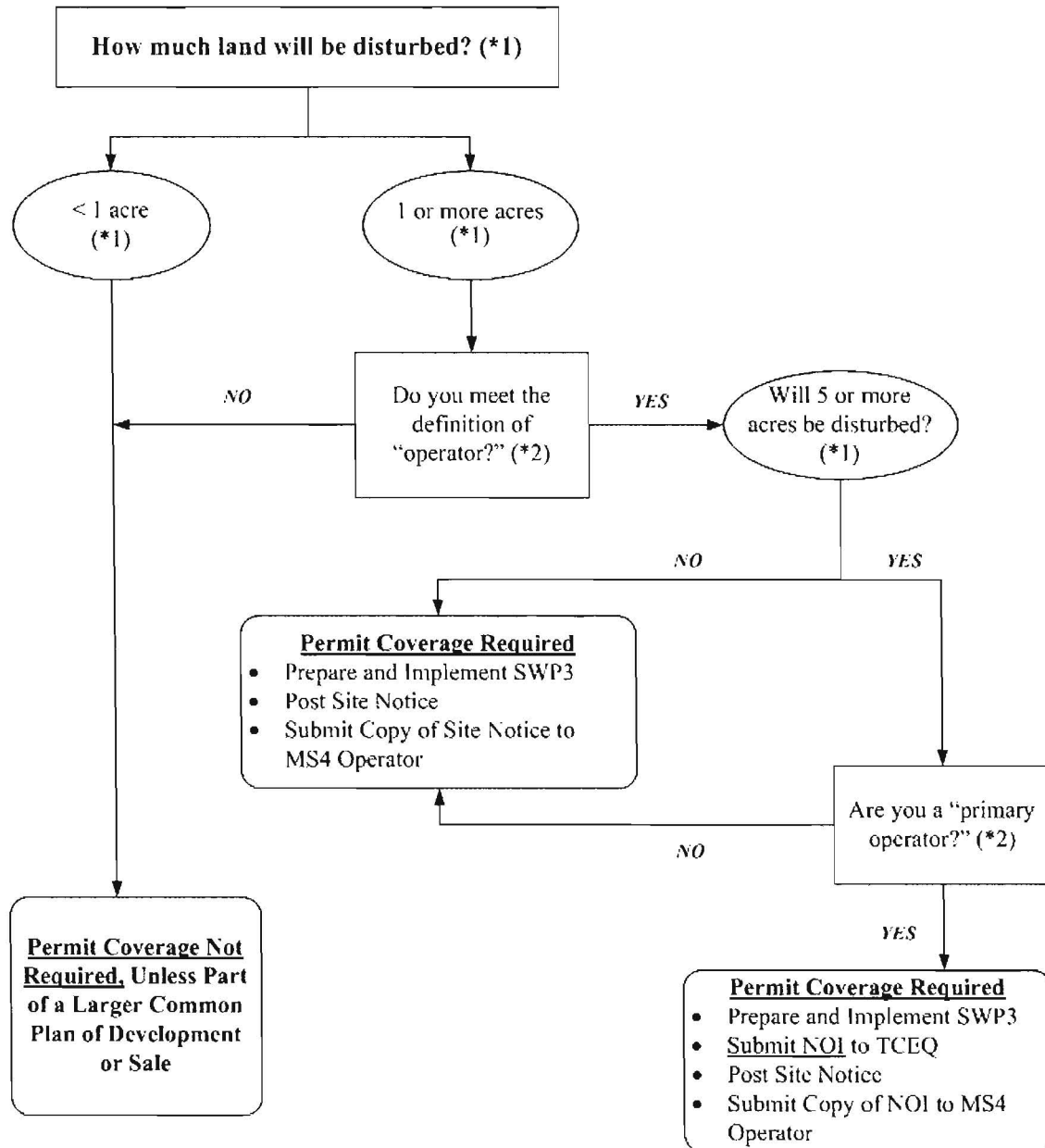
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Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required



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

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

Section B. Definitions

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

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

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

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

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

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

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

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

Edwards Aquifer - As defined under Texas Administrative Code (TAC) § 213.3 of this title (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak

Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

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

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

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

Facility or Activity – For the purpose of this permit, a construction site or construction support activity that is regulated under this general permit, including all contiguous land and fixtures (for example, ponds and materials stockpiles), structures, or appurtenances used at a construction site or industrial site 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 (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- B. For individual lots in a residential construction site by either:
 - (1) the homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization.

Fullfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3).

- C. For construction activities on land used for agricultural purposes (such as pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.
- D. In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
- (1) Temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years.

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

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

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 (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.)

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

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

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

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

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

Notice of Termination (NOT) - A written submission to the executive director from a discharger authorized under 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 on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (b) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

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

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

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

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

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

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

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 stormwater 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 (TWC) §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).

Receiving Water - A "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

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

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

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

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

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

Stormwater Associated with Construction Activity - Stormwater runoff 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 reduce or prevent pollution in stormwater

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

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

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

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

Waters of the United States - (from 40 CFR §122.2) 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 U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as

disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater 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.

Construction support activities authorized under this general permit are not commercial operations, and do not serve multiple unrelated construction projects. Discharges of stormwater 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) an SWP₃ is developed for the permitted construction site according to the provisions of this general permit, and includes appropriate controls and measures to reduce erosion and discharge of pollutants in stormwater 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, at the time that they do, are authorized under separate Texas Pollutant Discharge Elimination System (TPDES) authorization. Separate TPDES authorization may include the TPDES Multi Sector General Permit (MSGP), TXR050000 (related to stormwater 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-Stormwater Discharges

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

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

have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

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

4. Other Permitted Discharges

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

Section B. Concrete Truck Wash Out

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

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

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

2. Prohibition of Non-Stormwater Discharges

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

3. Compliance With Water Quality Standards

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

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

New sources or new discharges of the pollutants of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the EPA approved CWA §303(d) List. Pollutants of concern are those for which the water body is listed as impaired.

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

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

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

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

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Other Governmental Entities

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

8. Indian Country Lands

Stormwater runoff from construction activities occurring on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES

regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Oil and Gas Production

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

10. Stormwater Discharges from Agricultural Activities

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

11. Endangered Species Act

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

12. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert 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 (effective on March 5, 2008), must submit an NOI to renew authorization or a NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim 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 an SWP3 or submit an 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 TCEQ construction site notice, 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 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 stormwater runoff or other non-stormwater discharges under an individual TPDES permit, another TPDES general permit, or under an individual TCEQ permit where stormwater and non-stormwater is disposed of by evaporation or irrigation (discharges are adjacent to water in the state); and
- (h) any non-stormwater discharges are either authorized under a separate permit or authorization, 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 TCEQ small construction site notice, 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 prior to commencement of construction activities.

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

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 an 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 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);

- (d) prior to commencing construction activities, all primary operators must (1) provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and (2) list in the SWP3 the names and addresses of all MS4 operators receiving a copy;
- (e) all persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI, or is required to submit an NOI, and the secondary operator has provided notification to the operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this general permit, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available; and
- (f) all secondary operators must provide a copy of the signed and certified Secondary Operator construction site notice to the operator of any MS4 receiving the discharge prior to commencement of construction activities.

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 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 in accordance with this general permit, that it will be implemented prior to construction, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;
- (g) name of the receiving water(s);
- (h) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and
- (i) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters.

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 an 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 location (latitude/longitude) of the construction project or site; and
- (e) a signed certification that either all stormwater discharges requiring authorization under this general permit will no longer occur, or that the applicant is no longer the operator of the facility or construction site, and that all temporary structural erosion controls have either been removed, will be removed on a schedule defined in the SWP3, or have been transferred to a new operator if the new operator has applied for permit coverage. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal.

3. Termination of Coverage for Small Construction Sites and for Secondary Operators at Large Construction Sites

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
- (c) 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 an NOT within ten (10) days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least ten (10) days prior to the transfer of operational control, in accordance with condition (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 stormwater discharges from small construction activities under the terms and conditions described in this section.

