TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 4, 2006

Mr. Stephen Sallman
Ensenada Shores, Ltd.
4925 Greenville Drive, Suite 1020
Dallas, Texas 75206

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Ensenada Shores Unit 4; Located on FM 2673 one mile north of Startzville; Comal County, Texas
TYPE OF PLAN: Request for the Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2583.00; Investigation No. 517005; Regulated Entity No. RN105086938

Dear Mr. Sallman:

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 The Schultz Group, Inc. on behalf of Ensenada Shores, Ltd. on October 16, 2006. Final review of the CZP submittal was completed after additional material was received on November 13, 2006 and November 20, 2006. 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. 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 mixed family residential project will have an area of approximately 250.28 acres. The total impervious cover for the site is 38.89 acres and can be divided into the following categories.

Single Family Residential – 143 lots; 7,000 square feet of impervious cover per lot
22.98 acres of impervious cover total

Condominium Lot – 10.31 acre lot with 70% impervious cover
7.21 acres of impervious cover total

Road – 379,127 square feet of roads
8.70 acres of impervious cover total

Project wastewater will be disposed of by an on-site sewage facility for each individual lot. According to a letter dated October 9, 2006, signed by Thomas Hornseth P.E. with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

PERMANENT POLLUTION ABATEMENT MEASURES

The single family residential portion of the project will not have more than 20 percent impervious cover, an exemption from permanent BMPs is approved.

The applicant requested a waiver of the requirements for permanent BMPs for the condominium lot because the site will have less than 20 percent impervious cover. Based upon the TCEQ's review of the proposed activities and site conditions, the required waiver for the condominium lot is not approved at this time. The TCEQ feels that the pollutant load generated by the condominium lot will not be sufficiently treated by the pervious cover and the conceptual nature of the plans submitted for this lot was not adequate for a full technical review.

SPECIAL CONDITIONS

I. This approval letter is only for construction on the single family residential lots. No construction is allowed on the condominium lot until a CZP modification is submitted and approved by the TCEQ. This CZP modification must include final designs and permanent BMPs for the treatment of water runoff from the condominium lot.

II. The holder of the approved Edwards Aquifer Contributing Zone Plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.

III. If the impervious cover ever increases above 20 percent or the land use changes, the exemption for the whole site may no longer apply and the property owner must notify the San Antonio Regional Office of these changes.

IV. 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.

V. Temporary BMPs are necessary during all phases of construction, including house construction. Silt fence and other adequate temporary BMPs are to be present along the downgradient portion of any disturbed area from house construction. These temporary BMPs must protect water quality, and inspection, maintenance and repair will need to follow the guidelines set forth in the CZP and SWPPP.

VI. Within 60 days of the date of this letter or prior to commencement of construction, which ever occurs first, provide the TCEQ with specification on the concrete washout pit that follows the Technical Guidance Manual (TGM, 2005), Section 1.4.18.

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.

Prior to Commencement of Construction:

2. 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 form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved CZP is enclosed.

3. 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 CZP and this notice of approval shall be maintained at the project location until all regulated activities are completed.

4. 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.

5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.

6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved CZP, 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.

7. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or 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 any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. No wells exist on the site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.

11. 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 reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.

12. 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.

13. 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.

After Completion of Construction:

14. 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 San Antonio 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 association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated 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 San Antonio 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 Edwards Aquifer protection plan. If the new owner intends to commence any new

regulated activity on the site, a new Edwards Aquifer protection 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. An Edwards Aquifer protection 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 Edwards Aquifer protection plan must be submitted to the San Antonio 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,

Bobby D. Caldwell

for Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/CEF

Enclosures: Deed Recordation Affidavit, TCEQ-0625
Change in Responsibility for Maintenance on Permanent BMPs, TCEQ-10263

cc: Mr. Stephen Schultz, The Schultz Group, Inc.
Mr. Tom Hornseth, P.E., Comal County Engineer
Mr. Robert Potts, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

THE Schultz Group INC.

P.O. BOX 310483 • NEW BRAUNFELS, TX 78131-0483 • Phone: (830) 606-3913 • Fax: (830) 625-2204

CONTRIBUTING ZONE PLAN

for

ENSENADA SHORES UNITS 4
COMAL COUNTY, TEXAS

prepared by

THE SCHULTZ GROUP, INC.

PROJECT NO. 04-03-2006

SEPTEMBER 2006

LOIS M. SCHULTZ
PRESIDENT

STEPHEN E. SCHULTZ, R.P.L.S.
VICE-PRESIDENT

BOBBIE L. HASERT, P.E., R.P.L.S.
CHIEF ENGINEER

CONSULTING ENGINEERS AND LAND SURVEYORS

CONTRIBUTING ZONE PLAN

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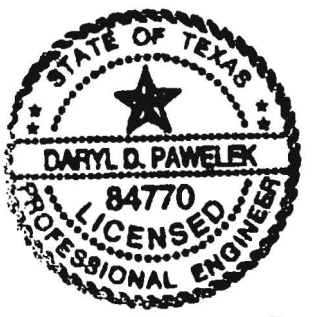


Daryl D. Pawelek, P.E. 9/22/06

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: Ensenada Shores Unit 4

County: Comal Stream Basin: Tom Creek(Canyon Lake Reservoir)

1. X Regulated activities on this site will disturb at least 5 acres.
NA 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:	Stephen Sallman
Entity:	Ensenada Shores, Ltd.
Mailing Address:	4925 Greenville Dr. Ste. 1020
City, State:	Dallas, Texas Zip: 75206
Telephone:	214-368-0238 FAX: 214-368-0812

Agent/Representative (If any):

Contact Person:	Stephen E. Schultz, RPLS
Title:	Vice President
Entity:	The Schultz Group, Inc.
Mailing Address:	P.O. Box 310483
City, State:	New Braunfels, Texas Zip: 78131
Telephone:	830-606-3913 FAX: 830-625-2204

3. NA This project is inside the city limits of _____.
NA This project is outside the city limits but inside the ETJ (extra-territorial jurisdiction) of _____.
X 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.
This project is located on FM 2673, approximately 1 mile northwest of Startzville.

5. X **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. X **ATTACHMENT B - USGS Quadrangle Map.** A copy of the a USGS Quadrangle Map (Scale: 1" = 2000') is found at the end of this form. The map(s) clearly shows:
X Project site boundaries.
X USGS Quadrangle Name(s).

7. X **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:

NA Existing commercial site
NA Existing industrial site
NA Existing residential site
X Existing paved and/or unpaved roads
X Undeveloped (Cleared)
X Undeveloped (Undisturbed/Uncleared)
NA Other:

PROJECT INFORMATION

9. The type of project is:
   X Residential: # of Lots: 143
   X Residential: # of Living Unit Equivalents(Condo Site): 40
   NA Commercial
   NA Industrial
   NA Other:

10. Total project area (size of site): 250.28 Acres
    Total disturbed area: 27.20 Acres

11. Projected population: 549

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 (residential, condominiums)	999,068	÷ 43,560 =	22.93
Parking (condominiums)	30,000	÷ 43,560 =	0.69
Other paved surfaces (roads and residential drives)	655,127	÷ 43,560 =	17.08
Total Impervious Cover	1,694,195	÷ 43,560 =	38.89
		Total Impervious Cover ÷ Total Acreage x 100 =	15.5 %

13. X **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. X 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:
   NA TXDOT road project.
   NA County road or roads built to county specifications.
   NA City thoroughfare or roads to be dedicated to a municipality.
   NA Street or road providing access to private driveways.

16. Type of pavement or road surface to be used:
NA Concrete
NA Asphaltic concrete pavement
NA Other:

17. Length of Right of Way (R.O.W.): _____ feet.
Width of R.O.W.: _____ feet.
L x W = _____ Ft^2 ÷ 43,560 Ft^2/Acre = _____ acres.

18. Length of pavement area: _____ feet.
Width of pavement area: _____ feet.
L x W = _____ Ft^2 ÷ 43,560 Ft^2/Acre = _____ acres.
Pavement area _____ acres ÷ R.O.W. area _____ acres x 100 = ____% impervious cover.

19. NA A rest stop will be included in this project.
NA A rest stop will **not** be included in this project.

20. NA 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. X **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:

X 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.

NA 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.

NA 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 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. NA 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.

NA **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. NA All piping, hoses, and dispensers will be located inside the containment structure.
NA 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. NA 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:

NA Interior dimensions (length, width, depth and wall and floor thickness).
NA Internal drainage to a point convenient for the collection of any spillage.

NA Tanks clearly labeled
NA Piping clearly labeled
NA 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.

NA 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.
NA 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" = 300 '.

31. 100-year floodplain boundaries

X 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): FEMA FIRM 485463 0065 C DATED SEPTEMBER 29, 1986

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.
X 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. X A drainage plan showing all paths of drainage from the site to surface streams(See Drainage Area Map).

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

35. X Areas of soil disturbance and areas which will not be disturbed.

36. X Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.

37. X Locations where soil stabilization practices are expected to occur.

38. X Surface waters (including wetlands).

39. X Locations where stormwater discharges to surface water.
__ There will be no discharges to surface water.

40. __ Temporary aboveground storage tank facilities.
X Temporary aboveground storage tank facilities will not be located on this site.

41. __ Permanent aboveground storage tank facilities.
X 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. NA Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.

43. NA 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.

NA The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.
NA 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. NA 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. X 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.

X This site will be used for low density single-family residential development and has 20% or less impervious cover.
NA This site will be used for low density single-family residential development but has more than 20% impervious cover.
NA This site will not be used for low density single-family residential development.

46. X 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.

X **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.**

NA 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.

NA 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.

X 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.**

NA 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.

X 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. X **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. NA **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. NA **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. NA The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.

NA 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 increase erosion that results in water quality degradation.

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

54. NA 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. NA 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 One (1) original and three (3) copies of the complete application has been provided.

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:

Stephen E. Schultz
Print Name of Customer/Agent

Stephen E. Schultz 9/19/06
Signature of Customer/Agent 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 4, 2006

Mr. Stephen Sallman
Ensenada Shores, Ltd.
4925 Greenville Drive, Suite 1020
Dallas, Texas 75206

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Ensenada Shores Unit 4; Located on FM 2673 one mile north of Startzville; Comal County, Texas
TYPE OF PLAN: Request for the Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2583.00; Investigation No. 517005; Regulated Entity No. RN105086938

Dear Mr. Sallman:

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 The Schultz Group, Inc. on behalf of Ensenada Shores, Ltd. on October 16, 2006. Final review of the CZP submittal was completed after additional material was received on November 13, 2006 and November 20, 2006. 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. 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 mixed family residential project will have an area of approximately 250.28 acres. The total impervious cover for the site is 38.89 acres and can be divided into the following categories.

Single Family Residential – 143 lots; 7,000 square feet of impervious cover per lot
22.98 acres of impervious cover total

Condominium Lot – 10.31 acre lot with 70% impervious cover
7.21 acres of impervious cover total

Road – 379,127 square feet of roads
8.70 acres of impervious cover total

Project wastewater will be disposed of by an on-site sewage facility for each individual lot. According to a letter dated October 9, 2006, signed by Thomas Hornseth P.E. with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

PERMANENT POLLUTION ABATEMENT MEASURES

The single family residential portion of the project will not have more than 20 percent impervious cover, an exemption from permanent BMPs is approved.

The applicant requested a waiver of the requirements for permanent BMPs for the condominium lot because the site will have less than 20 percent impervious cover. Based upon the TCEQ's review of the proposed activities and site conditions, the required waiver for the condominium lot is not approved at this time. The TCEQ feels that the pollutant load generated by the condominium lot will not be sufficiently treated by the pervious cover and the conceptual nature of the plans submitted for this lot was not adequate for a full technical review.

SPECIAL CONDITIONS

I. This approval letter is only for construction on the single family residential lots. No construction is allowed on the condominium lot until a CZP modification is submitted and approved by the TCEQ. This CZP modification must include final designs and permanent BMPs for the treatment of water runoff from the condominium lot.

II. The holder of the approved Edwards Aquifer Contributing Zone Plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.

III. If the impervious cover ever increases above 20 percent or the land use changes, the exemption for the whole site may no longer apply and the property owner must notify the San Antonio Regional Office of these changes.

IV. 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.

V. Temporary BMPs are necessary during all phases of construction, including house construction. Silt fence and other adequate temporary BMPs are to be present along the downgradient portion of any disturbed area from house construction. These temporary BMPs must protect water quality, and inspection, maintenance and repair will need to follow the guidelines set forth in the CZP and SWPPP.

VI. Within 60 days of the date of this letter or prior to commencement of construction, which ever occurs first, provide the TCEQ with specification on the concrete washout pit that follows the Technical Guidance Manual (TGM, 2005), Section 1.4.18.

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.

Prior to Commencement of Construction:

2. 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 form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved CZP is enclosed.

3. 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 CZP and this notice of approval shall be maintained at the project location until all regulated activities are completed.

4. 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.

5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.

6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved CZP, 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.

7. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or 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 any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. No wells exist on the site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.

11. 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 reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.

12. 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.

13. 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.

<u>After Completion of Construction:</u>

14. 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 San Antonio 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 association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated 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 San Antonio 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 Edwards Aquifer protection plan. If the new owner intends to commence any new

regulated activity on the site, a new Edwards Aquifer protection 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. An Edwards Aquifer protection 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 Edwards Aquifer protection plan must be submitted to the San Antonio 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,

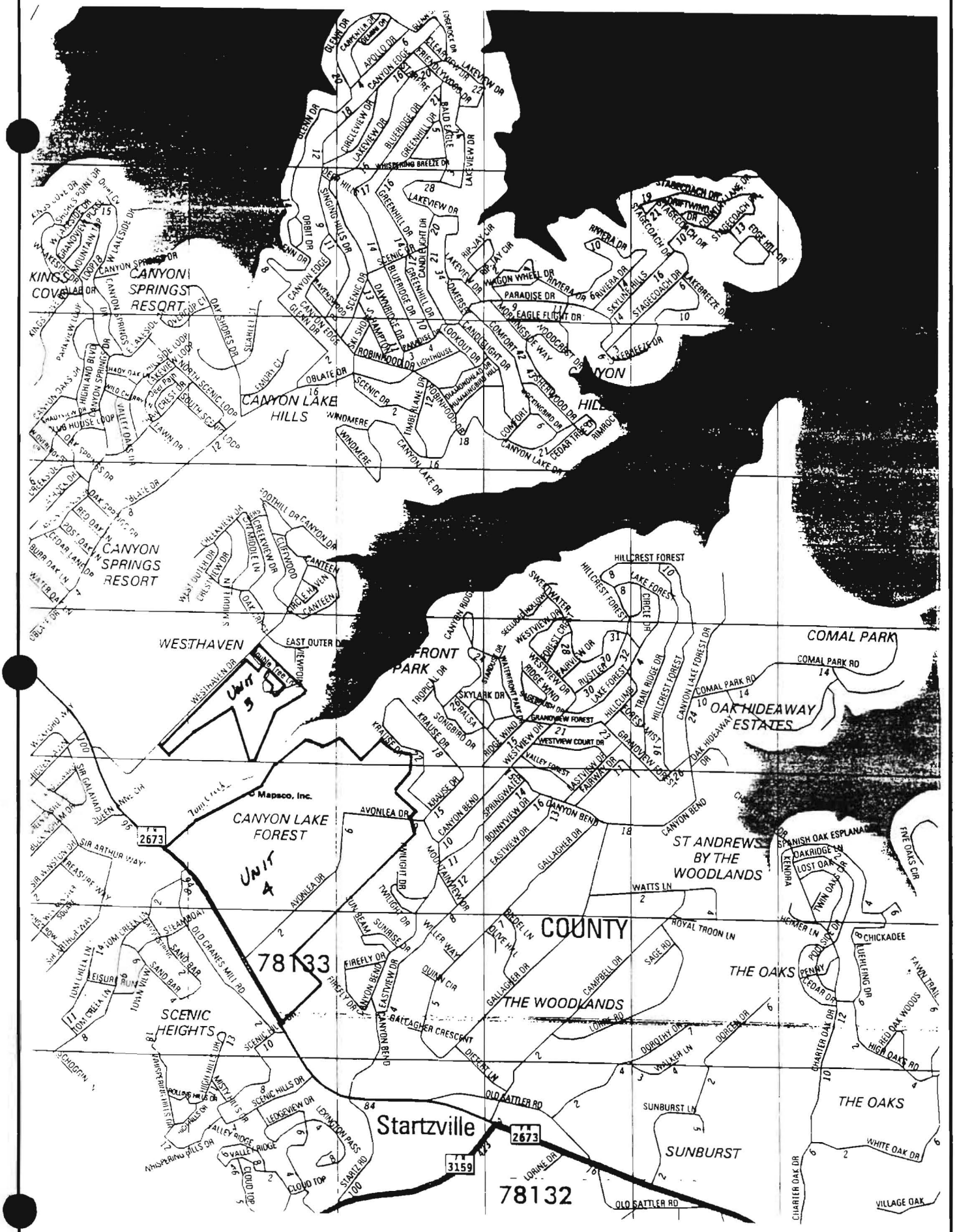
Bobby D. Caldwell

for Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/CEF

Enclosures: Deed Recordation Affidavit, TCEQ-0625
Change in Responsibility for Maintenance on Permanent BMPs, TCEQ-10263

cc: Mr. Stephen Schultz, The Schultz Group, Inc.
Mr. Tom Hornseth, P.E., Comal County Engineer
Mr. Robert Potts, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212


CANYON SPRINGS RESORT
KINGS COVE
CANYON LAKE HILLS
CANYON SPRINGS RESORT
WESTHAVEN
CANYON LAKE FOREST
UNIT 4
UNIT 5
SCENIC HEIGHTS
Startzville
78133
78132
2673
3159
COMAL PARK
OAK HIDEAWAY ESTATES
ST ANDREWS BY THE WOODLANDS
THE WOODLANDS
COUNTY
THE OAKS
SUNBURST
Mapsco, Inc.

ROAD CLASSIFICATION

Primary highway, hard surface

Secondary highway, hard surface

Light-duty road, hard or improved surface

Unimproved road

Interstate Route U. S. Route State Route

USGS MAP
Scale: 1" = 2000'

3053

ENSENADA SHORES, LTD.
4925 GREENVILLE AVE.
SUITE 1020
DALLAS, TX 75206
(214) 368-0238

BANK OF TEXAS N.A.
DALLAS, TEXAS 75205
32-1432-1110

9/21/2006

PAY TO THE ORDER OF TCEQ

$ **250.00

Two Hundred Fifty and 00/100********** DOLLARS

TECQ

MEMO Zone Plan Fee

Tamara Mirquez

"003053" ⑆111014325⑆ "28806 50253"

Details on back.
Security Features Included.

ENSENADA SHORES, LTD.
TCEQ
EQUITY ACTIVITY (Not On Draw):Dev Costs

Zone Plan Fee (Unit 4)	9/21/2006	3053	250.00

Ensenada (BOTx-MM)

Zone Plan Fee		250.00

Attachment B

Attachment C

Project Narrative

Ensenada Shores Unit 4 is a proposed development totally within the contributing zone of the Edwards aquifer. This development is 250.748 acres with 143 residential lots, and 143 residential lots on 239.973 acres and 10.305 acres for a condominium site.

Single family residences with garages and drives will account for an average of 7000 sq. ft. of impervious cover per lot. Wastewater will be handled by individual OSSF systems and water will be provided via an organized distribution system supplied by Canyon Lake Water Supply Corporation.

Impervious cover is calculated at 15.5 % for the 250.748 acre development, including all paved roads, projected impervious cover for the residential lots and condominium site.

Attachment D

Factors Affecting Surface Water Quality

Landscaping, vehicular traffic and various construction activities could affect the quality of downgradient surface waters. These factors may cause small amounts of oil, grease, suspended solids, fertilizers, pesticides, trash and debris to enter stormwater runoff. However, temporary stormwater controls installed during construction will treat the stormwater runoff prior to leaving the construction areas so as not to adversely affect water quality. After construction, stormwater from the impervious cover areas will flow across vegetated areas(ie, lawns, natural and revegetated channels, etc.) or soil stabilized channels(ie, solid rock, rock riprap, etc.) which will provide some treatment of possible pollutants prior to leaving the site.

