08/01/2014

S107-14TX.docx

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| Texas has two permit options. Below are SCRs to include for each option (small and large construction activities). Determine how much land disturbance is expected on the project and use the appropriate SCR below. |
| Use the following Subsection 107.01 on all projects in **Texas** **with less than 5 acres disturbance**  Exceptions:  (1) Less than 1 acre of total disturbance (1). - No NPDES section required.  (2) Project meets criteria for routine maintenance (2). - No NPDES section required. Document assumptions used to reach this decision in a memo in the project file.  (3) Less than 5 acres of disturbance and the project qualifies for a Low Erosivity Waiver. Contact the Environment Stormwater Specialist (ESWS) for additional language needed. Document assumptions used to reach this decision in a memo in the project file.  (4) Project is on Tribal Lands- Use EPA SCR.  (5) No NOI is required for small projects under 5 acres in TX. Notice must be posted at the work location stating where the public can view the SWPPP  Consult the construction general permit to determine if project-specific requirements are necessary. Consult with ESWS for clarifications and technical assistance.  (1) Disturbance area is typically clearing limit to clearing limit including the roadway. It also includes staging, stockpile, and waste areas outside of the clearing limits. Projects that are near the thresholds (1 acre and 5 acres) may be bumped to a higher category when the areas outside the clearing limits are included.  (2) Routine Maintenance - Work that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.   * Performed on a frequent basis – not longer than a few years * Does not disturb soils beneath the pavement. This is a gray area when doing full depth reclamation that includes just aggregates and varies by state. Consult with ESWS. * Reconditioning dirt and aggregate surfaced roads and adding aggregate. Does not include widening of roadways. * Cleaning (pulling) ditches on dirt or aggregate surfaced roads. If there is vegetation removal to soil on paved roads, it will probably not meet the criteria. * Asphalt overlays of existing pavements with no other disturbances of soil. Does not include adding asphalt or concrete paving to existing aggregate or dirt roads. * Pavement preservation. Chip seal, fog seal, and micro-surfacing with no soil disturbances. Large stockpile and staging areas can negate this if there is a potential for sediment loss or other pollution from those operations. * Consult with ESWS for other situations that may qualify.   Permit number as of 10/12/2012 is TXR150000.  This permit is scheduled to expire on 03/05/2018. |
| For Small Construction Project with between 1 and 5 acres of land disturbance |

**National Pollutant Discharge Elimination System (NPDES) in Texas for Small Construction Activities.**

Comply with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) General Construction Permit (CGP) TXR 150000 for erosion and sediment control due to storm water runoff. A copy of the permit is located at:

<http://www.tceq.texas.gov/assets/public/permitting/stormwater/TXR150000_CGP.pdf>

This permit is scheduled to expire on 03/05/2018. Amend the SWPPP and site plan when the new permit goes into effect to meet new permit conditions.

**(a) General.** Designate a qualified Erosion Control Supervisor according to Subsection 157.03.

Obtain a separate NPDES permit associated with industrial activity for any mobile asphalt and concrete plants that provide material for the project. Provide a copy of the permit and acknowledgement letter to the CO for their records.

**(b) Preparation of SWPPP**. The Government has prepared a preliminary SWPPP. Update the preliminary SWPPP for the project or develop a new SWPPP and provide to the CO for review. When the SWPPP is accepted by the CO and signed by both the CO and the Contractor, it will be the document in force on the project. Do not perform any ground disturbing activities including clearing and grubbing or earthwork until the SWPPP has been accepted by the CO. Implement the SWPPP as required throughout the construction period.

Modify the erosion control details and layout sheets included in the plans, as necessary, to accommodate project site conditions and proposed construction operations and include them in the SWPPP.

**(c) Inspections and Revisions to the SWPPP.** Perform inspections as required in the CGP. Document inspections and retain records in the SWPPP.

Revisions to the SWPPP may be necessary during construction to make improvements or to respond to unforeseen conditions noted during construction or site inspections. For that purpose, specify in the SWPPP the mechanism whereby revisions may be proposed by the Contractor or the CO and incorporated into the plan, including review and approval of minor changes. Jointly approve and sign each revision to the SWPPP before implementation. Implement approved changes according to the CGP.

Place the SWPPP and all updates in a three-ring binder so that completed inspection forms and other records may be inserted. Maintain a current copy of the SWPPP, including a copy of the permit, Site Notice, and all associated records and forms at the job site throughout the duration of the project. Make the SWPPP available for public inspection and for use by the CO.