1. Waiver Applicability and Coverage

Operators of small construction activities may apply for and receive a waiver from the requirements to obtain authorization under this general permit, where all of the following conditions are met. This waiver from coverage does not apply to non-stormwater discharges. The operator must insure that any non-stormwater 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 R factor is less than five (5); and
- (c) the waiver certification form is postmarked for delivery to the TCEQ at least seven (7) days before construction activity begins or, if electronic filing is available, then any time following the receipt of written confirmation from TCEQ that a complete electronic application was submitted and acknowledged.

2. Steps to Obtaining a Waiver

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

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

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

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 seven (7) days from the date that a completed waiver certification form is postmarked for delivery to TCEQ, or immediately upon receiving confirmation of approval of an electronic submittal, if electronic form submittals are available.

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 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. 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 §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 authorization.

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 §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 TMDL or TMDL I-Plan on the receiving water;
- (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 Chapter 205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger "has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director."

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. Alternative Discharge Authorization

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

Section I. Permit Expiration

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

Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit.

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

Part III. Stormwater Pollution Prevention Plans (SWP3)

All regulated construction site operators shall prepare an SWP3, prior to submittal of an NOI, to address discharges authorized under Parts II.E.2. and II.E.3. of this general permit that will reach Waters of the U.S., including discharges to MS4s and privately owned separate storm sewer systems that drain to Waters of the U.S., 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 stormwater associated with construction activity and non-stormwater discharges described in Part II.A.3., in compliance with the terms and conditions of this permit.

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.
3. The SWP3 may provide that one operator is responsible for preparation of a SWP3 in compliance with the CGP, and another operator is responsible for implementation of the SWP3 at the project site.

Section B. Responsibilities of Operators

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

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

- (a) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;
- (b) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;
- (c) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMPs as necessary to remain compliant with the conditions of this general permit; and
- (d) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If 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 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 stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site. If the SWP3 is retained off-site, then it shall be made available as soon as reasonably possible. In most instances, it is reasonable that the SWP3 shall be made available within 24 hours of the request.
2. A primary operator of a large construction activity must post the TCEQ site notice 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 TCEQ site notice required in Part II.E.1., 2., or 3. of this general permit in order to obtain authorization. If the construction project is a linear construction project, such as a pipeline or highway, the notices must be placed in a publicly accessible location near where construction is actively underway. 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 and must comply with the construction and development effluent guidelines in Part III, Section G of the general permit.

1. A site or project description, which includes the following information:
 - (a) a description of the nature of the construction activity;
 - (b) a list of potential pollutants and their sources;
 - (c) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities;
 - (d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including 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 controls and buffers, either planned or in place;
 - (iv) locations where temporary or permanent stabilization practices are expected to be used;
 - (v) locations of construction support activities, including off-site activities, that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment or chemical storage areas;
 - (vi) surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicating those that are impaired waters;
 - (vii) locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
 - (viii) vehicle wash areas; and
 - (ix) designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).

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

- (h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;
- (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;
- (j) a copy of this TPDES general permit;
- (k) the NOI and 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;
- (l) stormwater and allowable non-stormwater discharge locations, including storm drain inlets on site and in the immediate vicinity of the construction site; and

- (m) locations of all pollutant-generating activities, such as paving operations; concrete, paint and stucco washout and water disposal; solid waste storage and disposal; and dewatering operations.
2. A description of the BMPs that will be used to minimize pollution in runoff.

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

(a) General Requirements

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

(b) Erosion Control and Stabilization Practices

The SWP3 must include a description of temporary and permanent erosion control and stabilization practices for the site, compliant with the requirements of Part III.G.1 and G.2 of this general permit, 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 immediately in portions of the site where construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days. Stabilization measures that provide a protective cover must be initiated immediately in portions of the site where construction activities have permanently ceased. The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this requirement, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Except as provided in (A) through (D) below, these measures must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures:
 - (A) Where the immediate initiation of stabilization measures 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) In arid areas, semi-arid areas, or drought-stricken areas where the immediate initiation of stabilization measures 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 immediately install, and within 14 calendar days of a temporary or permanent cessation of work in any portion of the site complete, non-vegetative erosion controls. If non-vegetative controls are not feasible, the operator shall install temporary sediment controls as required in Paragraph (C) below.
 - (C) 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.
 - (D) If the initiation or completion of vegetative stabilization is affected by circumstances beyond the control of the permittee, vegetative stabilization must be initiated or completed as soon as conditions or circumstances allow it on the site. The requirement to initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days.
- (iv) Final stabilization must be achieved prior to termination of permit coverage.
 - (v) TCEQ does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left un-vegetated or un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