Attachment E

Volume and Character of Stormwater

Stormwater runoff generated from roofs, parking areas, sidewalks and landscape areas will be of a domestic nature and may contain small amounts of oil, suspended solids, grease, fertilizers and pesticides. Pre and post development calculations of stormwater volume are detailed on the Drainage Area Map (D-1).

Attachment F

Suitability Letter from Authorized Agent

Comal County

OFFICE OF COMAL COUNTY ENGINEER

October 9, 2006

Hill Country Lake Estates, LP
Warner Capital, LLC, General Partner
Stephen L. Sallman, Manager
4925 Greenville Ave., St. 1020
Dallas, TX 75206

Re: Proposed plat of ENSENADA SHORES AT CANYON LAKE, UNIT FOUR, within Comal County, Texas

Dear Property Owner(s):

We have completed the field inspection of the referenced for the recommendation for private sewage facilities and have found the property to be approved with the condition that individual septic systems permits shall be required for the lots within this subdivision.

Please be advised that these individual permits will be required to meet 30 TAC 285, On-Site Sewage Facilities Rules of the Texas Natural Resource Conservation Commission.

Should you have any questions, please feel free to contact us.

Sincerely,

Thomas H. Hornseth, P.E.
Comal County Engineer

xc: Stephen E. Schultz, RPLS, The Schultz Group, Inc.

195 David Jonas Drive • New Braunfels, Texas 78130 • (830) 608-2090 FAX (830) 608-2009

Greg W. Johnson, P.E., R.S.

170 Hollow Oak ● New Braunfels, TX 78130 ● (830)905-2778

February 10, 2005

Warner Capital, LLC
Stephen L. Sellman
4925 Greenville Avenue, Suite 1020
Dallas, Texas 75206

RE: Soil survey & OSSF compatibility
Ensenada Shores at Canyon Lake
Comal County, Texas

TYPE SOILS AND DRAINAGE

The referenced location was surveyed for soil types and their compatibility with development and installation of septic systems. Multiple soil evaluation backhoe pits to limestone were made throughout the property. Tested soils have a medium to high clay content and are a part of the Real-Comfort-Doss complex, undulating (RcD) and the Brackett-Rock outcrop complex, steep (BtG). Soils are shallow and undulating over limestone, with brown to red brown clay to clay loam from surface to 6"-12" then tan silty loam caliche to a depth of 6"-36". Limestone was encountered at depths of 6" to 36". The property is varies in slope from three to twenty percent (3%-20%) and is moderately well drained. According to F.E.M.A. Map 485463 0065C most of this property is not within the 100 year flood plain, except the lots adjacent to the front and Tom Creek.

OSSF TYPES

The site contains Type III soils having low to moderate clay content and fair soil absorption characteristics. Recommended On Site Sewage Facilities (OSSF) for this property are aerobic treatment plants with spray or drip irrigation, or low pressure dosing fields type systems. More than adequate space is available for any of the referenced OSSF and their respective replacement areas.

The water service to each lot must be routed in such a way to provide a minimum of 10' separation from any part of each OSSF.

Respectfully yours,

Greg W. Johnson, P.E.

OSSF Sizing

Water usage and field requirements:

3 Bedroom Residence Q = 240 GPD
4 Bedroom Residence Q = 300 GPD

Aerobic Treatment Plant (Spray Irrigation)

A = Q / Ri Ri = 0.064 g/sf

240 gpd A = 240/0.064 = 3750 sf.
300 gpd A = 300/0.064 = 4688 sf.

Drip Irrigation and Low Pressure Dosing
Type III Soils
A = Q/Ra Ra = 0.2 g/sf

240 gpd A = 240/0.2 = 1200 sf.
300 gpd A = 300/0.2 = 1500 sf.

Attachment I

20% or Less Impervious Cover Waiver

In accordance with 213.24(6)(C) and 213.5(b)(D)(ii)(IV), Ensenada Shores is hereby requesting a waiver for the requirements for Permanent BMP's based upon project resulting in an impervious cover of 15.5%.

Attachment J

Measures for Minimizing Surface Stream Contamination

Permanent BMP's or measures are not required to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site because this stormwater consists primarily of runoff from surrounding properties that are adjacent to the project site and are of different ownership. Interceptor swales are being proposed just inside the property lines to bypass the upgradient flow and these swales will be vegetated upon completion of the site.

Attachment P

Measures for Minimizing Surface Stream Contamination

While development of this site will increase the accumulated stormwater volume, the amount of increase is negligible in comparison to the stormwater volume of the entire watershed. For this reason, the increased stormwater volume will have very minimal, if any effect on the velocity within the down gradient surface streams. The stormwater will enter Tom Creek in the same manner that it did prior to construction.

300' 150' 0 300'

SCALE: 1" = 300'

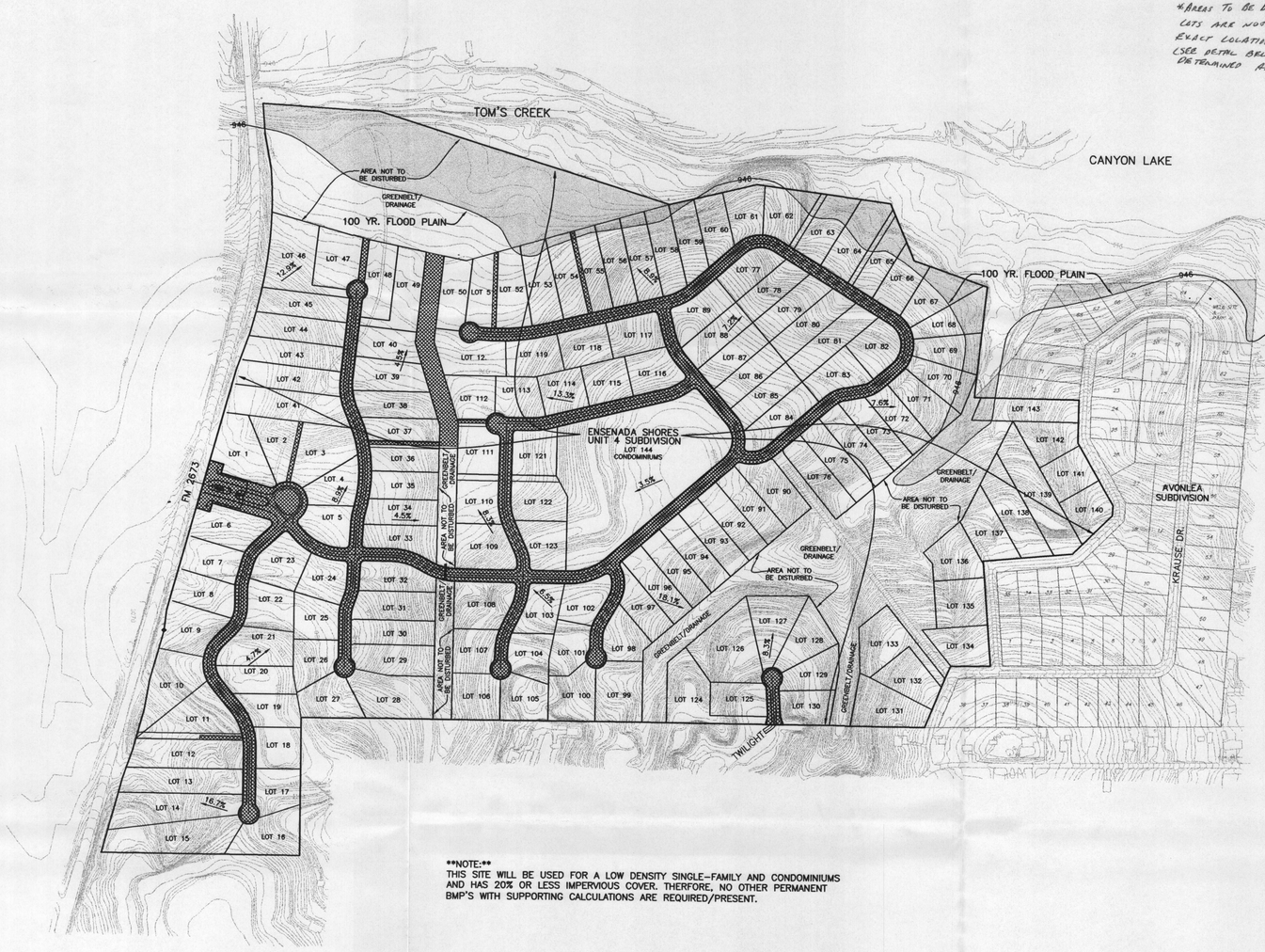
LEGEND

EXISTING CONTOUR

AREA TO BE DISTURBED

NOTE:
CHANNEL IMPROVEMENTS WHERE ROCK IS NOT ENCOUNTERED WILL BE SOIL STABILIZED. ROAD RIGHT OF WAYS WILL BE STABILIZED BY ROAD PAVING AS SHOWN ON THE TYPICAL STREET SECTION AND PARKWAYS WILL BE SOIL STABILIZED WHERE ROCK IS NOT ENCOUNTERED.

*AREAS TO BE DISTURBED ON INDIVIDUAL LOTS ARE NOT SHOWN, BECAUSE THE EXACT LOCATIONS OF LOT IMPROVEMENTS (SEE DETAIL BELOW) HAVE NOT BEEN DETERMINED AT THIS TIME.

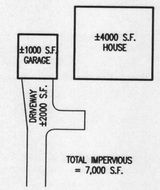


NOTE:
THIS SITE WILL BE USED FOR A LOW DENSITY SINGLE-FAMILY AND CONDOMINIUMS AND HAS 20% OR LESS IMPERVIOUS COVER. THERFORE, NO OTHER PERMANENT BMP'S WITH SUPPORTING CALCULATIONS ARE REQUIRED/PRESENT.

THE AMOUNT AND TYPE OF IMPERVIOUS COVER EXPECTED AFTER CONSTRUCTION ARE SHOWN BELOW:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops (residential, condominiums)	999,068	÷ 43,560 =	22.93
Parking (condominiums)	30,000	÷ 43,560 =	0.69
Other paved surfaces (roads and residential drives)	665,127	÷ 43,560 =	15.27
Total Impervious Cover	1,694,195	÷ 43,560 =	38.89
		Total Impervious Cover ÷ Total Acreage x 100 =	15.5 %

TOTAL SITE ACREAGE = 250.28 AC.



TYPICAL LOT IMPERVIOUS COVER
N.T.S.

Texas Commission on Environmental Quality
Contributing Zone Plan
General Construction Notes

1. Written construction notification should be provided to the appropriate TCEQ regional office no later than 48 hours prior to commencement of the regulated activity. Information should 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 with the name and telephone number of the contact person.
2. All contractors conducting regulated activities associated with this project should be provided with complete copies of the approved Contributing Zone Plan and the TCEQ letter indicating the specific conditions of its approval. During the course of these regulated activities, the contractor(s) should keep copies of the approved plan and approval letter on-site.
3. No temporary aboveground hydrocarbon and hazardous substance storage tank system may be installed within 150 feet if a domestic, industrial, irrigation, or public water supply well.
4. Prior to commencing construction, all temporary erosion and sedimentation (E&S) control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Controls specified in the SWPPP section of the approved Edwards Aquifer Contributing Zone 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.
5. 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).
6. 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.
7. 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).
8. All spoils (excavated material) generated from the project site and stored on-site must have proper E&S controls installed.
9. 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.
10. The following records should 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.
11. The holder of any approved Contributing Zone plan must notify the appropriate regional office writing and obtain approval from the executive director prior to initiating any of the following:
    - A. any physical or operational modification of any best management practices or structure(s), including but not limited to temporary or permanent ponds, dams, berms, silt fences, and diversionary structures;
    - B. any change in the nature or character of the regulated activity from that which was originally approved;
    - C. any change that would significantly impact the ability to prevent pollution of the Edwards Aquifer and hydrologically connected surface water; or
    - D. any development of land previously identified in a contributing zone plan as undeveloped.

Austin Regional Office	San Antonio Regional Office
1921 Cedar Bend, Suite 150	14250 Judson Road
Austin, Texas 78758-5336	San Antonio, Texas 78233-4480
Phone (512) 339-2929	Phone (210) 490-3096
Fax (512) 339-3795	Fax (210) 545-4329

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

Contributing Zone Impervious Cover Summary
Land Use Breakdown

Total Property Area = 250.748 acres
FM 2673 Dedication = 0.470 acres

Total Development = 250.278 acres
Residential Unit 4 (143 Lots) = 239.973 acres
Condominium Unit 4 = 10.305 acres

SAN ANTONIO
OCT 16 2006
TCEQ-R13

Impervious Cover Breakdown

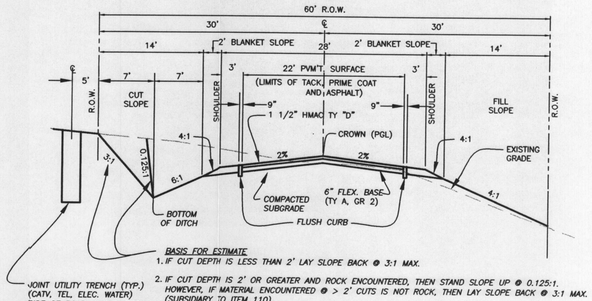
"Residential Lots(House, Drives, Garage) = 7,000 sf/lot (based on typical lot impervious cover)
Residential Lots = 143 lots
Total Residential Impervious Area = 1,001,000 sf (715,000 sf bldg, ± 286,000 sf paving)
22.98 acres

Total Unit 4 Street Impervious Area = 379,127 sf (based on 22' asphalt, 40' rad. Cul-de-sacs, entrance drive Unit 4)
8.70 acres

Condo (Lot 144, 70% Impervious) = 7.21 acres (±284,068 sf bldg, ±30,000 sf parking)

Percentage of Impervious Coverage Summary

Total Impervious Cover = 38.89 acres
Total Development = 250.278 acres
% Impervious Cover = 15.54 % < 20% OK



TYPICAL STREET SECTION
N.T.S.

REVISIONS

DATE	DESCRIPTION

STATE OF TEXAS — DANIEL D. PAWELEK — 84778 — LICENSED PROFESSIONAL ENGINEER — 10/19/06

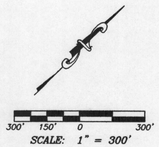
CONTRIBUTING ZONE SITE PLAN FOR ENSENADA SHORES UNIT 4
CANYON LAKE, TEXAS

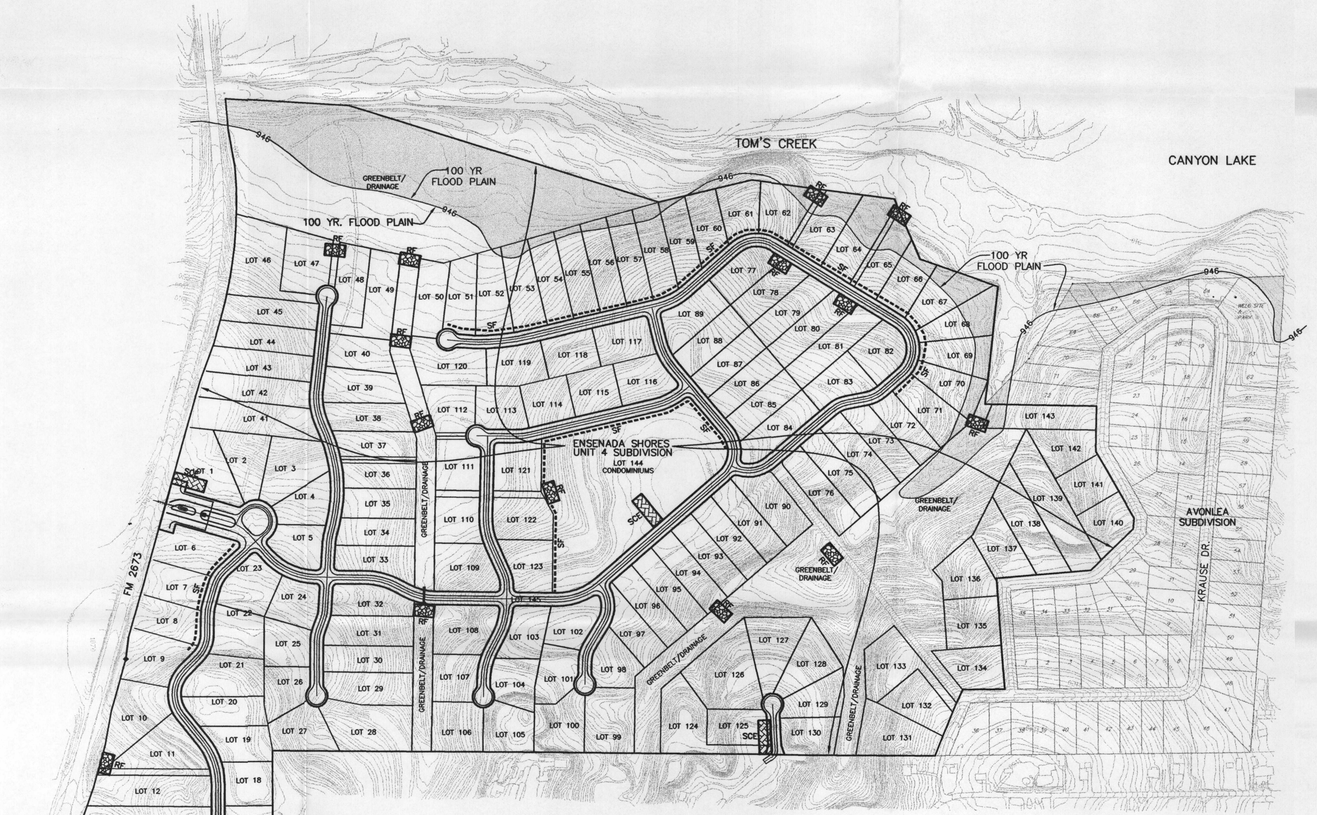
The Schultz Group, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2461 LOOP 337 NEW BRAUNFELS, TEXAS 78130
PHONE (830) 606-3913 FAX (830) 625-2204

DRAWN BY: RTS
CHECKED BY: D.D.P.
DATE: MAY 2006
JOB NO.: 040306

S-1

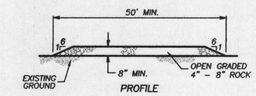
File Name: F:\040306\contributing zone.dwg



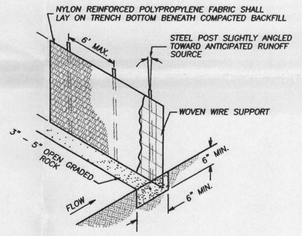


* NOTE: PRIOR TO CONSTRUCTION ON INDIVIDUAL LOTS, PROPERTY OWNERS WILL BE REQUIRED TO INSTALL SILT FENCE ON DOWNGRADIENT SIDE OF LOTS AND OUT OF THE FLOOD PLAIN. TCEQ WILL REQUIRE THIS IN THE CONDITIONS FOR APPROVAL OF THIS CONTRIBUTING ZONE PLAN.

NOTE: CONTRACTOR SHALL COORDINATE STABILIZED CONST. ENTRANCE/EXIT WITH PROJECT PHASING PLAN

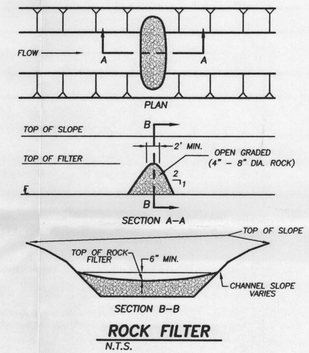


STABILIZED CONSTR. ENTRANCE/EXIT
N.T.S.