**(d) Construction Site Notice (CSN)**. Prior to construction, complete and sign the Contractor’s CSN. Post the CSN of each operator (CFLHD, Contractor) at the construction site bulletin board and retain throughout the duration of the project. In addition place a copy of the CSN in a publicly accessible location near where construction is actively underway. Relocate the CSN as necessary. Do not submit a NOI.

Remove the Contractor’s CSN when one or more of the conditions in Part II F.3 of the CGP have been met. Do not remove the Government CSN unless directed to do so by the CO.

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| Use the following Subsection 107.01 on all projects in **Texas with disturbance(1) over 5 acres.**  Exceptions:  (1) Project is on Tribal Lands- Use EPA SCR.  (2) Project meets criteria for routine maintenance (2). - No NPDES section required. Document assumptions used to reach this decision in a memo in the project file.  Consult the construction general permit to determine if project-specific requirements are necessary. Consult with ESWS for clarifications and technical assistance.  (1) Disturbance area is typically clearing limit to clearing limit including the roadway. It also includes staging, stockpile, and waste areas outside of the clearing limits. Projects that are near the thresholds (1 acre and 5 acres) may be bumped to a higher category when the areas outside the clearing limits are included.  (2) Routine Maintenance - Work that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.   * Performed on a frequent basis – not longer than a few years * Does not disturb soils beneath the pavement. This is a gray area when doing full depth reclamation that includes just aggregates and varies by state. Consult with ESWS. * Reconditioning dirt and aggregate surfaced roads and adding aggregate. Does not include widening of roadways. * Cleaning (pulling) ditches on dirt or aggregate surfaced roads. If there is vegetation removal to soil on paved roads, it will probably not meet the criteria. * Asphalt overlays of existing pavements with no other disturbances of soil. Does not include adding asphalt or concrete paving to existing aggregate or dirt roads. * Pavement preservation. Chip seal, fog seal, and micro-surfacing with no soil disturbances. Large stockpile and staging areas can negate this if there is a potential for sediment loss or other pollution from those operations. * Consult with ESWS for other situations that may qualify.   Permit number as of 10/12/2012 is TXR150000.  The permit is scheduled to expire on 03/05/2018. |

**National Pollutant Discharge Elimination System (NPDES) in Texas for Large Construction Activities.**

Comply with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) General Construction Permit (CGP) TXR 150000 for erosion and sediment control due to storm water runoff. A copy of the permit is located in the Appendix and at:

<http://www.tceq.texas.gov/assets/public/permitting/stormwater/TXR150000_CGP.pdf>

This permit is scheduled to expire on 03/05/2018. Amend the SWPPP and site plan when the new permit goes into effect to meet new permit conditions.

**(a) General.** Designate a qualified Erosion Control Supervisor according to Subsection 157.03.

Obtain a separate NPDES permit associated with industrial activity for any mobile asphalt and concrete plants that provide material for the project. Provide a copy of the permit and acknowledgement letter to the CO for their records.

**(b) Preparation of SWPPP**. The Government has prepared a preliminary SWPPP. Update the preliminary SWPPP for the project or develop a new SWPPP and provide to the CO for review. When the SWPPP is accepted by the CO and signed by both the CO and the Contractor, it will be the document in force on the project. Implement the SWPPP as required throughout the construction period.

Modify the erosion control details and layout sheets included in the plans, as necessary, to accommodate project site conditions and proposed construction operations and include them in the SWPPP.

**(c) Notice of Intent (NOI).** File a separate NOI for this project as a primary operator. The Government will also file a NOI and provide that information to the Contractor for inclusion in the SWPPP. Do not perform any ground disturbing activities including clearing, grubbing, or earthwork until the NOI is submitted electronically or until 7 days after the postmark for a paper NOI.

**(d) Inspections and Revisions to the SWPPP.** Perform inspections as required in the CGP. Document inspections and retain records in the SWPPP.

Revisions to the SWPPP may be necessary during construction to make improvements or to respond to unforeseen conditions noted during construction or site inspections. For that purpose, specify in the SWPPP the mechanism whereby revisions may be proposed by the Contractor or the CO and incorporated into the plan, including review and approval of minor changes. Jointly approve and sign each revision to the SWPPP before implementation. Implement approved changes according to the CGP.

Place the SWPPP and all updates in a three-ring binder so that completed inspection forms and other records may be inserted. Maintain a current copy of the SWPPP, including a copy of the permit, NOI, and all associated records and forms at the job site throughout the duration of the project. Make the SWPPP available for public inspection and for use by the CO.

**(e) Notice of Termination (NOT).** File a NOT when the conditions listed in the CGP have been met or transfer the permit to FHWA when project has reached final acceptance.

At the completion of the project, provide the CO with the complete SWPPP, including inspection forms, logs, and all other required documentation added during the project.