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

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

(A) Sedimentation Basin(s)

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

- (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 stormwater 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.
 - (f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part III.G of this general permit.
5. Documentation of Compliance with Approved State and Local Plans
- (a) Permittees must ensure that the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
 - (b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for which the permittee receives written notice.
 - (c) If the permittee is required to prepare a separate management plan, including but not limited to a WPAP or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.
6. Maintenance Requirements
- (a) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.
 - (b) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator shall replace or modify the control as soon as practicable after making the discovery.
 - (c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter

controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.

- (d) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee shall work with the owner or operator of the property to remove the sediment.

7. Inspections of Controls

- (a) Personnel provided by the permittee must inspect disturbed areas 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, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of winter or drought conditions resulting in monthly frequency of inspections.

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 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.7.(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 or greater, 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.7.(a)

above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the 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 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).

- (c) 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.
- (d) 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.
- (e) 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-stormwater components of the discharge, as listed in Part II.A.3. of this permit.
- 9. The SWP3 must include the information required in Part III.B. of this general permit.
- 10. The SWP3 must include pollution prevention procedures that comply with Part III.G.4 of this general permit.

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

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

1. *Erosion and sediment controls.* Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:
 - (a) Control stormwater volume and velocity within the site to minimize soil erosion;
 - (b) If any stormwater flow will be channelized at the site, stormwater controls must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
 - (c) Minimize the amount of soil exposed during construction activity;
 - (d) Minimize the disturbance of steep slopes;
 - (e) Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
 - (f) If earth disturbance activities are located in close proximity to a surface water, provide and maintain appropriate natural buffers if feasible and as necessary, around surface waters, depending on site-specific topography, sensitivity, and proximity to water bodies. Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration. If providing buffers is infeasible, the permittee shall document the reason that natural buffers are not feasible, and shall implement additional erosion and sediment controls to reduce sediment load;
 - (g) Preserve native topsoil at the site, unless infeasible; and
 - (h) Minimize soil compaction in post-construction pervious areas. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, either:
 - (1) restrict vehicle and equipment use to avoid soil compaction; or
 - (2) prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible;
 - (i) TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute "surface waters" for the purposes of triggering the buffer requirement in Part III.G.(f) above.
2. *Soil stabilization.* Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In the context of this requirement, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Temporary

stabilization must be completed no more than 14 calendar days after initiation of soil stabilization measures, and final stabilization must be achieved prior to termination of permit coverage. In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative non-vegetative stabilization measures must be employed as soon as practicable. Refer to Part III.F.2.(b) for complete erosion control and stabilization practice requirements.

3. *Dewatering*. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls.
4. *Pollution prevention measures*. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - (a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (c) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.
5. *Prohibited discharges*. The following discharges are prohibited:
 - (a) Wastewater from wash out of concrete trucks, unless managed by an appropriate control (see Part V of the general permit);
 - (b) Wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - (c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - (d) Soaps or solvents used in vehicle and equipment washing.
6. *Surface outlets*. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

Part IV. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants 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 stormwater 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 shall sample the stormwater runoff from the concrete batch plants according to the requirements

of this section of this general permit, and must conduct evaluations on the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Parameters

Benchmark Parameter	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/quarter (*1) (*2)	Grab (*3)
Total Suspended Solids	100 mg/L	1/quarter (*1) (*2)	Grab (*3)
pH	6.0 – 9.0 Standard Units	1/quarter (*1) (*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1) (*2)	Grab (*3)

- (*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 stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March

April through June

July through September

October through December

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

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

The operator's investigation must identify the following:

