Planning & Zoning Commission
March 9, 2026

Notice is hereby given of a Regular Meeting of the Nacogdoches Planning & Zoning Commission to be held on the above date via videoconference beginning at 5:00 p.m. for the purpose of considering the following agenda items. Some Commission Members may attend via videoconference but a quorum of the Commission and the Presiding Officer will be present at the above-stated physical location. The meeting will be streamed live at https://www.nactx.us/21. There will be an opportunity for the public to comment on agenda items in person at the specified location.

PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE.

3. Open Forum: In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.

4. CONSENT AGENDA: All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats found to be in compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations.

   A. Consider approval of minutes from the Planning and Zoning Commission meeting held on January 12, 2026.

5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.

   A. **Public Hearing:** Discuss and consider action on Historic Overlay Case HO2025-02 regarding a Historic Overlay designation on one (1) parcel of land approximately 0.18 ± acres in size, more particularly described by Nacogdoches Central Appraisal District Parcel 23796; and located at 515 Bailey Avenue, Nacogdoches, Texas.

   B. **Public Hearing:** Discuss and consider action on Zoning Case ZON2026-01 regarding a zone change from B-2, General Business to R-4, Multi-Family and from R-1, Single Family to R-4, Multi-Family, on one (1) parcel of land approximately 9.88 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26288, being Lots 19-A and 48, City Block 64; and located at 3607 East Main Street, Nacogdoches, Texas.

   C. **Public Hearing:** Discuss and consider action on Specific Use Permit Case SUP2026-01 regarding a Specific Use Permit request for a Travel Trailer/RV Park in a R-4, Multi-Family district on one (1) parcel of land approximately 9.88 acres ± in size, more particularly described by Nacogdoches Central

Appraisal District Parcel 26288, being Lots 19-A and 48, City Block 64; and located at 3607 East Main Street, Nacogdoches, Texas.

D. **Public Hearing:** Discuss and consider action on Specific Use Permit Case SUP2026-02 regarding a Specific Use Permit request for Stone, Sand, Gravel & Mineral Extraction in a R-4, Multi-Family district on one (1) parcel of land approximately 28.2 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 85393; and generally located north of Powers Street between North Sanders Street and Old Tyler Road, Nacogdoches, Texas.

E. Discuss and consider action on Subdivision Case SD2026-01 regarding a variance for Westmoreland No. 2 Preliminary Plat on one (1) parcel of land approximately 2.12 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 247251; and generally located northwest of the intersection of Park Street and N.E. Stallings Drive, Nacogdoches, Texas.

F. Discuss and consider action on Planned Development Case PD-2026-01 regarding a Site Plan for a Planned Development District on one (1) parcel of land approximately 9.5 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 203177; and generally located south of West Austin Street, approximately 250 feet west of the intersection of West Austin Street and Opal Drive, Nacogdoches, Texas.

G. Discuss and consider approval of Subdivision Case SD2026-03 regarding a Final Plat for Majestic Oaks Subdivision, consisting of approximately 25.35 acres located on the east side of U.S. Highway 259, approximately one mile north of U.S. Highway 59.

6. Future Agenda Items. A Commissioner may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

7. ADJOURN.

CERTIFICATION

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Commission reserves the right to adjourn into Executive Session at any time during the meeting to discuss any of the above posted agenda, as authorized by Texas Government Code Section 551.071 [consultation with attorney]. The City of Nacogdoches is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications may be provided upon request. Please contact the City Secretary at (936) 559-2506 for information. I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961, on or before Tuesday, March 3, 2026, and remained posted until the meeting convened.

_____

Juan Pollette, City Planner

Planning and Zoning Commission

Date: March 9, 2026

Agenda Item: 4.A.

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes from the Planning and Zoning Commission meeting held on January 12, 2026.

OVERVIEW:
Minutes from the Commission meeting held on January 12, 2026, are attached. The Commission did not meet in February 2026.

STAFF REVIEW:

CITY CONTACT:

ATTACHMENTS: 1. P&Z Minutes 01.12.2026

Regular Meeting Minutes
Nacogdoches Planning and Zoning Commission
January 12, 2026 – 5:00 p.m.
City Council Chambers, 202 E. Pilar Street, Nacogdoches, TX

Commissioners present: Shannon Conklin, Lily Phou, Matthew Perry, Bridget Arrant, Charles Zemanek

1. CALL TO ORDER.

Chair Conklin called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. OPEN FORUM

There were no public comments.

4. CONSENT AGENDA

Commissioner Arrant moved to approve the Consent Agenda. Commissioner Zemanek seconded. The motion passed unanimously (4-0). Commissioner Phou was absent for the vote.

5. REGULAR AGENDA:

A. Public Hearing: Discuss and consider action on Zoning Case ZON2025-14 regarding a zone change from B-2, General Business to R-2, Single Family, on one (1) parcel of land approximately 1.79 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 33096; and generally located on the southeast corner of Old Tyler Road and Jeffries Street, Nacogdoches, Texas.

City Planner Juan Pollette presented the staff report, noting that the property is currently undeveloped and fronts Old Tyler Road and Jeffries Street. Surrounding land uses include a mix of commercial and residential zoning, with existing single-family residential development nearby. The applicant intends to construct a single-family residence on the property. Mr. Pollette stated that the Future Land Use Plan designates the property as Single-Family Residential and that the proposed zoning aligns with the existing residential development pattern in the area. Staff sent public hearing notices to surrounding property owners and reported that no responses were received in favor of or in opposition to the request. No neighborhood meeting was held, as the request was not for a more intensive use.