TENSILE STRENGTH ..... 90 LBS.
PUNCTURE RATING ..... 60 LBS.
MULLEN BURST RATING ..... 280 PSI
APPARENT OPENING SIZE, U.S. SIEVE NO. 20

SILT FENCE
N.T.S.



ROCK FILTER
N.T.S.

LEGEND

1000	EXISTING CONTOUR
SF	PROPOSED SILT FENCE
RF	PROPOSED ROCK FILTER
SCE	PROPOSED STABILIZED CONSTRUCTION ENTRANCE/EXIT

REVISIONS	
DATE	DESCRIPTION

STATE OF TEXAS — DARYL D. PINNELL — 83676 — LICENSED PROFESSIONAL ENGINEER
Daryl D. Pinnell, P.E. 9/22/06

TEMPORARY EROSION CONTROL & BMP's PLAN

ENSENADA SHORES UNIT 4

CANYON LAKE, TEXAS

THE Schultz Group, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2461 LOOP 337 NEW BRAUNFELS, TEXAS 78130
PHONE (830) 606-3913 FAX (830) 625-2204

DRAWN BY:	RTS
CHECKED BY:	D.D.P.
DATE:	SEPT. 2006
JOB NO.:	040306

T1

File Name: F:\040306\contributing zone.dwg

REFERENCE PROPERTY DOES LIE WITHIN THE FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP, COMAL COUNTY, TEXAS, COMMUNITY PANEL NUMBER 485463 0065 C, DATED: SEPTEMBER 29, 1986. (ZONE A30 – ELEV. 946)

LEGEND

- 720 — EXISTING CONTOUR
- (C15) — DRAINAGE AREA DESIGNATION
- [1] — DRAINAGE NODE POINT
- DRAINAGE AREA
- DRAINAGE FLOW DIRECTION

DRAINAGE AREA DESIGNATION	AREA (AC.)
A1	1.40
A2	13.61
A3	0.60
B1	3.51
B2	2.25
C1	0.99
C2	3.98
C3	2.85
C4	1.08
C5	12.00
C6	3.60
C7	0.84
C8	3.20
C9	62.69
C10	1.20
C11	13.35
C12	0.52
C13	2.84
C14	3.72
C15	6.63
C16	19.50
D1	6.78
D2	2.79
E1	9.94
E2	2.17
F1	0.91
F2	81.96
F3	37.24

HYDROLOGIC CALCULATIONS
RATIONAL METHOD: Q=CIA

DRAINAGE NODE POINT	CONTRIBUTING DRAINAGE AREAS	TOTAL AREA (ACRES)	C_{10}	C_{100}	TIME OF CONCENTRATION (min.)	I_{10} (in/hr.)	I_{100} (in/hr.)	Q_{10} (cfs)	Q_{100} (cfs)
1 post	A1	1.40	0.47	0.60	10	8.10	11.55	5.33	9.70
2 pre	A1+A2+A3	15.61	0.43	0.54	10	8.10	11.55	54.34	97.33
2 post	A1+A2+A3	15.61	0.47	0.60	10	8.10	11.55	59.39	108.15
3 post	A3	0.60	0.47	0.60	10	8.10	11.55	2.28	4.16
4 pre	B1+A2	4.67	0.42	0.53	10	8.10	11.55	15.88	28.58
4 post	B1	3.51	0.47	0.60	10	8.10	11.55	13.35	24.32
5 pre	A3+B2	1.13	0.42	0.53	10	8.10	11.55	3.84	6.92
5 post	B2	2.25	0.47	0.60	10	8.10	11.55	8.56	15.59
6 post	C1	0.99	0.47	0.60	10	8.10	11.55	3.77	6.86
7 post	C2	3.98	0.47	0.60	10	8.10	11.55	15.14	27.57
7A post	C1+C2	4.97	0.47	0.60	10	8.10	11.55	18.91	34.43
8 post	C3	2.85	0.47	0.60	10	8.10	11.55	10.84	19.74
9 post	C3+C4	3.93	0.47	0.60	10	8.10	11.55	14.95	27.23
10 post	C1+C2+C5	16.97	0.47	0.60	13	7.21	10.30	57.50	104.85
11 post	C6	3.60	0.47	0.60	10	8.10	11.55	13.70	24.94
12 post	C7	0.84	0.47	0.60	10	8.10	10.55	3.20	5.82
13 post	C8	3.20	0.47	0.60	10	8.10	11.55	12.18	22.17
14 post	C8+C7+C8+C9	70.33	0.47	0.60	16	6.52	9.32	215.46	393.40
15 post	C10	1.20	0.47	0.60	10	8.10	11.55	4.57	8.31
16 post	C10+C11	14.55	0.64	0.77	10	8.10	11.55	75.38	129.36
17 post	C10+C11+C12	15.07	0.64	0.77	10	8.10	11.55	78.08	133.99
18 post	C13	2.84	0.71	0.84	10	8.10	11.55	16.32	27.55
19 post	C13+C14	6.56	0.57	0.70	10	8.10	11.55	30.27	53.02
20 post	C15	6.63	0.47	0.60	10	8.10	11.55	25.23	45.93
21 pre	C1 thru C10+C11+C12+C16	125.80	0.44	0.55	20	5.80	8.31	321.03	574.93
21 post	C1 thru C10+C11+C12+C16	125.80	0.49	0.62	20	5.80	8.31	357.51	648.11
22 post	D1	6.78	0.47	0.60	10	8.10	11.55	25.80	46.97
23 pre	D1+D2	9.57	0.42	0.53	10	8.10	11.55	32.54	58.57
23post	D1+D2	9.57	0.47	0.60	10	8.10	11.55	36.41	66.30
24 post	E1	9.94	0.47	0.60	10	8.10	11.55	37.82	68.86
25 pre	E1+E2	12.11	0.42	0.53	10	8.10	11.55	41.17	74.11
25 post	E1+E2	12.11	0.47	0.60	10	8.10	11.55	46.07	83.90
26 post	F1	0.91	0.47	0.60	10	8.10	11.55	3.46	6.30
27 post	F1+F2	82.87	0.47	0.60	16	6.52	9.32	253.87	463.55
28 pre	F1+F2+F3	120.11	0.42	0.53	18	6.13	8.78	309.49	599.07
28 post	F1+F2+F3	120.11	0.47	0.60	18	6.13	8.78	346.33	632.91

REVISIONS

DATE	DESCRIPTION

STATE OF TEXAS — DARYL D. PAWELEK — 64770 — LICENSED PROFESSIONAL ENGINEER — 4/25/06

TCEQ-R13
OCT 16 2006
SAN ANTONIO

DRAINAGE AREA MAP

ENSENADA SHORES UNIT 4
CANYON LAKE, TEXAS

THE Schultz Group, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2461 LOOP 337 NEW BRAUNFELS, TEXAS 78130
PHONE (830) 606-3913 FAX (830) 625-2204

DRAWN BY: RTS
CHECKED BY: D.D.P.
DATE: MAY 2006
JOB NO.: 040306

File Name: F:\040306\dsm01.dwg

Storm Water Pollution Prevention Plan

See attached SWP3 and Notice of Intent prepared by Compliance Resources, Inc.

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

NAME OF PROPOSED REGULATED ENTITY: Ensenada Shores Unit 4
REGULATED ENTITY LOCATION: FM 2673 approx. 1 mile northwest of Startzville
NAME OF CUSTOMER: Ensenada Shores Ltd.
CONTACT PERSON: Stephen Sallman PHONE: 214-368-0238
(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
☐ Kinney
☐ Medina
☐ 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):**

☒ **SAN ANTONIO REGIONAL OFFICE**

☐ **Mailed to TCEQ:**
TCEQ - Cashier
Revenues Section
Mail Code 214
P.O. Box 13088
Austin, TX 78711-3088

☐ **AUSTIN REGIONAL OFFICE**

☐ **Overnight Delivery to TCEQ:**
TCEQ - Cashier
12100 Park 35 Circle
Building A, 3rd Floor
Austin, TX 78753
512/239-0347

Check one:

☒ **Contributing Zone Plan - Fee Due $250**

☐ **Modification of a Previously Approved Contributing Zone Plan - Fee Due $250**

☐ **Extension of Time Request - Fee Due $100**

Stephen Sallman
Signature

9-21-06
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.

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

I Stephen Sallman,
Print Name

Title - Owner/President/Other

Ensenada Shores, Ltd.

Corporation/Partnership/Entity Name

have authorized Stephen E. Schultz

Print Name of Agent/Engineer

of The Schultz Group, Inc.

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 applicants 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.

Stephen McClure — 9-21-06

Applicant's Signature — Date

THE STATE OF Texas §

County of Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared _____ 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 21st day of September, 2006.

Tamara Miguez

NOTARY PUBLIC

_____

Typed or Printed Name of Notary

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC STATE OF TEXAS
TAMARA J. MIGUEZ
MY COMMISSION EXPIRES
July 15, 2010

TCEQ Core Data Form

TCEQ Use Only

If you have questions on how to fill out this form or about our Central Registry, please contact us at 512-239-5175.

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.

SECTION I: General Information

1. Reason for Submission *Example: new wastewater permit; IHW registration; change in customer information; etc.*

Contributing Zone Plan – Ensenada Shores at Canyon Lake Unit 4 (New Residential Subdivision)

2. Attachments				**Describe Any Attachments:** *(ex: Title V Application, Waste Transporter Application, etc.)*
	YES	**X**	**NO**	

3. Customer Reference Number-*if issued*				**4. Regulated Entity Reference Number-*if issued***		
CN		***(9 digits)***		**RN**		***(9 digits)***

SECTION II: Customer Information

5. Customer Role *(Proposed or Actual)* -- As It Relates to the Regulated Entity Listed on This Form

Residential Developer

Please check one of the following:		X	Owner		Operator		Owner and Operator	
	Occupational Licensee		Volunteer Cleanup Applicant				Other	
TCEQ Use Only			**Superfund**		**PST**		**Respondent**	

6. General Customer Information

X	New Customer		Change to Customer Information
	Change in Regulated Entity Ownership		No Change *

***If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.**

7. Type of Customer:			Individual		Sole Proprietorship - D.B.A.
	Partnership	X	Corporation		Federal Government
	State Government		County Government		City Government
	Other Government		Other:		

8. Customer Name *(If an individual, please print last name first)*	*If new name, enter previous name:*
Ensenada Shores, Ltd.	

9. Mailing Address:	4925 Greenville Ave.			
	Suite 1020			
	City	State	ZIP	ZIP + 4
	Dallas	TX	75206	

10. Country Mailing Information *if outside USA*	**11. E-Mail Address *if applicable***
	slsallman@sbcglobal.net

12. Telephone Number	**13. Extension or Code**	**14. Fax Number *if applicable***
(214) 368-0238		(214) 368-0812

15. Federal Tax ID *(9 digits)*	**16. State Franchise Tax ID Number** *if applicable*	**17. DUNS Number** *if applicable* *(9 digits)*
90-0168256		

18. Number of Employees										**19. Independently Owned and Operated?**			
x	**0-20**		**21-100**		**101-250**		**251-500**		**501 and higher**		**Yes**	x	**No**

SECTION III: Regulated Entity Information

20. General Regulated Entity Information

x	New Regulated Entity		Change to Regulated Entity Information		No Change*

*If "No Change" and Section I is complete, skip to Section IV - Preparer Information.

21. Regulated Entity Name *(If an individual, please print last name first)*				
Ensenada Shores, Ltd.				
22. Street Address (No PO Boxes)	4925 Greenville Ave.			
	Suite 1020			
	City	State	ZIP	ZIP + 4
	Dallas	TX	75206	
23. Mailing Address	4925 Greenville Ave.			
	Suite 1020			
	City	State	ZIP	ZIP + 4
	Dallas	TX	75206	
24. E-Mail Address:				

25. Telephone Number	26. Extension or Code	27. Fax Number *if applicable*
(214) 368-0238		(214) 368-0812

28. Primary SIC Code (4 digits)	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits)	31. Secondary NAICS Code (5 or 6 digits)
	6552	237210	

32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description)

Residential Developer

Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.

33. County Comal

34. Description of Physical Location approx. 1 miles northwest of Startzville on FM 2673

35. Nearest City	State	Nearest Zip
Startzville	Texas	78132

36. Latitude (N)			*37. Longitude (W)*		
Degrees	*Minutes*	*Seconds*	*Degrees*	*Minutes*	*Seconds*
29	51	20	98	16	32

38. TCEQ Programs In Which This Regulated Entity Participates *Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "Unknown".* If you know a permit or registration # for this entity, please write it below the program."

	Animal Feeding Operation		Petroleum Storage Tank		Water Rights
	Title V - Air		Wastewater Permit	X	Edwards
	Industrial & Hazardous Waste		Water Districts		
	Municipal Solid Waste		Water Utilities		Unknown
	New Source Review - Air		Licensing - TYPE(s)		

Section IV: Preparer Information

39. Name	40. Title
Stephen E. Schultz	RPLS

41. Telephone Number	42. Extension or Code	43. Fax Number *if applicable*
830-606-3913		830-625-2204

44. E-mail Address: steve@schultzgroupinc.com

THIS SITE IS LOCATED IN THE TCEQ EDWARDS AQUIFER CONTRIBUTING ZONE

ENSENADA SHORES AT CANYON LAKE, UNITS 3 AND 4

STORM WATER POLLUTION PREVENTION PLAN

FOR LARGE (5 ACRES OR GREATER) CONSTRUCTION ACTIVITIES

DEVELOPED FOR

ENSENADA SHORES, LTD.
4925 GREENVILLE AVENUE, SUITE 1020
DALLAS, TEXAS 75206
(214) 368-0238

CZP SUBMITTAL
SEPTEMBER 15, 2006

DEVELOPED BY

COMPLIANCE RESOURCES, INC.
PO BOX 3000 #246
GEORGETOWN, TEXAS 78627-3000
512.930.7733
WWW.COMPLIANCERESOURCESINC.COM

TCEQ'S COPY

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I. Introduction

Regulatory Requirements for Construction Storm Water

Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act require that at least one storm water pollution prevention plan (SWP3) shall be developed for each construction project or site covered by the permit.

The SWP3 shall be completed prior to a submittal of the Notice of Intent (NOI) and shall provide for compliance with the terms and schedule of the SWP3 beginning with the initiation of construction activities.

The SWP3 shall be available, upon request, to the Director, a State, Tribal or local agency approving sediment and erosion control plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal storm water sewer receiving discharges from the site.

The SWP3 is available at the office of Ensenada Shores, Ltd. (4925 Greenville Avenue, Suite 1020, Dallas, Texas 75206).

Notice of Intent

The NOI must be submitted at least 2 days prior to the start of work. The NOI must be signed by a duly authorized representative and retained on site where the storm water discharge is generated.

A copy of the Ensenada Shores at Canyon Lake, Units 3 and 4, Ensenada Shores, Ltd., Texas Pollutant Discharge Elimination System (TPDES) Notice of Intent for a General Permit for Discharges Associated with Construction Activity is available behind the NOI tab at the back of the SWP3. The NOI submittal date for Ensenada Shores, Ltd. is _____. The construction start date is _____.

A copy of the Ensenada Shores at Canyon Lake, Units 3 and 4, Joe Bland Construction, LP, Texas Pollutant Discharge Elimination System (TPDES) Notice of Intent for a General Permit for Discharges Associated with Construction Activity is available behind the NOI tab at the back of the SWP3. The NOI submittal date for Joe Bland Construction, LP is _____. The construction start date is _____.

Notices of Intent will be posted until the permits are granted. All authorization numbers will be posted when received from the Texas Commission on Environmental Quality (TCEQ).

A copy of the signed Notices of Intent will be supplied to the operator of the Municipal Separate Storm Sewer System (MS4) if discharges enter an MS4. Ensenada Shores at Canyon Lake, Units 3 and 4 is not located in an MS4 system, therefore no submission is required.

Signage

Notices required to be posted near the entrance of the site include:

- TPDES Permit Number or NOI until authorization number is granted
- Local contact and telephone number
- Project description
- Location of the SWP3, if off site

In areas where safety is a concern, the NOI/permit number must be posted in a local public building or publicly accessible location near the construction site.

Appropriate signage will be posted near the construction site entrance.

Permit Amendment

Permittees must submit a Notice of Change whenever inaccuracies are discovered in the NOI or when significant change affects discharge. This SWP3 must also be amended if the inspections deem the plan ineffective.

Notice of Termination

Permittees must submit a completed Notice of Termination (NOT) that is signed by a duly authorized representative upon completion of the project, which consists of final stabilization of all disturbed areas, including a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed – (TPDES *General Permit No. TXR150000*, Part II Section E). Copies of the NOTs for Ensenada Shores, Ltd. and Joe Bland Construction, LP TPDES General Permits for Discharges Associated with Construction Activity will be placed in Section VII for review by interested parties.

Other Federal, State, Local or Tribal Requirements

This SWP3 is designed to comply with other state and local requirements as follows.

Comal County Standard Regulations.

The Texas Commission on Environmental Quality (TCEQ) TPDES General Permit TXR150000 regulations pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act. Also, **30 Texas Administrative Code (TAC) Chapter 213** is known as the Edwards Aquifer Rules and requires a Water Pollution Abatement Plan (WPAP) to be developed for construction activities over the Edwards Aquifer Recharge Zone. A Contributing Zone Plan (CZP) is required for construction activities over the Edwards Aquifer Contributing Zone. **As this site is located inside the Edwards Aquifer Contributing Zone, a CZP is required. The CZP is required to be on site at all times.**

II. SWP3 Certification

Authority Signature

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

Authority Representative Name and Title Stephen L. Sallman, President Ensenada Shores, Ltd.	Phone Number (214) 368-0238
Signature	Date

Authority Signature

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

Authority Representative Name and Title Joe Bland, President Joe Bland Construction, LP	Phone Number (512) 821-2808
Signature	Date

III. Site and Construction Activity Description

Location Maps and Site Map

The topographic map is located on page 14. The local map is located on page 15. The site map is located on page 16.

Receiving Waters

The receiving waters for this project will be Tom Creek (a tributary of Canyon Lake). No other wetlands or aquatic vegetation occur either within or in close proximity to the limits of construction.

Site Description

The site is located north of the intersection of FM 2673 and Avonlea Drive in the City of Canyon Lake, Comal County, Texas 78133. The property is located inside the Edwards Aquifer Contributing Zone as defined by the Texas Commission on Environmental Quality. The site is bordered on the north by Westhaven Drive, east by Avonlea Subdivision, south by undeveloped property, and west by FM 2673. The latitude is 29°51'14"N and the longitude is 098°16'50"W. Ensenada Shores, Ltd. (4925 Greenville Avenue, Suite 1020, Dallas, Texas 75206) will own the subdivision infrastructure and undeveloped lots until they are sold to homebuilder(s) for subsequent home construction. Joe Bland Construction, LP (13111 Dessau Road, Austin, Texas 78754) will be constructing subdivision infrastructure to service the proposed residential subdivision. Prior to the current site development the property was undeveloped.

The scope of the project includes:

> The construction of subdivision infrastructure including erosion and sedimentation controls, new roadways and associated utilities along with erosion and sedimentation control measures for site development construction.
>
> The construction of single-family residential lots, and open space/drainage easement lots.

The general sequence of events will be as follows:

- Install temporary erosion controls including rock berms and silt fence.
- Once regulatory approval has been obtained, begin clearing and grubbing.
- Rough grade streets.
- Install all utilities to be located under the proposed pavement.
- Re-vegetate as much disturbed area as possible.
- Complete block grading.
- Lay first course of base material on all streets.

- Install curb and gutter.
- Lay final course of base material on all streets.
- Lay asphalt.
- Restore construction spoils and staging area to natural grade.
- Complete permanent erosion controls and restoration of site vegetation (i.e. landscaping where applicable).
- Remove and dispose of temporary erosion controls.
- Complete any final site clean up and dress-up, as needed.

The major soil disturbing events are clearing and grubbing, rough cut grading, excavation, re-grading, and final grading of the site.