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

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

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

Minimum SWP3 Requirements – The following are required in addition to other SWP3 requirements listed in this general permit (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 stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that 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 stormwater 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 stormwater and that have a potential to

- affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
- (c) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated as needed.
 - (d) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.
2. Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part IV.B.1.(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 stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.
 - (2) Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
 - (b) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
 - (c) Inspections - Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. 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 stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.
 - (d) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in

- the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.
- (e) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.
 - (f) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.
3. Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following.
- (a) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
 - (b) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part IV.B.1., "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part IV.B.2., "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.
 - (c) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC §305.128, relating to Signatories to Reports.
 - (d) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part IV.B.2.(c) of this general permit.

Section C. Prohibition of Wastewater Discharges

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

Part V. Concrete Truck Wash Out Requirements

This general permit authorizes the 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. Any other direct discharge of concrete production waste water 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 wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck wash out as the result of rainfall or stormwater runoff.
4. The discharge of wash out water must 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 site map.

Part VI. Retention of Records

The permittee must retain the following records for a minimum period of three (3) years from the date that a NOT is submitted as required 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, revoking, or denying 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 TWC Chapters 26-28, Texas Health and Safety Code §§361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC §26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
 5. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:
 - (a) negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA §402, or any requirement imposed in a pretreatment program approved under CWA §§402(a)(3) or 402(b)(8);
 - (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; and
 - (c) knowingly violating §303 of the federal CWA, and placing another person in imminent danger of death or serious bodily injury.
 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.
 8. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
 9. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
 10. The permittee shall comply with the reporting requirements in 40 CFR §122.41(l), as applicable.

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 an 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 for this general permit. The Water Quality Annual Fee has been incorporated into the NOI fees as described above.

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

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

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

Lubbock: Nov. 15 - Apr. 30

Lynn: Nov. 15 - Apr. 30

Martin: Nov. 15 - Apr. 30

Mason: Dec. 15 - Feb. 14

Maverick: Dec. 15 - Feb. 14

McCulloch: Dec. 15 - Feb. 14

Menard: Dec. 15 - Feb. 14

Midland: Nov. 15 - Apr. 30

Mitchell: Nov. 15 - Apr. 30

Moore: Nov. 15 - Apr. 30

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

Nolan: Dec. 15 - Feb. 14

Oldham: Nov. 15 - Apr. 30

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

Pecos: Nov. 15 - Apr. 30

Potter: Nov. 15 - Apr. 30

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

Randall: Nov. 15 - Apr. 30

Reagan: Nov. 15 - Apr. 30

Real: Dec. 15 - Feb. 14

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

Runnels: Dec. 15 - Feb. 14

Schleicher: Dec. 15 - Feb. 14

Scurry: Nov. 15 - Apr. 30

Shackelford: Dec. 15 - Feb. 14

Sherman: Nov. 15 - Apr. 30

Stephens: Dec. 15 - Feb. 14

Sterling: Nov. 15 - Apr. 30

Stonewall: Dec. 15 - Feb. 14

Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30

Taylor: Dec. 15 - Feb. 14

Terrell: Nov. 15 - Apr. 30

Terry: Nov. 15 - Apr. 30

Throckmorton: Dec. 15 - Feb. 14

Tom Green: Dec. 15 - Feb. 14

Upton: Nov. 15 - Apr. 30

Uvalde: Dec. 15 - Feb. 14

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

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

Wichita: Dec. 15 - Feb. 14

Wilbarger: Dec. 15 - Feb. 14

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

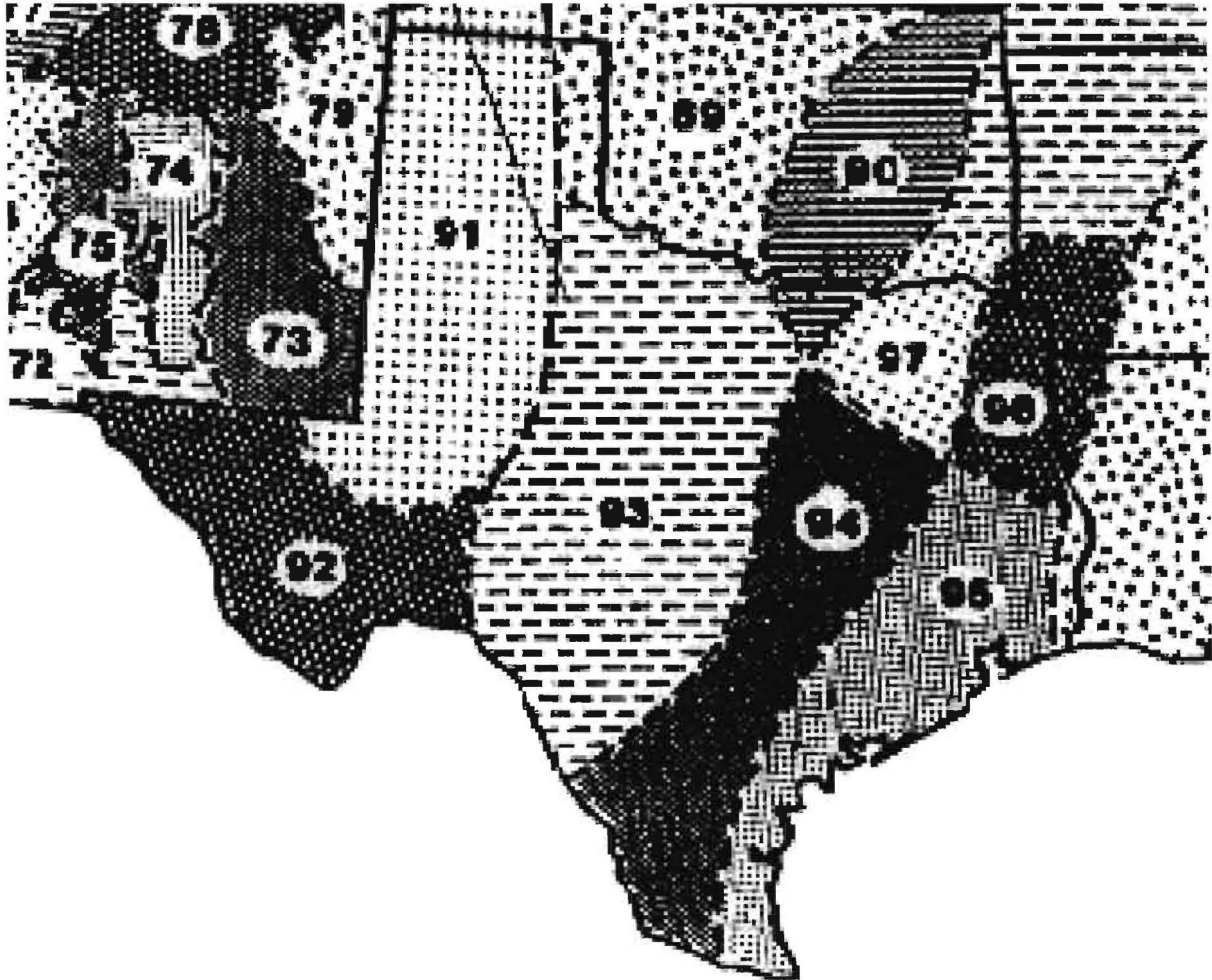
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Young: Dec. 15 - Feb. 14