GENERAL SEQUENCE FOR CONSTRUCTION ACTIVITIES	
CONSTRUCTION ACTIVITY	**DATE ACTIVITY BEGAN**
Install temporary erosion controls.	
Begin clearing and grubbing.	
Rough grade streets.	
Install utilities.	
Complete block grading.	
Lay first course of base material.	
Install curb and gutter.	
Lay final course of base material.	
Lay asphalt.	
Restore construction spoils and staging area to natural grade.	
Complete permanent erosion controls and restoration of site vegetation (i.e. landscaping where applicable).	
Remove/dispose of temporary erosion controls.	
Complete final site clean up.	

STABILIZATION ACTIVITIES	DATE ACTIVITY BEGAN

CONSTRUCTION ACTIVITIES CEASE ON PORTION/ALL OF SITE	DATE ACTIVITY CEASED

The site area is approximately 290.164 acres with a disturbed area of approximately 27 acres.

The site geology is composed of Bolar clay loam (1 to 3% slopes), Brackett-Rock outcrop-Real complex, steep (8 to 30% slopes), and Real-Comfort-Doss complex, undulating (1 to 8% slopes). Bolar clay loam is a moderatly deep, gently sloping soil on concave valley slopes and foot slopes of hills on uplands. This soil is well drained. Surface runoff is medium. Permeability is moderate, and the available water capacity is low. Water erosion is a moderate hazard. Brackett-Rock outcrop-Real complex, steep consists of shallow, loamy soils and Rock outcrop on uplands. The soils in this complex are well drained. Surface runoff is rapid. Permeability is moderately slow in the Brackett soil and slow in the Real soil. Water erosion is a severe hazard. Real-Comfort-Doss complex, undulating consists of shallow, loamy and clayey soils on low hills and ridges on uplands. The soils in this complex are well drained. Surface runoff is medium to rapid. Permeability is the Real soil is moderate, in the Comfort soil it is slow, and in the Doss soil it is moderately slow. The available water capacity is very low in the Real and Comfort soils and low in the Doss soil. Existing vegetation on the site is comprised of native grasses and trees.

Storm water runoff flows north. Storm water runoff will be collected in the various drainage channels throughout the site before discharging offsite. The runoff discharges into Tom Creek (a tributary of Canyon Lake). Some run-on is received from adjacent properties during typical storm events. No portions of the site are within the 100-year floodplain.

The pre-construction runoff coefficient calculated for the 100-year storm event is approximately 0.55 while the post-construction runoff coefficient is expected to be about 0.62 due to the use of Best Management Practices. The slope is approximately 1 to 30%. Post-construction slopes will approximate those of pre-construction.

Paved areas of the site include roadways and concrete pads for the utilities. Disturbed pervious areas will be seeded and/or landscaped once construction is complete to facilitate infiltration and reduce erosion due to exposed soils.

Wastewater from the site will be disposed of via a publicly owned treatment works.

No discharge other than that associated with typical construction activities is expected.

Potential Pollutant Sources

Potential pollution sources associated with the site include the following:

- **Soil disturbing activities** – such as clearing of vegetation, grading/excavation of the lot in preparation for construction, and landscaping. These activities typically expose soil and sediment particles to precipitation which can then move (erode) the pollutants downhill, potentially into storm water conveyances and receiving waters.
- **Equipment storage** – such as earth-moving equipment, delivery vehicles, power tools, etc. Much of this equipment contains petroleum-based fuels or lubricants, which when exposed to precipitation can discharge with the storm water runoff.
- **Paving** – asphalt paving activities during road construction can result in the discharge of hydrocarbons with storm water runoff.
- **Concrete truck washout** – runoff from the cleanouts of concrete trucks can result in sediment, debris, and excessively high pH discharge with storm water runoff.
- **Vehicle and equipment maintenance** – such as fueling, lubrication, and repair. If conducted on site, accidental spills or improper disposal of automotive fluids or petroleum products can significantly impact storm water runoff and receiving waters.
- **Material storage** – such as storage of concrete and concrete products, metal reinforcing materials such as rebar and welded wire fabric, lumber, plastic (PVC), metal pipe and fittings, rock, gravel, sand, soil, petroleum products like lubricants, fuel, oil-based paints and paint thinners, miscellaneous chemicals or products including latex paint, joint compound, adhesives, fertilizers, etc. Some materials may contain hazardous or toxic ingredients which can pollute surface waters or make source water unsafe for consumption. Other materials may contain ingredients which are non-toxic, but can still impact storm water conveyances by silting or clogging them, causing flooding, or using up needed oxygen for aquatic life to survive in the receiving waters.
- **Waste generation, storage and disposal** – such as excess fill material, soil contaminated by spilled petroleum, leftover chemicals, cement, miscellaneous trash and debris, and human wastes. All these materials can negatively impact the runoff leaving the construction site as described above.

Control of these potential pollution sources, thereby preventing contamination of storm water runoff is the goal of this plan and will be described in detail in the "Best Management Practices" section.

There are no off-site material, waste, borrow, fill, or equipment storage areas planned for this site. There are no on-site support facilities such as asphalt or concrete plants planned for this site.

Potential Pollutant Sources Onsite:

Hi Solids Polyester
- Methyl Amyl Ketone
- 2-Butoxy-Ethyl Acetate
- Normal Butyl Alcohol
- Aromatic Hydrocarbon 150
- 1-Methoxy-2-Propanol Acetate
- Xylol
- Aromatic 100 Solvent
- Diethylene Glycol N-Butyl Ether
- Toluol
- Oxo-Hexyl Acetate

Aluminum Alloys
- See attachment

Quick Dry Floor Sweep
- Hydrotreated Petroleum Distillates

Acetone

Silicone Sealant
- Silicone Polymer
- Polydimethylsiloxane
- Silica
- Ethyltriciacetoxsilane
- Acetoxysilanse with oligomers
- Titanium Dioxide
- Carbon

Adhesive-Sealant
- Dimethyl Siloxane OH Terminated
- Methyltriacetoxy Silane
- Titanium Dioxide
- Ethyltriciacetoxsilane
- Polydimethylsiloxane

Acrylic Seam Sealer
- Acrylic Resin/Toluene Solution
- Toluene
- Silicon Dioxide
- Isopropyl Alcohol

Acrylic Bedding Sealant
- Acrylic Resin/Toluene Solution
- Toluene
- Silicon Dioxide

Blue X Institutional Strength Cleaner
- 2-Butoxyethanol
- Ammonium Hydroxide

Sweep Ez
- Dupont Oil Red B Liquid

Aromatic Hydrocarbon
- Toluene

Acrylic Sealant
- Toluene

High Performance Glazing Tape Sealant
- Carbon

General Purpose Glazing Sealant
- Silicone Polymer
- Polydimethylsiloxane
- Silica
- Silane
- Oximino Silane

Transmission Fluid
- Light Paraffinic Petroleum
- Heavy Paraffinic Petroleum
- Light Napthenic Petroleum
- Metacrylic Acid

Motor Oil
- Alkenysuccinimide Dispersant
- Heavy Paraffinic Petroleum

Soluble Oil D
- Sodium Petroleum Sulfonate
- Heavy Paraffinic Petroleum

Lumber

Glass

Fiberglass Insulation

Dry-wall material

Oil and Water Based Paint

Concrete

Steel (Steel rebar)

Petroleum Based Automotive Fuel

Diesel Fuel

Formaldehyde (used in Portable Toilet facilities)

Sand

Note: also refer to on-site copies of any MSDS information.

ONSITE CONSTRUCTION MATERIALS
Sand
Concrete
Steel Rebar

ONSITE WASTE MATERIALS
Diesel Fuel
Petroleum Based Automotive Fuel
Formaldehyde (used in portable toilet facilities)
Sand

Non-Storm Water Discharges

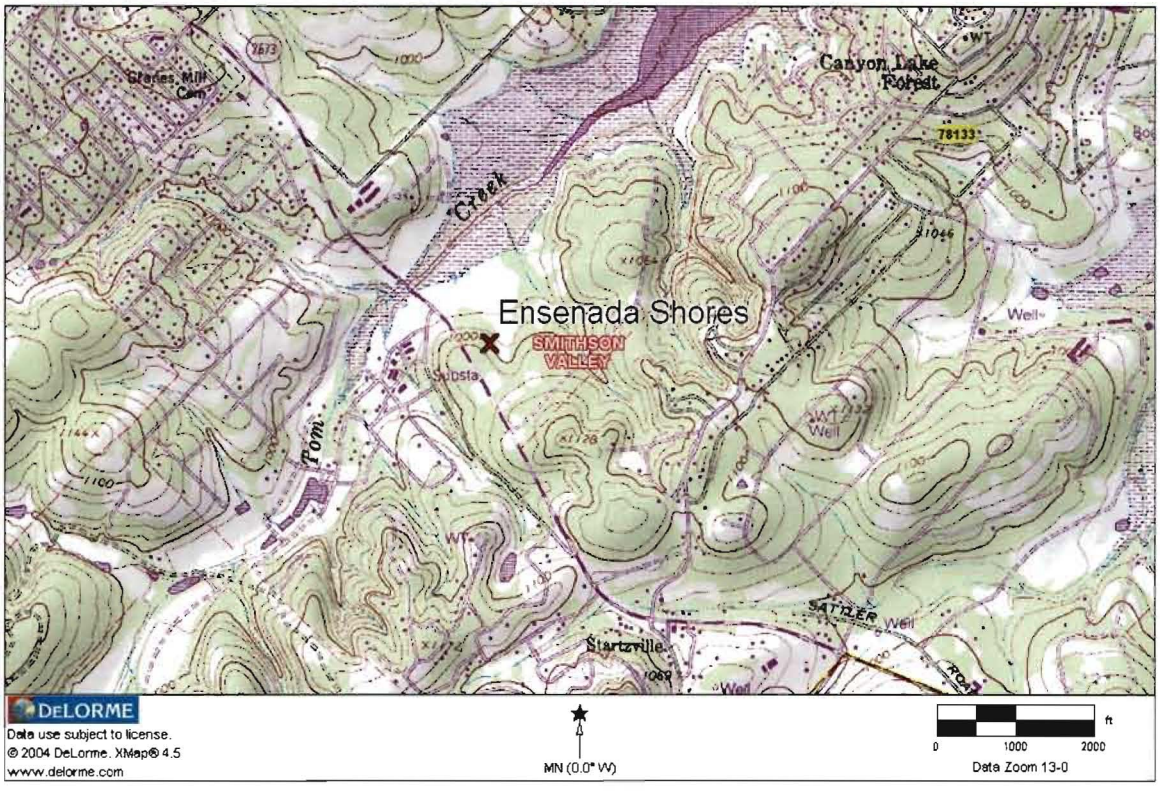
Storm water falling on the site may co-mingle with non-storm water discharges such as:

- Discharges from fire fighting activities;
- Fire hydrant flushings;
- Vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills of 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, and dust;
- Water used to control dust (watering of disturbed areas, particularly roadways);
- Potable water sources including waterline flushings (to suppress dust or remove dust from sensitive vegetation);
- Air conditioning condensate (from air conditioned vehicles and construction trailer, if present);
- Uncontaminated ground water or spring water, (from dewatering of site excavations) including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

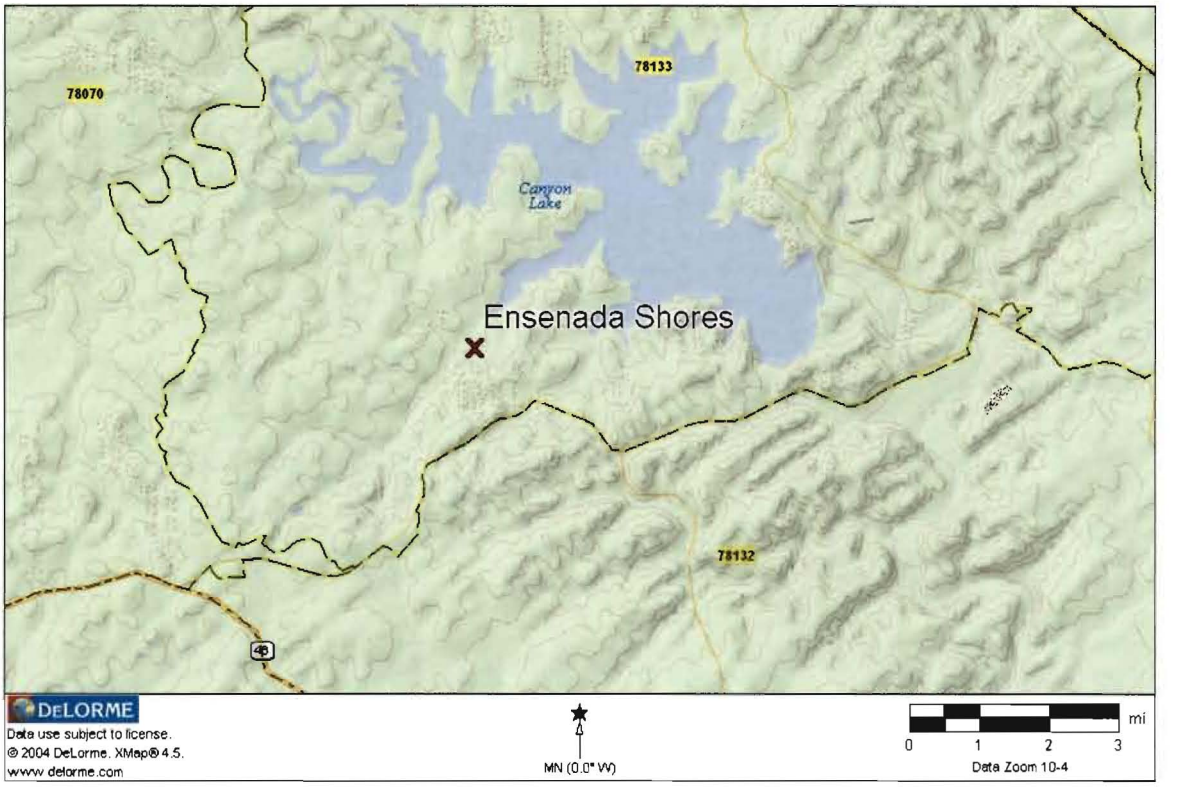
To prevent unauthorized non-storm water discharges, all such discharges will be directed to sedimentation and erosion control structures prior to discharge. Attempts will be made to minimize such discharges to prevent contact with storm water runoff.

Dewatering Details

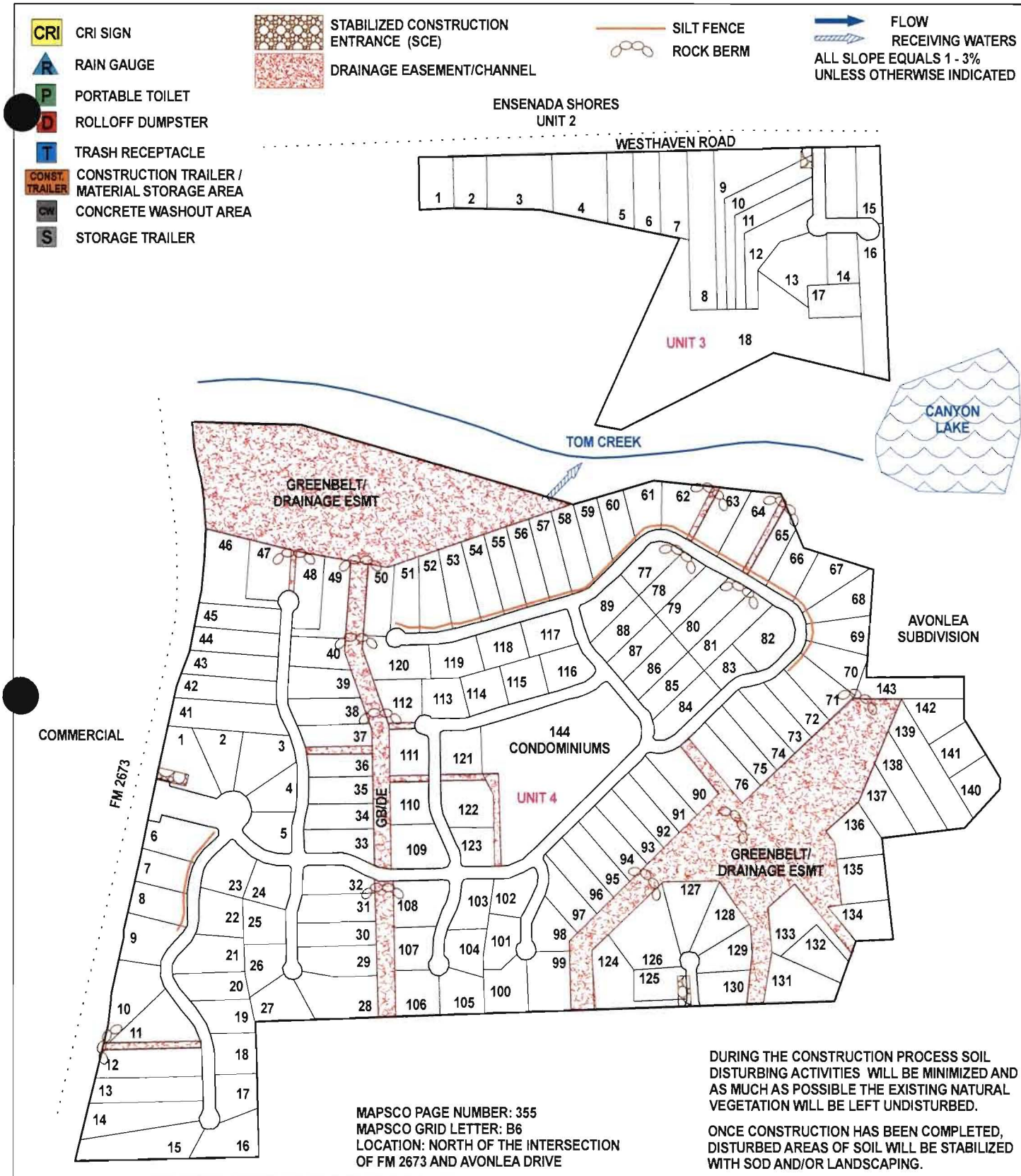
If dewatering of site excavations or ponds becomes necessary, the following procedure will be followed. A temporary dewatering system will be constructed adjacent to the excavation, but preferably as far away from a creek/drainage way as possible to allow for storm water infiltration. These activities may include the use of pumps and/or other filtration media, such as a silt fence, "dirt bags," or other controls as necessary to help remove sediment from the discharge. The discharge will be visually checked to ensure it is clear prior to entering a creek/drainage way or storm drainage structure. If sediment is detected exiting the dewatering system, additional controls will be used in sequence to promote additional sedimentation prior to offsite discharge.



Ensenada Shores at Canyon Lake, Units 3 and 4
Canyon Lake, Texas 78133
Smithson Valley Quadrangle (DeLorme 2004)
7.5 Minute Series (Topographic Map)



Ensenada Shores at Canyon Lake, Units 3 and 4
north of the intersection of FM 2673 and Avonlea Drive
Canyon Lake, Texas 78133
Local Map



MAPSCO PAGE NUMBER: 355
MAPSCO GRID LETTER: B6
LOCATION: NORTH OF THE INTERSECTION OF FM 2673 AND AVONLEA DRIVE

DURING THE CONSTRUCTION PROCESS SOIL DISTURBING ACTIVITIES WILL BE MINIMIZED AND AS MUCH AS POSSIBLE THE EXISTING NATURAL VEGETATION WILL BE LEFT UNDISTURBED.

ONCE CONSTRUCTION HAS BEEN COMPLETED, DISTURBED AREAS OF SOIL WILL BE STABILIZED WITH SOD AND/OR LANDSCAPING.

FIGURE 1

SITE MAP
ENSENADA SHORES AT CANYON LAKE
UNITS 3 AND 4
CANYON LAKE, TEXAS 78133

DATE: 09/13/2006
AT

N

IV. Best Management Practices

Non-structural and structural control measures and stabilization practices that will be implemented to prevent or control potential pollutants in storm water discharges are summarized in the tables below. Each major activity will identify the appropriate control measure, general timing, (specific timing will be addressed in an attached construction schedule) and the responsible permittee for controlling the discharge.

The Owner (Ensenada Shores, Ltd.) shall be responsible for, and retain controls over any changes to site plans, the design of erosion and sedimentation controls, and the development of a Storm Water Pollution Prevention Plan. The Owner or its designee shall perform any additions, deletions, or changes in design of control measures. The Contractor (Joe Bland Construction, LP) shall be fully responsible for daily implementation, inspection, and maintenance of the erosion and sedimentation measures or controls. Through the identified inspection report process, the contractor shall notify the appropriate Ensenada Shores, Ltd. representative of any amendments to the SWP3 and/or control measures.

The Contractor shall be fully responsible for actions of Subcontractors for which they direct on site activities.

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Soil Disturbing Activities		
Areas are not to be disturbed until it is necessary for construction to proceed. Disturbed areas are to be covered and stabilized as soon as possible.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Erosion and Sediment Controls		
Erosion/sediment controls will be designed to retain sediment on site to the extent practicable with consideration for site topography, soil type, and rainfall.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Erosion and Sediment Controls (continued)		
Erosion/sediment controls will be designed and used to reduce the offsite transport of suspended sediments and other pollutants if dewatering activities are necessary.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Erosion/sediment control measures and tree protection will be in place prior to commencement of construction activities including clearing and grading. Disturbed areas will be restored as soon as practicable during construction. Temporary erosion and sedimentation controls will be removed only after all disturbed areas have been restored.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Erosion/sediment controls such as silt fences, rock berms, outlet protection, and drainage channels are inspected biweekly or weekly to ensure their effectiveness. Erosion control inspections are documented every 14 days (biweekly) and after rainfall events in excess of 0.5" OR every 7 days (weekly) to ensure site compliance.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Erosion/sediment controls are promptly maintained (as soon as practicable after damage is discovered, and prior to the next rain event, but no later than seven days after the inspections) to ensure maximum sediment removal from storm water runoff.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
If sediment escapes the site, accumulations will be removed at a frequency to minimize negative effects and prior to the next rain event, if feasible.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Erosion and Sediment Controls (continued)		
Sediment removed from erosion controls will be reused on site to minimize waste generation.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Sediment deposited onto public right-of-way will be regularly removed to prevent sediment discharge from off site tracking during storm events, and reused on site whenever possible to prevent excess waste generation.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Accumulated sediment will be removed when the depth reaches six inches (or 50% of the design capacity of site controls).	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Dust control will be provided by water trucks in such a manner that runoff does not occur.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Disturbed areas including the construction storage and staging area and spoils disposal site where construction activity ceases for at least 21 days will be stabilized with seeding and mulching by the 14th day after the last disturbance.	Joe Bland Construction, LP Ensenada Shores, Ltd.	No temporary cessation of site construction is anticipated, but if so, September 2006 - September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Erosion and Sediment Controls (continued)		
Mulching for temporary or final stabilization shall be accomplished by using shredded wood mulch. To avoid waste generation, trees cut down on site will be recycled into mulch for stabilization.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Seeding for temporary or final stabilization shall be accomplished by broadcast seeding, sodding, or hydromulch application.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Irrigation for temporary or final stabilization will be achieved by sprinkling in a manner that will not erode the topsoil, but will sufficiently soak the soil to a depth of six inches. The irrigation may occur at 10-day intervals during the first two months. Rainfall occurrences of 0.5 inch or more should postpone the watering schedule for one week.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Material Storage, Handling, and Disposal		
Construction materials will be stored in the construction staging, and materials storage area. An attempt will be made to store materials inside or under cover as practicable to minimize contact of storm water with potential pollutants and prevent water damage to materials.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Excess spoils will be temporarily stored away from drainage channels/creeks and ponds, preferably out of floodplains to prevent offsite discharge.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Material Storage, Handling, and Disposal (continued)		
An effort will be made to store only enough products required to do the job to minimize waste generation and potential contact with storm water.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Lubricants will not routinely be stored on site, except the small amount needed for a specific process or piece of equipment.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Materials will be used according to the manufacturer's recommendation for proper use and disposal.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Chemicals will be stored in their original containers (unless they are not resealable), with the labels intact for proper identification.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Material Safety Data Sheets and original labels for products used or stored at the site will be retained as they contain important storage, handling, and disposal information.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Material Storage, Handling, and Disposal (continued)		
During landscaping, fertilizers and pesticides will not be applied just before or during a storm event. Such landscape chemicals will be applied in the minimum amount recommended by the manufacturer. Fertilizers will be worked into the soil to minimize contact with storm water.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
If disposal is necessary for excess product, the manufacturer's recommendations or local or state regulations for proper disposal will be followed.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Waste Storage, Handling, and Disposal		
Portable toilet facilities serviced by a licensed disposal company are available on the site to ensure proper disposal of wastes.	Joe Bland Construction, LP Ensenada Shores, Ltd.	Weekly
Non-storm water discharges such as from concrete truck wash outs, surplus concrete or drum water will be limited to the spoils area or on disturbed soils around the structures, to prevent potential discharge in storm water runoff. Upon construction completion, the spoils area and disturbed soils used for temporary waste storage will be cleaned up in accordance with applicable regulations.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Waste generation will be minimized by purchasing only the amount of material estimated as necessary for the application, and where practicable, using all of a product prior to disposal of the container.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Waste Storage, Handling, and Disposal (continued)		
The site will be routinely patrolled for regular trash and debris collection. Once collected, the waste will be stored as described above.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Waste materials will be collected and stored in metal dumpsters meeting state and local waste management requirements. When full, the dumpsters will be emptied and the trash hauled to an approved off site dump. No construction waste materials will be buried on site.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Non-hazardous, latex paint wastes (i.e. wash water) will be disposed of in accordance with applicable regulations.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Potentially hazardous and/or liquid wastes generated on site will be stored under cover, in leak proof containers to await proper disposal by licensed disposal companies.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Spill Prevention and Response		
Spill cleanup materials will be stored on site in the material storage area, and may include: brooms, dustpans, mops, rags, gloves, goggles, sawdust or other absorbent material, plastic/metal trash containers specifically for this purpose.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

Non-Structural Controls and Maintenance	Permittee Responsible	Schedule
Spill Prevention and Response (continued)		
Site personnel will be made aware of spill clean up procedures and location of spill cleanup materials.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Spills will be cleaned up upon discovery following the procedure outlined on Page 36.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Storage of vehicles and equipment on site will be limited to minimize potential for leaks or spills to contaminated storm water runoff.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Where possible, vehicles and equipment will be stored over an impervious surface, away from storm water conveyances, to facilitate clean up of potential leaks or spills and prevent contact with storm water.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009
Vehicles and equipment used on site will be monitored and maintained to prevent leaks from occurring.	Joe Bland Construction, LP Ensenada Shores, Ltd.	September 2006 - September 2008 September 2006 – September 2009

BMP Maintenance Log for Sediment Removal

Date Maintained	BMP Maintained (example - silt fence, rock berm, creek, etc)	Location of BMP (example - at the south end of the pond, etc)	Approximate amount of sediment removed (example - ~3 yds)	Location of removed sediment (example – spoils area)

Structural Controls

Structural controls are used to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. The following is a list of possible structural control tools available for preventing or minimizing erosion and sedimentation.

Silt fences – are made of filter fabric supported by metal or wood posts (steel T-posts and wire backing are required in certain jurisdictions) for temporary erosion control. The bottom edge of the silt fence is anchored by "sewing in" the filter fabric. "Sewing in" is accomplished by trenching, placing the bottom 6" to 12" of filter fabric in the trench and backfilling. Used to prevent silt from entering drainage ways and receiving waters, silt fences are recommended for use only in low volume storm water flow applications. Silt fences must be frequently inspected and maintained to operate efficiently.

Stabilized construction entrance – is typically composed of large dump rock placed on the disturbed soil at the entrance/exit of the construction site. A 50 linear foot rock entrance is standard at most sites. The purpose of the entrance is to trap sediment usually attached to the wheels of the vehicle, and prevent it from being tracked off site onto paved surfaces. Depending on the amount of use, additional dump rock may need to be added to the stabilized construction entrance if it becomes full of sediment.

Earth dikes – are ridges constructed from compacted soil and stone and vegetation. Dikes are used for storm water diversion, typically around disturbed areas to sedimentation basins or stabilized areas to reduce erosion.

Drainage swales (drainage channels) – are channels lined with vegetation, riprap, concrete, etc. Drainage swales are used to channel usually a large volume of runoff without causing erosion. The use of drainage swales is typically restricted to relatively flat slopes.

Sediment traps – are essentially basins or low areas to collect and hold storm water. Most sediment traps have an outlet or spillway designed to slow the flow of runoff out of the basin. Sediment traps hold storm water long enough to allow most of the sediment to settle out. Such traps are effective only if they are frequently inspected and maintained to remove the accumulated sediment.

Check dams (rock berms) – are small dams placed across a drainage ditch or storm water conveyance to slow the flow of the storm water. This results in reduced erosion in the conveyance and allows sediments to settle out. Check dams may cause turbulence, which can erode the banks of the stream or ditch and can reduce the capacity of the drainage channel.

Subsurface drains – are made of perforated pipe placed below the ground surface to drain saturated soils. As saturated soils can erode by sliding down a slope; subsurface drainage can prevent erosion. Subsurface drains cannot be installed in areas where heavy vehicles may cross and crush them, and may be damaged by the growth of tree roots.

Pipe slope drains – carry runoff from the top to the bottom of a slope which is disturbed and at significant risk for erosion. Pipe slope drains usually discharge into stabilized areas or a sediment trap. These drains require maintenance to ensure they do not clog and cause flooding.

Storm drain inlet protection – is a sediment-trapping filter placed around the inlet or drain. This control not only prevents sediment from entering the storm drainage structure, but also keeps it and the downstream conveyances from silting-in. Inlet protection can be composed of filter fabric, sod, or similar filtering media. Inlet protection is recommended only for small drainage areas (less than one acre) with low storm water flows with small velocities. As with other filtering media, inlet protection must be frequently inspected and maintained to operate efficiently.

Outlet protection – is the use of rock, concrete, riprap, or similar structures at storm water outlets for sediment basins or ponds. Outlet protection slows the velocity of storm water flow and reduces erosion at the outlet and potentially reduces downstream erosion. Some outlet protection requires frequent maintenance and may be difficult to maintain without removing/replacing the rock or similar protective structure.

Level spreader – is a device which spreads storm water runoff out uniformly over the ground surface as sheet flow. Level spreaders are used to prevent concentrated, channelized storm water flows which in turn prevents erosion and facilitates infiltration of the storm water into the ground.

Reinforced soil retaining system – uses structural such as a retaining wall to hold soil in place. Such retaining systems can be used both for safety and water quality benefits. Soil retaining systems are used where vegetative stabilization is not practical due to steep slope. Reinforced soil retaining systems usually require design by a professional engineer and may be expensive.

Gabions – are wire cages filled with rock and are typically used for stream bank stabilization. Gabions are used where vegetative stabilization is not effective and the potential for heavy erosion exists. Gabions can be expensive to install due to the cost of materials. They also do not provide significant water quality benefits usually associated with vegetative stabilization methods.

Temporary basins – are settling ponds with a dewatering outlet to capture and store sediment removed from storm water runoff from construction sites. The dewatering outlet is usually composed of a riser and a pipe with a spillway or gravel outlet. The outlet is designed to slow the flow of runoff and provides for some filtration to remove sediment. These basins are typically required for areas greater than 10 acres, and should be designed to store the volume of storm water runoff estimated from a 2-year, 24-hour storm event. Consequently basins require larger land area than other controls. Temporary basins are effective only if they are frequently inspected and maintained to remove the accumulated sediment.

Permanent basins – are a permanent version of the temporary basins above, and are typically constructed with long-term maintenance considerations such as ease of entry into the pond to remove accumulated sediment.

Structural Practices	**Schedule of Implementation**	**Location**	**Reason**
Silt fences	Prior to and throughout site development process	**Unit 3:** N/A **Unit 4:** East of Lots 6-9 and 51-61, south of Lots 62-69, and west of Lots 70-71	Silt fence will be constructed at the downstream edge of disturbed areas where there will be shallow sheet flow to slow the flow of storm water runoff and promote sediment deposition.
Stabilized construction entrance	Prior to and throughout site development process	**Unit 3:** On the north side of the site at Westhaven Road **Unit 4:** On the southwest side of the site at FM 2673 and on the east side of the site	At least one 50-LF entrance consisting of 3"-5" dump rock will be placed on the site to minimize off site tracking of sediment by vehicles.
Earth dikes	N/A	N/A	Earthen dikes will not be used on site due to the relatively large site size making diversion of storm water impractical.
Drainage swales (Drainage channels)	Prior to and throughout site development process	**Unit 3:** N/A **Unit 4:** Between Lots 11 & 12, 47 & 38, 49 & 50, 33-40 & 109-112, 120, 28-32 & 106-108, 62 & 63, 64 & 65, 110 & 111, 111 & 112, and 121 & 122, northeast of Lots 122-123, and on the east and west sides of the site	Existing/proposed grassy drainage easements/channels will be used to convey storm water runoff into the storm sewer system or offsite thereby slowing the flow of storm water runoff and promoting sediment deposition.

Structural Practices	Schedule of Implementation	Location	Reason
Sediment traps	N/A	N/A	Sediment traps will not be used due to the considerable maintenance necessary to remove accumulated sediment and prevent street flooding both during and after construction.
Check dams (Rock berms)	Throughout site development process	**Unit 3:** N/A **Unit 4:** North of Lots 32, 37, 40, 47, 49, 62, 64, 71, 78, and 80, east of Lots 9 and 94, and southwest of Lot 11	Rock berms will be installed to slow the flow of storm water runoff and to promote sediment deposition.
Subsurface drains	N/A	N/A	Subsurface drains will not be used as saturated soils do not exist on the site.
Pipe slope drains	N/A	N/A	Pipe slope drains will not be used due to the use of alternative controls and lack of significant slope within the limits of construction.
Storm drain inlet protection	N/A	N/A	Inlet protection will not be used due to the use of alternative storm water treatment devices.
Outlet protection	Prior to and throughout site development	**Units 3 & 4:** At the storm sewer discharge locations from the site	Outlet protection consisting of concrete headwalls and pads will be used to prevent erosion around the storm water outfalls.

Structural Practices	Schedule of Implementation	Location	Reason
Level spreaders	N/A	N/A	Level spreaders will not be used due to the use of alternative storm water treatment devices.
Reinforced soil retaining system	N/A	N/A	Reinforced soil retaining walls will not be used due to the lack of significant slope within the limits of construction.
Gabions	N/A	N/A	Gabions will not be used as alternative controls will be used instead.
Temporary basins	N/A	N/A	No temporary basins were required for the site due to the proposed site conditions and controls.
Permanent basins	N/A	N/A	No permanent basins were required for the site due to the proposed site conditions and controls.

Post Construction Structural Controls

Measures that will be installed during construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

Storm Water Management Measures	Schedule of Implementation	Location	Reason
Storm water detention structures	N/A	N/A	No permanent basins were required for the site due to the proposed site conditions and controls.
Storm water retention structures	N/A	N/A	A retention pond will not be used on site due to the large amount of land area necessary to retain runoff from the site.
Flow attenuation (by use of vegetated swales and natural depressions)	Prior to and throughout site development process	**Unit 3:** N/A **Unit 4:** Between Lots 11 & 12, 47 & 38, 49 & 50, 33-40 & 109-112, 120, 28-32 & 106-108, 62 & 63, 64 & 65, 110 & 111, 111 & 112, and 121 & 122, northeast of Lots 122-123, and on the east and west sides of the site	Existing/proposed grassy drainage easements/channels will be used to convey storm water runoff into the storm sewer system or offsite thereby slowing the flow of storm water runoff and promoting sediment deposition.
Infiltration of runoff on site	During site development	**Units 3 & 4:** Various vegetated areas throughout the site	Existing grassy drainage easements and proposed grassy channels will be used to facilitate storm water infiltration and minimize runoff.

Storm Water Management Measures	Schedule of Implementation	Location	Reason
Velocity dissipation devices	N/A	N/A	No specific velocity dissipating devices will be used on site after construction is complete due to the use of alternative storm water treatment.
Sequential systems	During site development	**Units 3 & 4:** Various locations throughout the site	Storm sewers are followed by grassy drainage channels and outlet protection to facilitate storm water treatment prior to offsite discharge.

Stabilization Practices

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.

Permanent vegetation – reduces erosion by holding soil particles in place, slowing the velocity of storm water runoff, promoting infiltration, filtering sediment out of storm water runoff, and provides aesthetic benefits. Planting or seeding is particularly effective in areas where the soil requires stabilization due to its structure, texture, or steep slope. Permanent vegetation types include trees, shrubs, and grasses.

Temporary vegetation – produces similar effects as permanent vegetation, but will be re-disturbed before construction is complete. Temporary vegetation is typically accomplished using rapidly growing grasses.

Mulching – is the installation of a substance such as chipped wood to protect the unstable soil particles from the erosive force of storm water runoff by slowing the velocity, filtering sediment, and promoting infiltration. Mulch also has the added benefit of reducing soil water loss, which is especially valuable during the hot, dry, Texas summers. Depending on the thickness of the application, and size of the mulch pieces, mulching can be used even on steep slopes to prevent erosion.

Geotextiles – are also known as filter fabrics or matting. Geotextiles are porous fabrics which allow storm water to pass through, but block the passage of most soil particles. Geotextiles such as matting can be used alone on newly seeded slopes to prevent seed and topsoil loss, or next to riprap to prevent soil from washing out underneath.

Sod stabilization – is the use of grass sod strips or squares placed on a disturbed surface to provide immediate protection of soil from the force of storm water runoff. Sodding is most effective in areas where construction is complete for the grass cover to become established. Sod requires maintenance such as watering or the application of topsoil where the soil is inadequate.

Vegetative buffer strips – are strips of land where vegetation is typically left undisturbed, but it can also be newly planted. Buffer strips or zones slow the velocity of storm water runoff, filter sediment out of the runoff, promote infiltration, and provide aesthetic benefits. Buffer zones are most effective on steep, unstable slopes, or in floodplains, and along waterways.

Protection of trees – is required by many regulatory agencies. Only certain sizes of trees are required to be protected in certain jurisdictions. However, even if not mandated by a regulation, tree protection is an important and cost-effective erosion control as described in *Preservation of mature vegetation*.

Preservation of mature vegetation – provides for natural buffer zones and improves storm water quality by minimizing erosion (see permanent vegetation and vegetative buffer strips above) and providing aesthetic benefits. Mature vegetation can handle heavier storm events than newly planted areas because they do not require time to become established. This stabilization practice should be planned before site construction. Areas to be preserved should be clearly marked and possibly even barricaded to prevent damage during construction.

Interim Stabilization Practices	Schedule of Implementation	Location	Reason
Temporary vegetation	N/A	N/A	Vegetation growth in relatively undisturbed areas such as areas outside the limits of construction will not be discouraged. However, installation of temporary vegetation is not feasible for the same reasons permanent vegetation will not be installed as an interim stabilization practice.
Mulching	N/A	N/A	Mulching will not be used as an interim practice due to the repeated disturbance of soil on site.
Geotextiles	N/A	N/A	Geotextiles (i.e. matting) will not be used as an interim practice due to the repeated disturbance of soil on site.
Sod stabilization	N/A	N/A	Sod stabilization will not be used as an interim practice due to repeated disturbance of the site.
Vegetative buffer strips	N/A	N/A	No interim vegetative buffer strips are planned for this site.
Protection of trees	N/A	N/A	No interim tree protection will be necessary for this site.
Preservation of mature vegetation	N/A	N/A	As little, if any, desirable mature vegetation exists on site; no preservation of mature vegetation is expected.