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

Zavala: Dec. 15 - Feb. 14

Appendix B: Erosivity Index (EI) Zones in Texas



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

Appendix C: Isoerodent Map

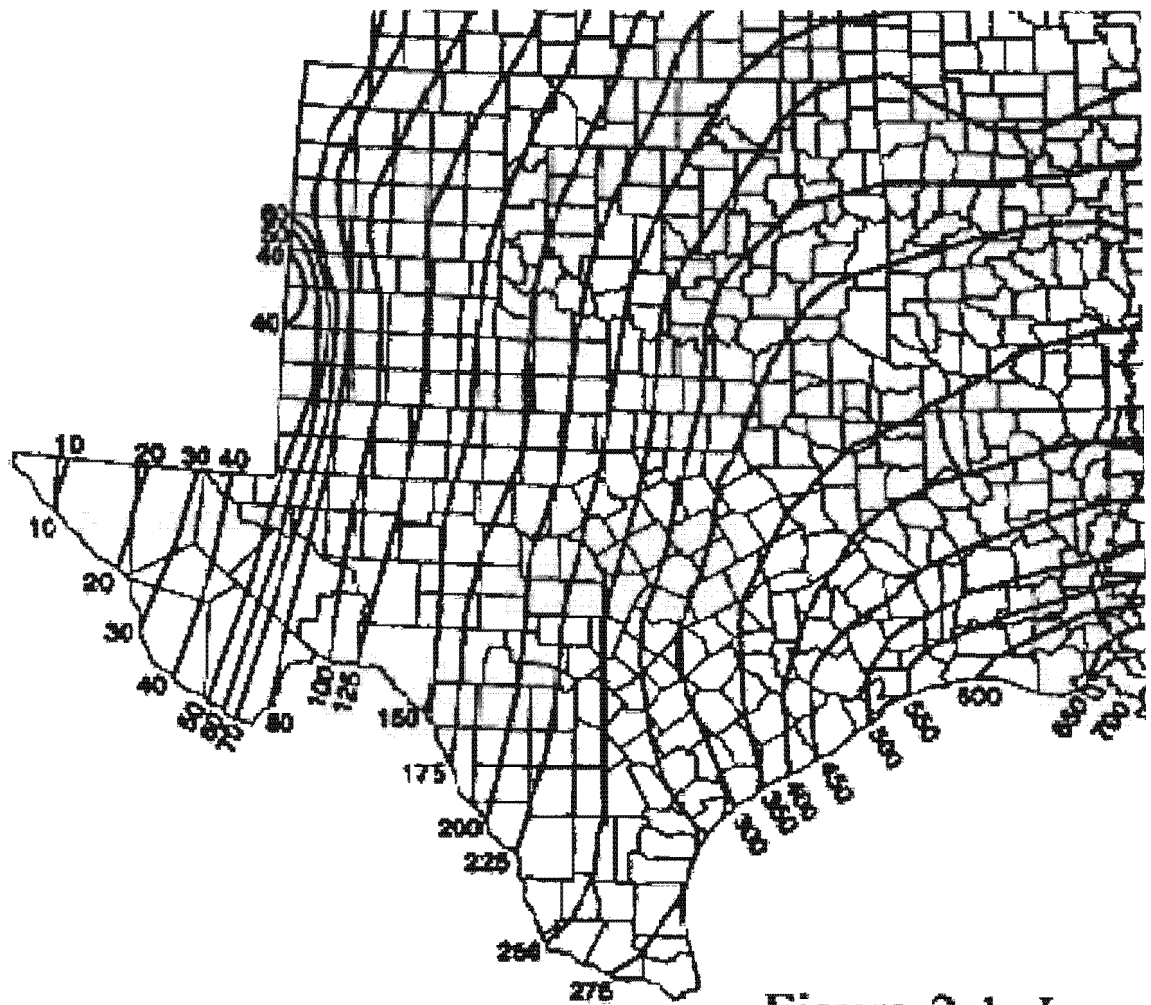


Figure 2.1 Isoerodent

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

Appendix D: Erosivity Indices for EI Zones in Texas

Periods:

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

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

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

Agent Authorization Form
For Required Signature
Edwards Aquifer Protection Program
Relating to 30 TAC Chapter 213
Effective June 1, 1999

I _____
Damon Thorpe
Print Name

_____ Owner
Title - Owner/President/Other

of _____
Cibolo Creek Estates
Corporation/Partnership/Entity Name

have authorized _____
Heath L. Woods
Print Name of Agent/Engineer

of _____
M&S Engineering
Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to \$10,000 per day per violation.
2. For those submitting an application who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
3. Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.
4. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and this form must accompany the completed application.
5. No person shall commence any regulated activity on the Edwards Aquifer Recharge Zone, Contributing Zone or Transition Zone until the appropriate application for the activity has been filed with and approved by the Executive Director.