Permanent Stabilization Practices	**Schedule of Implementation**	**Location**	**Reason**
Permanent vegetation – such as trees, shrubs, and grasses	During site landscaping	**Units 3 & 4:** At various landscaped areas throughout the site	Permanent vegetation will be installed to prevent erosion primarily for aesthetic reasons. Secondary considerations were infiltration, and improvement of storm water quality.
Mulching	During site landscaping	**Units 3 & 4:** At various landscaped areas throughout the site	Mulching will be used to reduce erosion and soil water loss, especially in planted areas until vegetation becomes well established.
Geotextiles	N/A	N/A	Geotextile matting will not be used on site as stabilization will be achieved by other methods such as hydromulching or sod stabilization.
Sod stabilization	During site landscaping	**Units 3 & 4:** Vegetated areas	Hydromulching or sod stabilization will be used to quickly establish vegetative cover to prevent erosion.
Vegetative buffer strips	N/A	N/A	No permanent vegetative buffer strips are planned for this site.
Protection of trees	N/A	N/A	No permanent tree protection will be necessary for this site.
Preservation of mature vegetation	N/A	N/A	As little, if any, desirable mature vegetation exists on site; no preservation of mature vegetation is expected.

V. Spill Prevention and Response

Spills will be prevented utilizing Best Management Practices previously described beginning on page 17 such as proper material storage, handling, and disposal practices. However, despite such efforts, a spill may occur on site. If a spill occurs, the following procedures will be utilized.

- *Stop the spill, if possible.* This can include shutting off power to a pump, righting an overturned container, or plugging a hole in a damaged container.
- *Contain the spill, safely.* Spill containment can be accomplished using a variety of materials and methods such as the use of absorbents (i.e. sawdust, Oil Dri, rags, soil, polypropylene pads or booms, etc.) to dike the area around the spill, or placing a leaking container inside one which is not leaking. Spill containment should only be attempted if it is safe to do so. Proper safety equipment such as gloves and eye protection should be used as directed on the Material Safety Data Sheet for the spilled material.
- *Report the spill, if necessary.* Certain quantities of hazardous or toxic materials such as pesticides, paint thinners, gasoline, etc. are required by Federal Law to be reported to the National Response Center (NRC) at 1-800-424-8802 as soon as you have knowledge of the spill. Since most of the quantities which require reporting to the NRC are larger than that found on a typical construction site, spill reporting to the State or Local authorities is more likely. When in doubt, report the spill. The reporting requirements which may apply to the sites covered in this SWP3 are:

Texas Commission on Environmental Quality (TCEQ)
at 1-800-832-8224

TCEQ requires reporting of spills of 25 gallons or greater, especially those which might impact a waterway.

- *Clean the spill up, properly.* Spill clean up should be performed in accordance with applicable regulations or according to the manufacturer's recommendations on the Material Safety Data Sheet. In most cases, proper spill clean up is to use a dry method such as absorbing the spill and containerize for disposal via a licensed disposal company. For non-hazardous and non-toxic materials this may be through your solid waste disposal service with prior approval.

The SWP3 must be modified within 14 days of a release to provide a description of the spill, the circumstances leading to the spill, and the date of the spill. Spill clean-up materials, methods, and additional Best Management Practices addressing spill prevention should also be included.

VI. Inspections

At least once every fourteen (14) days **and** within 24 hours of the end of a storm event of 0.5 inches or greater (**OR** every seven (7) days) the SWP3 provides for a thorough inspection of disturbed areas of the construction site that have not been finally stabilized. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. This site inspection will be performed by qualified personnel familiar with the site and with the authority to ensure necessary maintenance of controls. Documentation of the inspection, and actions taken is provided on forms shown in the back of the SWP3.

Based on the results of the inspection, the SWP3 shall be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWP3 shall be completed within 7 calendar days following the inspection.

A report summarizing the scope of the inspection, name and qualification of personnel making the inspection, the date of the inspection and major observations relating to the implementation of the SWP3 shall be made and retained as part of the SWP3 for at least three years from the date the site is finally stabilized. Reports shall identify incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the SWP3. An authorized representative shall sign the report.

Qualified personnel performing inspections are familiar with the BMPs, have knowledge to determine when a failed control is inadequate and needs to be replaced, have access to the construction schedule, have knowledge of stabilization, and have authority to make changes to the SWP3.

Ensenada Shores, Ltd. has elected to have Compliance Resources, Inc. staff perform the required inspections. General qualifications for CRI staff include over 20 years combined experience in storm water pollution prevention, former employment with City of Austin, Texas conducting site inspections, and the performance of thousands of inspections and development of hundreds of construction storm water plans in Central Texas.

Inspector Qualifications for Compliance Resources, Inc.

Erin Blackman

Erin is a graduate of Randolph-Macon College in Ashland, Virginia with a Bachelor of Science in Environmental Studies and a minor in Biology, French, and Political Science. She will receive a Masters of Science in Environmental Studies from Baylor University in Waco, Texas in August 2006. Her coursework involved field and lab sampling, surveying methods, geographic information system, environmental policy, and environmental risk assessment. Erin has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Scott Blessum

Scott is a graduate of North Dakota State University in Fargo, North Dakota with a Bachelor of Science in Natural Resource Management and a minor in Economics. He has completed coursework in soil science, land management, and erosion controls. Scott helped manage a 4000-acre farm, where he helped plan and implement watershed control areas to improve wetland habitat for migratory geese and duck populations. He also participated with lake surveys and fish counts for the Minnesota Department of Natural Resources. Scott has been employed with Compliance Resources, Inc. since November of 2005 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. He has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Brian Box

Brian is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Resource and Environmental Studies, with an emphasis in Water Resources and a minor in Geology. He has completed coursework in watershed protection and water management, including a comprehensive study of the major river basins of Texas. As a former employee of the Texas Railroad Commission, Brian has three years of experience approving permit applications for compliance with state regulations. He has been employed with Compliance Resources, Inc. since May of 2004 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. Brian has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Cristina Campbell

Cristina has three years of experience in the environmental field, working with a broad number of local, state, and federal agencies. She is a certified Phase 1 Environmental Inspector and is a certified lead-based paint inspector with the Texas Department of Health. She has conducted over two thousand inspections around the State of Texas related to the environmental and/or construction industry. In addition to her certifications, Cristina was selected from the private sector to help facilitate several training sessions for State employees. Her in-depth environmental studies have provided her with knowledge of rules and regulations to help create more efficient ways to handle environmental issues. Many of her recommendation practices have been adopted by State agencies and implemented in several federal programs. She has worked closely with various entities including the Texas Historical Commission, the Railroad Commission, U.S. Fish and Wildlife, U.S.D.A., Farmland Protection, Gulf Coast Boundaries

Commission, the Wetlands Commission, Texas Commission on Environmental Quality, and the U.S. Department of Housing and Urban Development. She has been employed with Compliance Resources, Inc. since January of 2005 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. Cristina has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Jason Corley

Jason is a graduate of Stephen F. Austin State University in Nacogdoches, Texas with a Bachelor of Science in Environmental Science and a minor in Biology. He has completed coursework in aquatic pollution, forest hydrology, soil science, environmental impact statements, and landscape ecology. Recent work experience includes air purification methods for all state buildings located on the Stephen F. Austin campus. Jason has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Ana Espino

Ana is a graduate of Texas A&M University in College Station, Texas with a Bachelor of Science in Environmental Geoscience with an emphasis on Human Interaction with the Land. She has completed coursework in environmental geology, land use planning and geographic information systems. Ana has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Christina Frankenfield

Christina is a graduate of Mankato State University in Mankato, Minnesota with a Master of Arts degree in Urban and Regional Planning and Public Administration. Her undergraduate degree, from Eastern State University in Cheney, Washington is also in Urban and Regional Planning with a minor in Geography. Christina has been a City Planner and/or City Administrator for over eleven years. The past three years she has focused on subdivision improvement and site development plan reviews and permitting which included a large emphasis on Erosion/Sedimentation Controls, Tree Protection and Storm Water Pollution Prevention Plans. She served on the Erosion/Sedimentation Control panel at the 2004 Infrastructure Construction and Design Symposium hosted by the Austin Contractors and Engineers Association and has attended various workshops hosted by the ACEA and Capital Area Erosion Control Network. She has been employed with Compliance Resources, Inc. since September of 2004 and has performed hundreds of biweekly and post significant rainfall inspections. Christina has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Aaron Gannaway

Aaron is a graduate of Texas A&M University in College Station, Texas with a Bachelor of Science in Wildlife and Fisheries Science with an emphasis in Wildlife Management and Ecology. Aaron has three years experience working in wildlife management. He developed a wildlife management plan following Texas Parks and Wildlife Department guidelines that provided tax relief and increased property value for landowners. As a Wildlife Biologist for a 30,000 acre ranch in south Texas, Aaron constructed water projects that enhanced, maintained, and restored both wildlife and native plant species. He has been

involved in numerous white-tailed deer programs regulated by Texas Parks and Wildlife Department. He is an active member of the Texas Deer Association and Ducks Unlimited. Aaron has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Hopkins Haden

Hopkins attended Texas Tech University in Lubbock, Texas where he studied Physical Science and is a graduate of Austin Community College in Austin, Texas with an Associates of Science in Physical Science. He has 26 years in the Environmental business including both laboratory and consulting positions including 2 years in storm water compliance inspections. Hopkins has extensive experience with the Texas Clean Rivers Program and has worked for both the Lower Colorado River Authority and the Guadalupe Blanco River Authority. He has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination Systems (TPDES) requirements for construction activities and is a qualified inspector.

Christina Holden

Christina is a graduate of The University of Tampa in Florida with a Bachelors of Science in Marine Science Biology and a minor in Chemistry. For several years she has been monitoring water and sediment in Tampa Bay and its surrounding watershed. With a strong focus on benthic invertebrate taxonomy, she has collected and managed large sets of data which have been used to implement management decisions for environmental protection in the Tampa Bay area. She has experience with stream habitat assessment, wetland delineations, plant identification, and monitoring endangered species in Florida. Christina has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Aimi Kessler

Aimi has successfully completed The Storm Water Management: Permitting & Regulatory Overview training course conducted by Texas Engineering Extension Service (TEEX) in San Antonio, Texas and "Putting the BEST Back into your Erosion Control BMP's" training session by the South Central Chapter of the International Erosion Control Association (SCIECA) in Dallas, Texas. Aimi has also attended the San Antonio Water Systems Storm Water Construction Inspector Workshop. Aimi was previously the Environmental Compliance Manager for a major General Contractor and has written many Storm Water Pollution Prevention Plans (SWP3) and has performed thousands of environmental field inspections. She has successfully completed an Internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Karan Kinton

Karan is a graduate of Southwest Texas State University in San Marcos, Texas with a Bachelor of Science in Mathematics and a minor in Biology. She has written and audited hundreds of Storm Water Pollution Prevention Plans for both industrial and construction activities throughout the United States. Karan developed an Industrial Storm Water Monitoring Program for the State of New Jersey while employed with an environmental consulting firm in Central Texas. As the President of Compliance Resources, Inc., she has attended storm water compliance field trainings with the Texas Commission on Environmental Quality and San Antonio Water System Inspectors. She has successfully completed training courses through the

Texas Commission on Environmental Quality for the Texas Pollutant Discharge Elimination System, Phase II Construction and MS4 Storm Water Permits in April of 2003, "How to Select, Install and Inspect Construction Site Erosion and Sediment Control BMPs for TPDES Storm Water Permit Compliance" through the International Erosion Control Association in June of 2002, and "How to Put the BEST Back into your Erosion Control BMPs" in November of 2002. Karan has also attended additional training seminars with the Texas Association of Builders Storm Water Conference in July of 2003 and has developed and presented storm water inspector training for the University of Texas, homebuilders, general contractors, engineering firms, and developers. Karan has performed hundreds of biweekly and post significant rainfall inspections and is a qualified inspector.

Rusty Landers

Rusty attended Bee County College and the University of Houston in Houston, Texas. He has over 25 years of experience in management and sales, with extensive experience in the construction industry, including safety and compliance. Rusty has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Stephen LeClair

Stephen is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Geography. He has completed significant coursework in geographic information systems, physical geography and wildlife management. He worked for the Texas Parks and Wildlife Department (TPWD) as a Fish and Wildlife Technician where he assisted in the management of public water bodies and their flora and fauna. Duties included habitat management, population monitoring and monitoring of water quality. He also conducted inspections of private lands and water to issue various permits to landowners within public watersheds. He has worked as a consultant on endangered species in the mining industry. Stephen has also successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge System (TPDES) requirements for construction activities and is a qualified inspector.

Katy Mauldin

Katy is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Resources and Environmental Studies and a minor in Nature and Heritage Tourism. She has completed coursework in water resource management, geomorphology, land use, and planning. Katy completed and internship with Olympic National Forest in Washington and focused on trail maintenance and erosion. She also participated in a study abroad program in Yucatan, Mexico where she concentrated on regional field studies and various types of vegetation. She has been employed with Compliance Resources, Inc. since September of 2005 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. Katy has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Will McCain

Will is a graduate of Texas A&M University in College Station, Texas with a Bachelor of Science in Wildlife and Fisheries Science. He has completed coursework in soil science, environmental science, and wetland management. Will has experience with residential building industry. In addition, he has assisted with wetland mitigation projects and subsequent research near Galveston, Texas. Will has successfully

completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination system (TPDES) requirements for construction activities and is a qualified inspector.

Emily McCord

Emily is a graduate of The University of Missouri in Rolla, Missouri with a Bachelor of Arts in Biology and is currently attending The University of Texas in Arlington, Texas completing her Masters in Environmental Engineering. She recently returned from New Orleans, Louisiana, where she worked at various construction sites as a site assessor to verify that the property environment was safe for construction and as a Quality Assurance/Quality Control (QA/QC) inspector. While at The University of Missouri, she spent a summer researching Soap Lake in Washington State studying extremophilies in saline environments and researched microbial ecology of aerobic and anaerobic bacteria associated with environments that are hostile to human life. Emily has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Scott Meurer

Scott is a graduate of McMurry University in Abilene, Texas with a Bachelor of Science in Environmental Science and a minor in Biology. He has completed coursework in Geographic Information Systems dealing with Arc View and GPS software, Environmental Geology, Water Conservation, Threatened Species, Vertebrate Natural History, Zoology, and Botany. Scott completed an internship with the Texas Parks and Wildlife Inland Fisheries where he participated in a lake study dealing with aquatic ecosystems and its interaction with pollutants from storm water runoff. He was also a state qualifying contender on both a Wildlife and Range judging team at Fredericksburg High School. Scott has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Michael Mobley

Michael is a graduate of Texas State University in San Marcos, Texas with a Bachelors of Science in GIS/Cartography. He has completed coursework in Natural Resources Use and Planning, Energy Resource Management, Environmental and Technological Hazards, and Digital Terrain Modeling. Michael has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Jason Natho

Jason is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Wildlife Biology. He has completed course work and field work in brush elimination, prescribed burning, reseeding native pasture, and other land improving techniques. He has worked in the agricultural field and the construction field, during which he has learned practices involved in the above first hand. Jason has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Kip L. Portis

Kip is a graduate of Southwest Texas State University in San Marcos, Texas with a Bachelor of Science in Range Management and an emphasis in soil and plant science. Kip was a Range Conservationist and District Conservationist with the United States Department of Agriculture with aspects of range and soil conservation, watershed programs, protecting against soil and water pollution, and erosion. He worked with Texas Parks and Wildlife in various capacities such as fish culture, lake management, in-stream flow studies, determining dissolved oxygen, conductivity, ph and temperatures of streams and water bodies, and endangered species of fish, plants, and wildlife. Prior to retiring from Texas Parks and Wildlife he was a Regional Pollution Biologist representing 121 counties in Texas. Kip was also the Safety Officer for 8 years with Texas Parks and Wildlife and is certified in Hazardous Materials (HAZ-MAT). Other background work has been in the construction field - operating heavy equipment, site engineer, shooting dynamite, and welding. Kip has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Manuel Razo

Manuel is a graduate of the University of Texas in Austin, Texas with a Bachelor of Arts in Geography focusing on Natural Resource Management and a Minor in Geology. He interned for Travis County Transportation and Natural Resources as a survey technician. He is a former employee of First American Flood Data Services where he performed flood zone determinations and later moved to the GIS department as a GIS technician performing quality control on map digitization projects. Manuel has completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination Systems (TPDES) requirements for construction activities and is a qualified inspector.

Gretchen Reutzel

Gretchen is a graduate of Southwest Texas State University in San Marcos, Texas with a Bachelor of Science in Environmental Science and Resource Management and a minor in Environmental Education. She has completed coursework in watershed management, land management, and urban planning. Gretchen worked for Texas State University as an Environmental Education Coordinator in which she developed and implemented environmental education programs for the student body. She also worked for the Upper Guadalupe River Authority where she managed all aspects of the watershed and water quality programs. Gretchen is a board member of the San Antonio Environmental Education Association and a member of Texas Watch. She has also had environmental curriculum published and has written many successful environmental grants. Gretchen has been employed with Compliance Resources, Inc. since November of 2005 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. She has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Raymond Schiltz

Raymond is a graduate of the University of Texas in Austin, Texas with a Bachelor of Science in Geology. He has completed coursework in groundwater hydrology, as well as coursework in landscape ecology. He has participated in various research projects including the Austin Central Business District tree mapping and survey project and the Gulf of Mexico Basin Depositional Synthesis for the Institute for Geophysics at the University of Texas. He has been employed with Compliance Resources, Inc. since December of 2003 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. Raymond has successfully completed an internal training

course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Chris Schmidt

Chris is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Environmental Science and Resource Management and a minor in Criminal Justice. He is certified in Geographic Information Systems and has coursework background in environmental and water law. As a GIS technician he produced detailed maps used for FEMA flood evaluations and Bexar County flood control. Chris has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Misti Shafer

Misti is a graduate of Texas A & M University in College Station, Texas with a Bachelor of Science in Construction Science and a Bachelor of Science in Environmental Design. She has two years of experience in the construction industry including site inspections, permitting, and project coordinating for David Weekley Homes. Misti has been employed with Compliance Resources, Inc. since September of 2002 and has performed thousands of biweekly and post significant rainfall inspections and has written and audited thousands of Storm Water Pollution Prevention Plans. She has successfully completed training courses through the Texas Commission on Environmental Quality for the Texas Pollutant Discharge Elimination System, Phase II Construction Storm Water Permits in March of 2003 and through the International Erosion Control Association "How to Put the BEST Back into your Erosion Control BMPs" in November of 2002. Misti has also attended additional training seminars with the Compost Section of the Small Business and Environmental Assistance Division of the Texas Commission on Environmental Quality in July of 2003. She has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Susan Tyler

Susan is a graduate of James Madison University in Harrisonburg, Virginia with a Bachelor of Science in Biology and graduate coursework toward a Master of Science in Biological Oceanography. Susan has 16 years of experience in the environmental field from laboratory testing of water samples to team leading the City of Austin's Storm Water Permitting Program. During her tenure with the City of Austin, Susan inspected industrial and commercial facilities, ensuring compliance with applicable Storm Water and waste disposal regulations. She has also responded to hundreds of material spills and citizen pollution complaints received through the City of Austin Watershed Protection Department Environmental Hotline. Susan was a presenter at a 1993 Environmental Protection Agency Municipal Separate Storm Sewer (MS4) Conference in Dallas, Texas. She is a published author providing copy for several technical trade journals including *Texas Builder* on environmental compliance topics related to pollution prevention and storm water regulations. As the Vice President of Compliance Resources, Inc., she has attended storm water compliance field training with the Texas Commission on Environmental Quality and San Antonio Water System Inspectors. She has successfully completed training courses through the Texas Commission on Environmental Quality for the Texas Pollutant Discharge Elimination System, Phase II Construction and MS4 Storm Water Permits in April of 2003, "How to Select, Install and Inspect Construction Site Erosion and Sediment Control BMPs for TPDES Storm Water Permit Compliance" through the International Erosion Control Association in June of 2002, and "How to Put the BEST Back into your Erosion Control BMPs" in November of 2002. Susan has also developed and presented storm water inspector training for

the University of Texas, homebuilders, general contractors, engineering firms, developers, and various associations such as the Texas Association of Builders and Austin Contractors and Engineers Association. Susan has performed hundreds of biweekly and post significant rainfall inspections and has written and audited hundreds of Storm Water Pollution Prevention Plans for the industrial and construction sectors and is a qualified inspector.

Josh VandenBout

Josh is a graduate of Texas A&M University in College Station, Texas with a Bachelor of Science in Wildlife & Fisheries Sciences. He concentrated his studies on habitat management and ecology. He has completed coursework in soil science, dendrology, and environmental law. He began dealing with environmental issues while working as a ranch hand at Triple JJJ Ranch in Somerville, Texas. He has created several habitat management plans that have been carried out by landowners throughout the state of Texas. Josh has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Marcus Walters

Marcus attended the University of Texas in Austin, Texas with a focus of studies in Chemistry. He has worked and managed in the industrial sector for twelve years, with eight years of experience in Industrial Site Storm Water Management. Those eight years of experience include writing and implementing a new industrial site Storm Water Pollution Prevention Plan, numerous quarterly site inspections, collecting numerous quarterly storm water samples, instructor of policies and procedures for Best Management Practices at the sites, and implementation / supervision of Best Management Practices for three separate industrial facilities. He has been employed with Compliance Resources, Inc. since November of 2003 and has performed hundreds of biweekly and post significant rainfall inspections and has audited hundreds of Storm Water Pollution Prevention Plans. Marcus has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination Systems (TPDES) requirements for construction activities and is a qualified inspector.

Kisha Wiley

Kisha is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Geography with an emphasis on Resource and Environmental Studies and a minor in Geology. She has completed coursework in fluvial processes, sedimentary and stratigraphy studies, hydrogeology, and environmental management policies and procedures. She has two years of intern and volunteer experience with the Edwards Aquifer Research and Data Center where she assisted with monthly water toxicity tests for the City of San Marcos Wastewater Treatment Plant. Kisha has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Lesley Williamson

Lesley is a graduate of Texas State University in San Marcos, Texas with a Bachelor of Science in Resource and Environmental Studies. Her coursework included water policy, river basin management, environmental management, geomorphology, and mapping technology. She participated in air and water quality monitoring and completed an internal training program on Best Management Practices while completing an internship at Hays Energy in San Marcos, Texas. Lesley has also successfully completed an

internal training course on Best Management Practices and Texas Pollutant Discharge Elimination Systems (TPDES) requirements for construction activities and is a qualified inspector.

Stuart Wilson

Stuart is a graduate of Stephen F. Austin State University in Nacogdoches, Texas with a Bachelor of Science in Environmental Science and a Minor in Math. He has completed coursework in mapping, GIS, and Geography. As part of his curriculum, Stuart completed a Phase I Environmental Site Assessment including several reports on the impact of storm water runoff. In addition he participated in a stream channeling project for the Army Corps of Engineers. Stuart has successfully completed an internal training course on Best Management Practices and Texas Pollutant Discharge Elimination System (TPDES) requirements for construction activities and is a qualified inspector.

Retention of Records

The permittee shall retain a copy of the SWP3 at the construction site (or other accessible location) from the date of project initiation to the date of final stabilization. The permittee shall retain copies of the NOI, SWP3, all reports, and records of all data covered by the permit for three years from the date the site is finally stabilized. All NOIs, SWP3, reports, certifications, NOTs, and information that this permit requires be maintained by the permittee shall be signed by a duly authorized representative.

Inspection and Entry

The permittee shall allow the Director or authorized representative of EPA, the State/Tribal, or municipal separate storm sewer authorized representative, upon the presentation of credentials and other documents as may be required by law to enter upon the permittee's premises where a regulated facility is located or conducted, have access to and copy any records that must be kept, and inspect any facility or equipment.

TPDES Construction Inspection Form

Authorization Number(s) covered by this inspection (e.g. owners, developers, general contractor, builders)	
Signature and Certification in accordance with Part III, Section F, Item Number 8D of the TPDES General Permit:	"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." Permittee Signature_____ Date_____
Date of Inspection	
Inspector Name	
Is there a copy of the permit language with the SWP3?	YES NO
Is the inspector qualified and are the qualifications documented in the SWP3?	YES NO
Is a TPDES storm water construction sign posted at the entrance for all permittees?	YES NO

Narrative Inspection Findings:
Inspection Date:

CERTIFIED MAIL

October 9, 2006

TCEQ
Storm Water/General Permit MC-228
PO Box 13087
Austin, Texas 78711-3087

Re: TPDES Storm Water General Permit No. TXR15_____
Delegating an "Authorized Representative"
Ensenada Shores at Canyon Lake, Units 3 and 4

Dear Director:

This letter serves to designate _____ as an authorized person for signing biweekly and post significant rainfall storm water inspections OR weekly storm water inspections only. This authorization is not being used for signing a TPDES permit application (e.g. Notice of Intent).

By signing this authorization, I confirm that I meet the following requirements to make such designation as set forth in Part III, Section F, Item Number 8D of the TPDES General Permit.

> For a corporation, the application shall be signed by a responsible corporate officer. For the purpose 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 $25,000,000 (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 that to specific individuals.
>
> For a partnership or sole proprietorship the application shall be signed by a general partner or the proprietor, respectively.
>
> For 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 Administration of the EPA).

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

_____ _____
Printed Name Title

_____ _____
Signature Date

NOTICE OF INTENT

Notice of Intent located behind this sheet.

Stephen L. Sallman

(214) 368-0238

Ensenada Shores at Canyon Lake, Units 3 and 4
north of the intersection of FM 2673 and Avonlea Drive
Canyon Lake, Texas 78133
~ 27 Acres Disturbed

Ensenada Shores, Ltd.
4925 Greenville Avenue, Suite 1020
Dallas, Texas 75206

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity under the TPDES General Permit

TCEQ Office Use Only
TPDES Permit Number: TXR15|__|__|__|__|
GIN Number: |__|__|__|__|__|__|__|__|
Fee Receipt No. _____

IMPORTANT:
- Use the attached **INSTRUCTIONS** when completing this form.
- After completing this form, use the attached **CUSTOMER CHECKLIST** to make certain all items are complete and accurate.
- Missing, illegible, or inaccurate items may delay final acknowledgment or coverage under the general permit.

Application Fee: You must submit the $100 NOI Application Fee to TCEQ under separate cover (see instructions) using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)
Tell us how you paid for this fee:

Check/Money Order No.:	Name Printed on Check:

A. OPERATOR

1. TCEQ Issued Customer Number (CN) (if available):

2. Legal Name (spelled exactly as filed with the Texas Secretary of State, County, or legal document that was used in forming the entity):
ENSENADA SHORES, LTD.

3. Mailing Address: 4925 GREENVILLE AVENUE Suite No./Bldg.No.: SUITE 1020

City: DALLAS	State: TEXAS	ZIP Code: 75206

4. Phone No.: (214) 368-0238	Extension:
FAX No.	E-mail Address:

6. Type of Operator: ☐ Individual ☐ Sole Proprietorship-D.B.A. ☐ Partnership ☐ Corporation ☐ Federal Government ☐ State Government ☐ County Government ☐ City Government ☐ Other: _____

7. Independent Operator: ☐ Yes ☐ No (If governmental entity or a subsidiary or part of a larger corporation, check "NO")

8. Number of Employees: ☐ 0-20; ☐ 21-100; ☐ 101-250; ☐ 251-500; or ☐ 501 or higher

9. Business Tax and Filing Numbers *(not applicable to Individuals, Government, General Partnerships, and Sole Proprietorship-D.B.A)*:
State Franchise Tax ID Number:_____ Federal Tax ID:_____
TX SOS Charter (filing) Number:_____ DUNS Number:_____(If known)

B. BILLING ADDRESS (The Operator is responsible for paying the annual fee.)

☑ **Same As Operator** (check if address is the same, then proceed with Section C.)

1. Billing Mailing Address: Suite No./Bldg.No.:

City:	State:	ZIP Code:

2. Billing Contact (Attn or C/O):

3. Country Mailing Information (if outside USA) Territory: Country Code: Postal Code:

4. Phone No.: ( ) -	Extension:
5. FAX No.	E-mail Address:

C. APPLICATION CONTACT (If TCEQ needs additional information regarding this application, who should be contacted?)

1. Name: MISTI SHAFER	Title: SWP3 MANAGER	Company: COMPLIANCE RESOURCES, INC.
2. Phone No.: (512) 930-7733	Extension: 231	
3. FAX No. 512-864-7629	E-mail Address: misti@complianceresourcesinc.com	

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

1. TCEQ Issued RE Reference Number (RN) (if available):

2. Name of Project or Site: ENSENADA SHORES AT CANYON LAKE, UNITS 3 AND 4

3. Physical Address of Project or Site: (enter in spaces below)

Street Number: N/A	Street Name: N/A	
City (nearest to the site): CANYON LAKE	ZIP Code (nearest to the site): 78133	County (Counties if >1): COMAL

4. If no physical address (Street Number & Street Name), provide a written location access description that can be used for locating the site: (Ex.: 2 miles west from intersection of Hwy 290 & IH35 on Hwy 290 South)

NORTH OF THE INTERSECTION OF FM 2673 AND AVONLEA DRIVE

5. Latitude: 29°51'14" N Longitude: 098°16'50" W

6. Standard Industrial Classification (SIC) code: 1521

7. Describe the activity related to the need for this authorization at this site *(do not repeat the SIC and NAICS code)*:
SINGLE FAMILY RESIDENTIAL DEVELOPMENT

Is the project/site located on Indian Country Lands? ☐ Yes ☒ No
If Yes, you must obtain authorization through EPA, Region VI.

E. SITE MAILING ADDRESS (address for receiving mail at the site)

☑ **Same As Operator** (check if address is the same, then proceed with Section F.)

Mailing Address:		Suite No./Bldg.No.:
City:	State:	ZIP Code:

F. GENERAL CHARACTERISTICS

1. Has a Pollution Prevention Plan been prepared as required in the general permit? ☒ Yes ☐ No

If No, coverage may be denied as the PPP is required at the time the NOI is submitted to TCEQ.

2. Provide the estimated area of land disturbed (to the nearest acre): 27 Acres

3. Provide the name of the receiving water body (local stream, lake, drainage ditch), MS4 Operator (if applicable) and the segment number where storm water runoff will flow from the construction site.

MS4 Operator: NO MS4 Receiving Water Body: Tom Creek (of Canyon Lake) Segment: _____

G. CERTIFICATION

I, STEPHEN L. SALLMAN PRESIDENT

Typed or printed name *Title (Required)*

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

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

Signature:_____ Date:_____

(Use Blue Ink)

CERTIFIED MAIL

October 9, 2006

TCEQ
Storm Water/General Permit MC-228
PO Box 13087
Austin, Texas 78711-3087

Re: TPDES Storm Water General Permit No. TXR15_____
Delegating an "Authorized Representative"
Ensenada Shores at Canyon Lake, Units 3 and 4

Dear Director:

This letter serves to designate Joe Bland Construction, LP/Superintendent as an authorized person for signing biweekly and post significant rainfall storm water inspections OR weekly storm water inspections only. This authorization is not being used for signing a TPDES permit application (e.g. Notice of Intent).
By signing this authorization, I confirm that I meet the following requirements to make such designation as set forth in Part III, Section F, Item Number 8D of the TPDES General Permit.

> For a corporation, the application shall be signed by a responsible corporate officer. For the purpose 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 $25,000,000 (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 that to specific individuals.
>
> For a partnership or sole proprietorship the application shall be signed by a general partner or the proprietor, respectively.
>
> For 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 Administration of the EPA).

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

_____ _____
Printed Name Title

_____ _____
Signature Date

NOTICE OF INTENT

Notice of Intent located behind this sheet.

Joe Bland

(512) 821-2808

Ensenada Shores at Canyon Lake, Units 3 and 4
north of the intersection of FM 2673 and Avonlea Drive
Canyon Lake, Texas 78133
~ 27 Acres Disturbed

Joe Bland Construction, LP
13111 Dessau Road
Austin, Texas 78754

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity under the TPDES General Permit

TCEQ Office Use Only
TPDES Permit Number: TXR15|__|__|__|__|
GIN Number: |__|__|__|__|__|__|__|__|
Fee Receipt No. _____

IMPORTANT:
•Use the attached **INSTRUCTIONS** when completing this form.
•After completing this form, use the attached **CUSTOMER CHECKLIST** to make certain all items are complete and accurate.
•Missing, illegible, or inaccurate items may delay final acknowledgment or coverage under the general permit.

Application Fee: You must submit the $100 NOI Application Fee to TCEQ under separate cover (see instructions) using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)
Tell us how you paid for this fee:

Check/Money Order No.:	Name Printed on Check:

A. OPERATOR

1. TCEQ Issued Customer Number (CN) (if available): 602465874

2. Legal Name (spelled exactly as filed with the Texas Secretary of State, County, or legal document that was used in forming the entity):
JOE BLAND CONSTRUCTION, LP

3. Mailing Address: 13111 DESSAU ROAD Suite No./Bldg.No.:

City: AUSTIN	State: TEXAS	ZIP Code: 78754

4. Phone No.: (512) 821 - 2808	Extension: N/A
FAX No. 512-327-4337	E-mail Address: bsa@bsaconstruction.com

6. Type of Operator: ☐ Individual ☐ Sole Proprietorship-D.B.A. ☒ Partnership ☐ Corporation ☐ Federal Government ☐ State Government ☐ County Government ☐ City Government ☐ Other: _____

7. Independent Operator: ☒ Yes ☐ No (If governmental entity or a subsidiary or part of a larger corporation, check "NO")

8. Number of Employees: ☐ 0-20; ☐ 21-100; ☐ 101-250; ☒ 251-500; or ☐ 501 or higher

9. Business Tax and Filing Numbers *(not applicable to Individuals, Government, General Partnerships, and Sole Proprietorship-D.B.A.)*:
State Franchise Tax ID Number: N/A Federal Tax ID: 742780284
TX SOS Charter (filing) Number: N/A DUNS Number: 945709053 (If known)

B. BILLING ADDRESS (The Operator is responsible for paying the annual fee.)

☑ **Same As Operator** (check if address is the same, then proceed with Section C.)

1. Billing Mailing Address: Suite No./Bldg.No.:

City:	State:	ZIP Code:

2. Billing Contact (Attn or C/O):

3. Country Mailing Information (if outside USA) Territory: Country Code: Postal Code:

4. Phone No.: ( ) -	Extension:
5. FAX No.	E-mail Address:

C. APPLICATION CONTACT (If TCEQ needs additional information regarding this application, who should be contacted?

1. Name: MISTI SHAFER Title: SWP3 MANAGER Company: COMPLIANCE RESOURCES, INC.
2. Phone No.: (512) 930-7733 Extension: 231
3. FAX No. 512-864-7629 E-mail Address: misti@complianceresourcesinc.com

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

1. TCEQ Issued RE Reference Number (RN) (if available):
2. Name of Project or Site: ENSENADA SHORES AT CANYON LAKE, UNITS 3 AND 4
3. Physical Address of Project or Site: (enter in spaces below)

Street Number: N/A	Street Name: N/A	
City (nearest to the site): CANYON LAKE	ZIP Code (nearest to the site): 78133	County (Counties if >1): COMAL

4. If no physical address (Street Number & Street Name), provide a written location access description that can be used for locating the site: (Ex.: 2 miles west from intersection of Hwy 290 & IH35 on Hwy 290 South)

NORTH OF THE INTERSECTION OF FM 2673 AND AVONLEA DRIVE

5. Latitude: 29°51'14" N Longitude: 098°16'50" W
6. Standard Industrial Classification (SIC) code: 1521
7. Describe the activity related to the need for this authorization at this site *(do not repeat the SIC and NAICS code)*:
SINGLE FAMILY RESIDENTIAL DEVELOPMENT

Is the project/site located on Indian Country Lands? ☐ Yes ☒ No
If Yes, you must obtain authorization through EPA, Region VI.

E. SITE MAILING ADDRESS (address for receiving mail at the site)

☑ **Same As Operator** (check if address is the same, then proceed with Section F.)

Mailing Address:		Suite No./Bldg.No.:
City:	State:	ZIP Code:

F. GENERAL CHARACTERISTICS

1. Has a Pollution Prevention Plan been prepared as required in the general permit? ☒ Yes ☐ No

If No, coverage may be denied as the PPP is required at the time the NOI is submitted to TCEQ.

2. Provide the estimated area of land disturbed (to the nearest acre): 27 Acres
3. Provide the name of the receiving water body (local stream, lake, drainage ditch), MS4 Operator (if applicable) and the segment number where storm water runoff will flow from the construction site.

MS4 Operator: NO MS4 Receiving Water Body: Tom Creek (of Canyon Lake) Segment: _____

G. CERTIFICATION

I, JOE BLAND — *Typed or printed name*

PRESIDENT — *Title (Required)*

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

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

Signature:_____ Date:_____

(Use Blue Ink)

TPDES General Permit
NO. TXR150000

This is a new general permit issued pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act.

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

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

Construction sites located in the state of Texas

may discharge to surface water in the state

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

This permit and the authorization contained herein shall expire at midnight five years after the date of issuance.

ISSUED AND EFFECTIVE DATE: MAR 05 2003

For the Commission

TCEQ General Permit Number TXR150000 Relating To Discharges From Construction Activities

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Part I. Definitions

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 exposure of soils resulting from activities such as clearing, grading, and excavating.

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 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.

Facility or Activity - Any TPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the TPDES program.

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

(a) All soil disturbing activities at the site have been completed and a uniform (e.g, evenly distributed, without large bare areas) perennial vegetative cover with a density of 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 goetextiles) 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.

(c) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

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, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

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

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

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

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

(a) the person or persons have operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of this general permit; or

(b) the person or persons have day-to-day operational control of those activities at a construction site which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the Storm Water Pollution Prevention Plan or comply with other permit conditions).

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

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

Pollutant - (from the Texas Water Code, Chapter 26) 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.

Pollution - (from the Texas Water Code, Chapter 26) 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.

Runoff Coefficient - The fraction of total rainfall that will appear at the conveyance as runoff.

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

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

Storm Water - Storm water runoff, snow melt runoff, and surface runoff and drainage.

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

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

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits

of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

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

Waters of the United States - (from title 40, part122, section 2 of the Code of Federal Regulations) Waters of the United States or waters of the U.S. means:

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

(b) all interstate waters, including interstate wetlands;

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

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

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

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

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

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

(f) the territorial sea; and

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

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Storm Water Associated with Construction Activity

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

2. Discharges of Storm Water Associated with Construction Support Activities

Discharges of storm water runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:

(a) the activity is located within a 1-mile distance from the boundary of the permitted construction site and directly supports the construction activity;

(b) the storm water pollution prevention plan is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the supporting industrial activity site; and

(c) the industrial activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges.

3. Non-storm Water Discharges

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

(a) discharges from fire fighting activities;

(b) fire hydrant flushings;

(c) vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, an dust;

(d) water used to control dust;

(e) potable water sources including waterline flushings;

(f) air conditioning condensate;

(g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

Any discharge authorized under a separate NPDES, TPDES, or TCEQ permit may be combined with discharges authorized by this permit.

Section B. Limitations on Permit Coverage

1. Post Construction Discharges.

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

2. Prohibition of Non-Storm Water Discharges

Except as provided in Part II. A.2., A3., and A4., all discharges authorized by this general permit must be composed entirely of storm water associated with construction activity.

3. Compliance With Water Quality Standards

Discharges to surface water in the state that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative

general permit (see Part II.G.3) to authorize discharges to surface water in the state from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use. The executive director may also require an application for an individual permit considering factors described in Part II. G.2.