SIGNATURE PAGE:

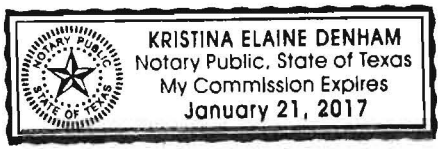
Dan Lape
Applicant's Signature

JULY 23, 2013
Date

THE STATE OF Texas §
County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared Damon Thorpe known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 23 day of July, 2013.



Kristina Elaine Denham
NOTARY PUBLIC
Kristina Elaine Denham
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: January 21, 2017

Texas Commission on Environmental Quality
Edwards Aquifer Protection Program
Application Fee Form

NAME OF PROPOSED REGULATED ENTITY: Cibola Creek Estates
 REGULATED ENTITY LOCATION: Comal County off East Ammann Rd.
 NAME OF CUSTOMER: Black Brush Properties, LLC
 CONTACT PERSON: Heath L. Woods PHONE: (830) 228-5446
 (Please Print)

Customer Reference Number (if issued): CN _____ (nine digits)
 Regulated Entity Reference Number (if issued): RN _____ (nine digits)

Austin Regional Office (3373) Hays Travis Williamson
San Antonio Regional Office (3362) Bexar Comal Medina Kinney Uvalde

Application fees must be paid by check, certified check, or money order, payable to the **Texas Commission on Environmental Quality**. Your canceled check will serve as your receipt. **This form must be submitted with your fee payment.** This payment is being submitted to (Check One):

- Austin Regional Office** **San Antonio Regional Office**
 Mailed to TCEQ: **Overnight Delivery to TCEQ:**
 TCEQ – Cashier TCEQ - Cashier
 Revenues Section 12100 Park 35 Circle
 Mail Code 214 Building A, 3rd Floor
 P.O. Box 13088 Austin, TX 78753
 Austin, TX 78711-3088 512/239-1278

Site Location (Check All That Apply): Recharge Zone Contributing Zone Transition Zone

Type of Plan	Size	Fee Due
Water Pollution Abatement Plan, Contributing Zone Plan: One Single Family Residential Dwelling	119.56 Acres	\$ 8,000.00
Water Pollution Abatement Plan, Contributing Zone Plan: Multiple Single Family Residential and Parks	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Non-residential	Acres	\$
Sewage Collection System	L.F.	\$
Lift Stations without sewer lines	Acres	\$
Underground or Aboveground Storage Tank Facility	Tanks	\$
Piping System(s)(only)	Each	\$
Exception	Each	\$
Extension of Time	Each	\$

Heath L. Woods
Signature

7/23/13
Date

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Texas Commission on Environmental Quality
 Edwards Aquifer Protection Program
Application Fee Schedule
 30 TAC Chapter 213 (effective 05/01/2008)

**Water Pollution Abatement Plans and Modifications
 Contributing Zone Plans and Modifications**

PROJECT	PROJECT AREA IN ACRES	FEE
One Single Family Residential Dwelling	< 5	\$650
Multiple Single Family Residential and Parks	< 5	\$1,500
	5 < 10	\$3,000
	10 < 40	\$4,000
	40 < 100	\$6,500
	100 < 500	\$8,000
	≥ 500	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1	\$3,000
	1 < 5	\$4,000
	5 < 10	\$5,000
	10 < 40	\$6,500
	40 < 100	\$8,000
	≥ 100	\$10,000

Organized Sewage Collection Systems and Modifications

PROJECT	COST PER LINEAR FOOT	MINIMUM FEE MAXIMUM FEE
Sewage Collection Systems	\$0.50	\$650 - \$6,500

Underground and Aboveground Storage Tank System Facility Plans and Modifications

PROJECT	COST PER TANK OR PIPING SYSTEM	MINIMUM FEE MAXIMUM FEE
Underground and Aboveground Storage Tank Facility	\$650	\$650 - \$6,500

Exception Requests

PROJECT	FEE
Exception Request	\$500

Extension of Time Requests

PROJECT	FEE
Extension of Time Request	\$150