4. Discharges to Water Quality-Impaired Receiving Waters.

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

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

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges cannot be authorized by this general permit where prohibited by 30 Texas Administrative Code (TAC) Chapter 213 (relating to Edwards Aquifer).

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

(b) For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural storm water controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in storm water runoff are in addition to the requirements in this general permit for this pollutant. For discharges from large construction activities located on the Edwards Aquifer contributing zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office."

Counties:	Contact:
Comal, Bexar, Medina, Uvalde, and Kinney	TCEQ Water Program Manager San Antonio Regional Office 14250 Judson Rd. San Antonio, Texas (210) 490-3096
Williamson, Travis, and Hays	TCEQ Water Program Manager Austin Regional Office 1921 Cedar Bend Dr., Ste. 150 Austin, Texas (512) 339-2929.

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Other Governmental Entities

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

8. Indian Country Lands

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

9. Oil and Gas Production

Storm water runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges

of storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.

10. Storm Water Discharges from Agricultural Activities

Storm water discharges from agricultural activities that are not point source discharges of storm water are not subject to TPDES permit requirements. These activities may include clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities.

Section C. 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 issuance 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 issuance date of this permit, and authorized under NPDES general permit TXR100000 (issued July 6, 1998, FR 36490), must submit an NOI to obtain authorization under this general permit within 90 days of the issuance 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 federal NPDES permit. If the construction activity is completed prior to this 90-day deadline, and the site would otherwise qualify for termination of coverage under that federal NPDES permit, the operator must notify the executive director of the TCEQ in writing within 30 days of that condition.

2. Small Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction occurs on or after the issuance 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 March 10, 2003, 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 be authorized, either under this general permit or a separate TPDES permit, prior to March 10, 2003.

Section D. Obtaining Authorization to Discharge

1. Small construction activities are determined to occur during periods of low potential for erosion, and operators of these sites may be automatically authorized under this general permit and not required to develop a storm water pollution prevention plan or submit a notice of intent (NOI), provided:

   (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, final stabilization activities have been initiated and a condition, of final stabilization is completed no later than 30 days following the end date of the time frame identified in Appendix A for the location of the construction site;

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

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

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

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

2. Operators of small construction activities not described in Part II.D.1. above may be automatically authorized under this general permit, and operators of these sites are not required to submit an NOI provided they:

   (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 a completed construction site notice (Attachment 2 of this general permit);

(c) post a signed copy of the construction site notice 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 maintain the notice in that location until completion of the construction activity; and

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

3. Operators of all other construction activities that qualify for coverage under this general permit must:

(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) submit a Notice of Intent (NOI), using a form provided by the executive director, at least 2 days prior to commencing construction activities; or

(c) if the operator changes, or an additional operator is added after the initial NOI is submitted, the new operator must submit an NOI at least two (2) days before assuming operational control;

(d) post a copy of the NOI at the construction site in a location where it is readily available for viewing prior to commencing construction activities, and maintain the notice in that location until completion of the construction activity;

(e) provide a copy of the signed NOI to the operator of any municipal separate storm sewer system receiving the discharge, at least two (2) days prior to commencing construction activities; and

(f) implement the SWP3 prior to beginning construction activities.

4. Effective Date of Coverage

(a) Operators of construction activities described in either Part II. D.1. or D.2. are authorized immediately following compliance with the conditions of Part II. D.1. or D.2. that are applicable to the construction activity.

(b) Operators of all other construction activities eligible for coverage under this general permit, unless otherwise notified by the executive director, are provisionally authorized two (2) days from the date that a completed NOI is postmarked for delivery to the TCEQ. If electronic submission of the NOI is provided, and unless otherwise notified by the executive director, operators are provisionally authorized 24 hours 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.

(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 is obtained.

5. Notice of Change (NOC) Letter

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 a NOC letter within 14 days after discovery. If relevant information provided in the NOI changes, a NOC letter must be submitted within 14 days of the change. A copy of the NOC must be provided to the operator of any MS4 receiving the discharge.

6. 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 must be signed according to 30 TAC § 305.44 (relating to Application for Permit).

7. Contents of the NOI

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

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

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

(c) number of acres that will be disturbed (estimated to the largest whole number);

(d) whether the project or site is located on Indian Country lands;

(e) confirmation that a SWP3 has been developed and that the SWP3 will be compliant with any applicable local sediment and erosion control plans; and

(f) name of the receiving water(s).

Section E. Application to Terminate Coverage

Each operator that has submitted an NOI for authorization under this general permit must apply to terminate that authorization following the conditions described in this section of the general permit. Authorization must be terminated by submitting a Notice of Termination (NOT) on a form supplied by the executive director. Authorization to discharge under this 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.

1. Notice of Termination Required

The NOT must be submitted to TCEQ, and a copy of the NOT provided to the operator of any MS4 receiving the discharge, within thirty (30) days, after:

(a) final stabilization has been achieved on all portions of the site that is the responsibility of the permittee: or

(b) another permitted operator has assumed control over all areas of the site that have not been finally stabilized; and

(c) 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 if the new operator has sought 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.

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 a NOI, the permittees site-specific TPDES general permit number for the construction site;

(b) an indication of whether the construction activity is completed or if the permittee is simply no longer an operator at the site;

(c) the name, address and telephone number of the permittee submitting the NOT;

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

(e) a signed certification that either all storm water discharges requiring authorization under this general permit will no longer occur, or that the applicant to terminate coverage is no longer the operator of the facility or construction site, and that all temporary structural erosion controls have either been removed, will be removed on a schedule defined in the SWP3, or 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.

Section F. Waivers from Coverage

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

1. Waiver Applicability and Coverage

Operators of small construction activities may apply for and receive a waiver from the requirements to obtain authorization under this general permit where:

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

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

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

2. Effective Date of Waiver

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

3. Activities Extending Beyond the Waiver Period

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

(a) recalculate the rainfall erosivity factor 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.D.2. or Part II.D.3. at least two (2) days before the end of the approved waiver period.

Section G. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). Applications for individual permit coverage should be submitted at least three hundred and thirty (330) days prior to commencement of construction activities to ensure timely issuance.

2. Individual Permit Required

The executive director may suspend an authorization or NOI in accordance with the procedures set forth in 30 TAC Chapter 205, 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 because of:

(a) the conditions of an approved TMDL or TMDL implementation plan;

(b) the activity is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use of surface water in the state: and

(c) any other considerations defined in 30 TAC Chapter 205 would include the provision at 30 TAC § 205.4(c)(3)(D), which allows TCEQ 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."

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

Section H. Permit Expiration

This general permit shall be issued for a term not to exceed five (5) years. Following public notice and comment, as provided by 30 TAC § 205.3 (relating to Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit. If the TCEQ publishes a notice of its intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized, discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.

In the event that the general permit is not renewed, discharges that are authorized under the general permit must obtain either a TPDES individual permit or coverage under an alternative general permit.

Part III. Storm Water Pollution Prevention Plans (SWP3)

Storm water pollution prevention plans must be prepared for storm water discharges that will reach Waters of the United States, including discharges to MS4 systems and privately owned separate storm sewer systems that drain to Waters of the United States, to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the construction site, including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used solely by the permitted project. The SWP3 must describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of 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 that compliance with the terms and conditions of this general permit is met in the areas of the construction site where that operator has operational control over construction plans and specifications or day-to-day operational control.

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 submit an NOI and 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 participant in the shared plan must also sign the SWP3.

2. The SWP3 must clearly indicate which operator is responsible for satisfying each shared requirement of the SWP3. If the responsibility for satisfying a requirement is not described in the plan, then each permittee is entirely responsible for meeting the requirement within the boundaries of the construction site where they perform construction activities. The SWP3 must clearly describe responsibilities for meeting each requirement in shared or common areas.

Section B. Responsibilities of Operators

1. Operators with Control Over Construction Plans and Specifications

All operators with operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions of this general permit must:

(a) ensure the project specifications allow or provide that adequate BMPs may be 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 operational control over project specifications (including the ability to make modifications in specifications);

(c) ensure all other operators affected by modifications in project specifications are notified in a timely manner such that those operators may modify best management practices as are 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 TPDES permit numbers for permittees with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. In the case that responsible parties have not been identified, the permittee with operational control over project specifications must be considered to be the responsible party until such time as the authority is transferred to another party and the plan is updated.

2. Operators with Day-to-Day Operational Control

Operators with day-to-day operational control of those activities at a project that are necessary to ensure compliance with a SWP3 and other permit conditions must:

(a) ensure that the SWP3 for portions of the project where they are operators meets the requirements of this general permit;

(b) ensure that the SWP3 identifies the parties responsible for implementation of best management practices described in the plan;

(c) ensure that the SWP3 indicates areas of the project where they have operational control over day-to-day activities;

(d) ensure that the SWP3 indicates, for areas where they have operational control over day-to-day activities, the name and TPDES permit number of the parties with operational control over project specifications (including the ability to make modifications in specifications).

Section C. Deadlines for SWP3 Preparation and Compliance

1. The SWP3 must be:

(a) completed prior to obtaining authorization under this general permit;

(b) implemented prior to commencing construction activities that result in soil disturbance;

(c) updated as necessary to reflect the changing conditions of new operators, new areas of responsibility, and changes in best management practices; and

(d) prepared so that it provides for compliance with the terms and conditions of this general permit.

Section D. Plan Review and Making Plans Available

1. The SWP3 must be retained on-site at the construction site or, if the site is inactive or does not have an on-site location to store the plan, a notice must be posted describing the location of the SWP3. The SWP3 must be made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site.

2. Operators of a large construction activity obtaining authorization to discharge through submission of a NOI must post a notice near the main entrance of the

construction site. If the construction project is a linear construction project (e.g. pipeline, highway, etc.), the 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. The notice must be readily available for viewing by the general public, local, state, and federal authorities, and contain the following information:

(a) the TPDES general permit number for the project (or a copy of the NOI that was submitted to the TCEQ if a permit number has not yet been assigned);

(b) the name and telephone number of a representative for the operator;

(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. Keeping Plans Current

The permittee must revise or update the storm water pollution prevention plan whenever:

1. there is 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; or

2. results of inspections or investigations by site operators, operators of a municipal separate storm sewer system receiving the discharge, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section F. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. A site description, or project description must be developed to include:

(a) a description of the nature of the construction activity, potential pollutants and sources;

(b) a description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;

(c) 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;

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

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

(f) a detailed site map (or maps) indicating the following:

(i) drainage patterns and approximate slopes anticipated after major grading activities;

(ii) areas where soil disturbance will occur;

(iii) locations of all major structural controls either planned or in place;

(iv) locations where stabilization practices are expected to be used;

(v) locations of off-site material, waste, borrow, fill, or equipment storage areas;

(vi) surface waters (including wetlands) either adjacent or in close proximity; and

(vii) locations where storm water discharges from the site directly to a surface water body.

(g) the location and description of asphalt plants and concrete plants providing support to the construction site and authorized under this general permit;

(h) the name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and

(i) a copy of this TPDES general permit.

2. The SWP3 must describe the best management practices 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) Erosion and Sediment Controls

(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. Controls must also be designed and utilized to reduce the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.

(ii) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control as soon as practicable after discovery that the control has been used incorrectly, is performing inadequately, or is damaged.

(iii) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

(iv) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects, and whenever feasible, prior to the next rain event.

(v) Controls must be developed to limit, to the extent practicable, offsite transport of litter, construction debris, and construction materials.

(b) Stabilization Practices

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.

(i) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, 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 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) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (a) through (c) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

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

(b) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

(c) In arid areas (areas with an average rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable.

3. Structural Control Practices

The SWP3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

(a) Sediment basins are required, where feasible for common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where rainfall data is not available or a calculation cannot be performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained is required where attainable until final stabilization of the site. 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 final stabilization, if

these flows are diverted around both the disturbed areas of the site and the sediment basin. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on site, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater and other similar considerations. Where sediment basins are not feasible, equivalent control measures , which may include a series of smaller sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area.

(b) Sediment traps and sediment basins may also be used to control solids in storm water runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained, or equivalent control measures, may be provided or where rainfall data is not available or a calculation cannot be performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained may be provided.

4. Permanent Storm Water Controls

A description of any measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site or prior to submission of an NOT.

5. Other Controls

(a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.

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

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

(d) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel 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.

6. Approved State and Local Plans

(a) Permittees must ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by federal, state, or local officials.

(b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local official for which the permittee receives written notice.

7. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, 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.

8. Inspections of Controls

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

(a) Personnel provided by the permittee and familiar with the SWP3 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, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. 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 fourteen (14) calendar days and within twenty four (24) hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized, where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), or 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), inspections must be conducted at least once every month.

As an alternative to the above-described inspection schedule of once every fourteen (14) calendar days and within twenty four (24) hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

(b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.8.(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every fourteen (14) calendar days and within twenty four (24) hours of the end of a storm event of 0.5 inches, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.8.(a) above. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every fourteen (14) calendar days and within twenty four (24) hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

(c) 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.

(d) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates 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)

9. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-storm water components of the discharge.

Part IV. Numeric Effluent Limitations

Section A. Limitations

All discharges of storm water runoff from concrete batch plants that qualify for coverage, and that are authorized to discharge storm water under the provisions of this general permit must be monitored at the following monitoring frequency and comply with the following numeric effluent limitations:

Parameter	Limitations Daily Maximum	Monitoring Frequency
Total Suspended Solids	65 mg/l	1/Year*
Oil and Grease	15 mg/l	1/Year*
pH	between 6 and 9 standard units	1/Year*

* If discharge occurs.

Section B. Reporting Requirements

Results of monitoring for determining compliance with numeric effluent limitations must be recorded on a discharge monitoring report (DMR). The DMR must either be an original EPA No. 3320-1 form (Attachment 3 of this general permit), a duplicate of the form, or as otherwise provided by the executive director. Monitoring must be conducted prior to December 31st for each annual

monitoring period. A copy of the DMR must either be retained at the facility or shall be made readily available for review by authorized TCEQ personnel upon request, by March 31st following the end of each annual monitoring period. If the results indicate the violation of one or more of these numeric limitations, the permittee must also submit the DMR to the TCEQ's Information Resources Center (MC 212) by March 31st of each annual monitoring period.

Part V. 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.D. For activities that are not required to submit an NOT, records shall be retained for a minimum period of three (3) years from the date that either: final stabilization has been achieved on all portions of the site that is the responsibility of the permittee; or another permitted operator has assumed control according to over all areas of the site that have not been finally stabilized. Records include:

1. A copy of the SWP3 plan.
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.

Part VI. Standard Permit Conditions

1. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.

2. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this permit. Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.

3. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.

4. Inspection and entry shall be allowed under Texas Water Code Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the

facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

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

   a. negligently or knowingly violating CWA, §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402, or any requirement imposed in a pretreatment program approved under CWA, §§ 402(a)(3) or 402(b)(8);

   b. knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.

6. All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

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

Part VII. Fees

Section A. Application Fees

An application fee of $100 must be submitted with each NOI for coverage of a large construction activity. A fee is not required for submission of an NOT or NOC letter.

Section B. Water Quality Fees

Large construction activities authorized under this general permit must pay an annual Water Quality Fee of $100 under Texas Water Code 26.0291 and according to TAC Chapter 205 (relating to General Permits for Waste Discharges).

Appendix A.
Periods of Low Erosion Potential by County

Start Date - End Date
Dec. 15 - Feb. 14
Archer
Baylor
Brown
Callahan
Childress
Coke
Coleman
Concho
Cottle
Dimmit
Eastland
Edwards
Fisher
Foard
Hardeman
Haskell
Irion
Jones
Kerr
Kimble
King
Kinney
Knox
Mason
Maverick
McCulloch
Menard
Nolan
Real
Runnels
Schleicher
Shackelford
Stephens
Stonewall
Sutton
Taylor
Throckmorton
Tom Green
Uvalde
Wichita
Wilbarger
Young
Zavala

Start Date - End Date
Nov. 15 - Apr. 30
Andrews
Armstrong
Borden
Brewster
Briscoe
Carson
Castro
Crane
Crosby
Dawson
Deaf Smith
Ector
Floyd
Gaines
Garza
Glasscock
Hale
Hansford
Hartley
Howard
Hutchinson
Lubbock
Lynn
Martin
Midland
Mitchell
Moore
Oldham
Pecos
Potter
Randall
Reagan
Scurry
Sherman
Sterling
Swisher
Terrell
Terry
Upton

Start Date - End Date
Feb. 1 - Mar. 30
Hall

Start Date - End Date
Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30
Crockett
Dickens
Kent
Motley
Val Verde

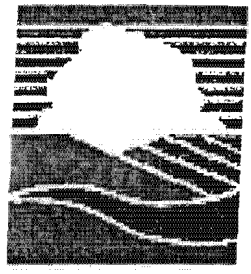
Start Date - End Date
Nov. 1 - Apr. 14 or Nov. 15 - Apr. 30
Dallam
Hockley
Lamb
Parmer
Ward

Start Date - End Date
Nov. 1 - Apr. 30 or Nov. 15 - May. 14
Bailey
Cochran
Jeff Davis
Loving
Presidio
Reeves
Winkler
Yoakum

Start Date - End Date
Nov. 1 - May. 14
Culberson
Hudspeth

Start Date - End Date
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
El Paso

Start Date - End Date
Jan. 1 - Mar. 30 or Dec. 1 - Feb. 28
Collingsworth Wheeler
Donley
Gray
Hemphill
Lipscomb
Ochiltree
Roberts



CONSTRUCTION SITE NOTICE

FOR THE

Texas Commission on Environmental Quality (TCEQ)

Storm Water Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.D.1.** of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from construction sites. Additional information regarding the TCEQ storm water permit program may be found on the internet at:

www.tnrcc.state.tx.us/permitting/waterperm/wwperm/tpdestorm

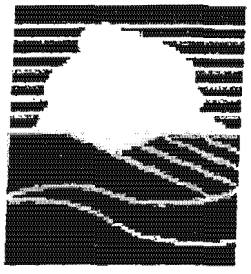
Contact Name and Phone Number:	
Project Description: (Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized)	

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

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

_____ _____

Signature and Title Date



CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.D.2.** of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from construction sites. Additional information regarding the TCEQ storm water permit program may be found on the internet at:
www.tnrcc.state.tx.us/permitting/waterperm/wwperm/tpdestorm

Contact Name and Phone Number:	
Project Description: ((Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized)	
Location of Storm Water Pollution Prevention Plan :	

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

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

_____ _____
Signature and Title Date

CONCRETE BATCH FACILITIES

STW/ TXR15_____/ CO

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME

ADDRESS

FACILITY LOCATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

NOTE: Enter your permit number in the underlined space in the upper right hand corner of this page. Example: STW/TXR15 00123/ CO

Mail to: TCEQ (MC 212)
P.O. Box 13087
Austin, TX 78711-3087

(2-16) PERMIT NUMBER	(17-19) DISCHARGE NUMBER

MONITORING PERIOD					
YEAR (20-21)	MO (22-23)	DAY (24-25)	YEAR (26-27)	MO (28-29)	DAY (30-31)
	01	01		12	31

☐

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(4 Card Only) QUALITY OR CONCENTRATION (38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
Total Suspended Solids	SAMPLE MEASUREMENT	*******	*******	*******	*******	*******					
	SAMPLE REQUIREMENT	*******	*******	*******	*******	*******	65 Daily Max	mg/l		1/Year	Grab
Oil & Grease	SAMPLE MEASUREMENT	*******	*******	*******	*******	*******					
	SAMPLE REQUIREMENT	*******	*******	*******	*******	*******	15 Daily Max	mg/l		1/Year	Grab
pH	SAMPLE MEASUREMENT	*******	*******	*******	*******	*******					
	SAMPLE REQUIREMENT	*******	*******	*******	*******	*******	6.0 - 9.0 Range	S.U.		1/Year	Grab
	SAMPLE MEASUREMENT										
	SAMPLE REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER			TELEPHONE		DATE		
	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.		AREA CODE	NUMBER	YEAR	MO	DAY
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT					

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)