Chair Conklin opened the public hearing. No public comments. Chair Conklin closed the public hearing.

Commissioner Perry moved to approve the item as presented. Commissioner Zemanek seconded. The motion passed unanimously (4-0). Commissioner Phou was absent for the vote.

B. Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2025-07 regarding a Specific Use Permit request for Liquor By the Drink in a B-2, General Business district on one (1) parcel of land approximately 0.38 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 23487; and located at 1426 Douglass Road, Nacogdoches, Texas.

City Planner Juan Pollette presented the staff report, explaining that the property is located along Douglass Road, a commercial corridor with a mix of commercial and residential uses. The property contains an existing single-family residence near the frontage and a newly constructed restaurant toward the rear of the site. The restaurant opened in August of the previous year after relocating from an adjacent property. Mr. Pollette explained that while restaurants are permitted by right in the B-2 District, a Specific Use Permit is required for Liquor By the Drink service due to the proximity of residential zoning within 300 feet. Notices were sent to surrounding property owners, and no responses were received. A neighborhood meeting was held, but no residents attended.

Chair Conklin opened the public hearing. No public comments. Chair Conklin closed the public hearing.

Commissioners asked questions regarding notice language and the historic mix of residential and commercial uses along Douglass Road. Staff responded to questions.

Commissioner Phou moved to approve the item as presented. Commissioner Perry seconded. The motion passed unanimously (5-0).

C. Public Hearing: Consider approval of an Ordinance of the City of Nacogdoches, Texas, amending Chapter 118 "Zoning"; Article I "In General", Section 118-1 "Definitions"; Article III "District Regulations", Section 118-273 "Land use schedule"; and Article IV "Supplementary District Regulations", adding Section 118-327 "Energy Storage System - Industrial (ESS-I)", of the Code of Ordinances of the City of Nacogdoches, Texas; providing a severability clause; providing a continuation clause; providing a repeal clause; and providing an effective date.

Executive Director of Development and Infrastructure Mike Neu reviewed safety considerations, siting criteria, and proposed supplemental regulations, including minimum lot size, setbacks, separation from residential zoning, fencing, screening, and decommissioning requirements. He also summarized discussions held with the Zoning Ordinance Subcommittee and noted that the proposed definition is consistent with national fire code standards.

Chair Conklin opened the public hearing.

Martin Baker, Director of Godtel Ministries located at 1607 Douglass Road, spoke in support of the ordinance and expressed interest in expediting future consideration of an energy storage facility on property leased by his organization.

Chair Conklin closed the public hearing.

Commissioners engaged in an extended discussion regarding safety, environmental impacts, fire suppression concerns, setbacks, decommissioning, and the role of the Specific Use Permit process. Fire Marshal Jody Chandler addressed questions related to fire response, lithium-ion battery risks, emergency procedures, and responder safety. Staff explained how site-specific conditions and supplemental regulations could be addressed through the SUP and permitting process.

Chair Conklin moved to approve the item as presented. Commissioner Perry seconded. The motion passed unanimously (5-0).

6. FUTURE AGENDA ITEMS

No future agenda items were requested.

7. ADJOURN.

Chair Conklin adjourned the meeting at 6:03 p.m.

Video Archive: A video recording of the Planning and Zoning Commission regular meeting held on January 12, 2026, may be viewed online at https://www.youtube.com/watch?v=kT9fAcSESzk.

Shannon Conklin, Chair
Planning and Zoning Commission
City of Nacogdoches

ATTEST:

Juan Pollette, City Planner
City of Nacogdoches

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Historic Overlay Case HO2025-02 regarding a Historic Overlay designation on one (1) parcel of land approximately 0.18 ± acres in size, more particularly described by Nacogdoches Central Appraisal District Parcel 23796; and located at 515 Bailey Avenue, Nacogdoches, Texas.

OVERVIEW:
Applicant Isabella Baker has requested the property located at 515 Bailey Ave, be included in the Historic Overlay Zoning. The owner has applied under Criteria 3 and 6. 515 Bailey Ave is between North Mound and Raguet Streets, directly across the street from Blunt Park. This property is next door to 1301 Raguet Street, which was recently placed under Historic Overlay.

The applicant provided ample research and photographs of the structure. An expert of the research is below:

The property on 515 Bailey Ave has been around since before the Nacogdoches medical district was even created. The blue building was built around the early 1910s and stood when the plot for the Nacogdoches Memorial Hospital was still a body of water. When James G. Taylor had his medical office built around 1950, the building acted as lodgings for his medical staff. When Dr. Richard Baker bought the Taylor building, the property was tied along with it. It was then converted to a rental house.

STAFF REVIEW:
Sec 50-130. Criteria for designation.
(1) Possesses significance in history, architecture, archaeology, or culture.
(2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
(3) Is associated with the lives of persons significant in the city's past.
(4) Embodies the distinctive characteristics of a type or period of architecture, or method of construction.
(5) Represents the work of a master designer, builder, or craftsman.
(6) Represents an established and familiar visual feature of the city. (Ord. No. 1130, art. XI, § 6, 11-3-1998)

City Ordinance requires that at least one of the six criteria be met in order to achieve designation in a historic overlay district. In deciding this case, HLPC must consider if 515 Bailey Ave meets any of the above-mentioned criteria for designation. If the property meets any one of the criteria, it qualifies for Historic Overlay zoning. If it meets none, it is ineligible.

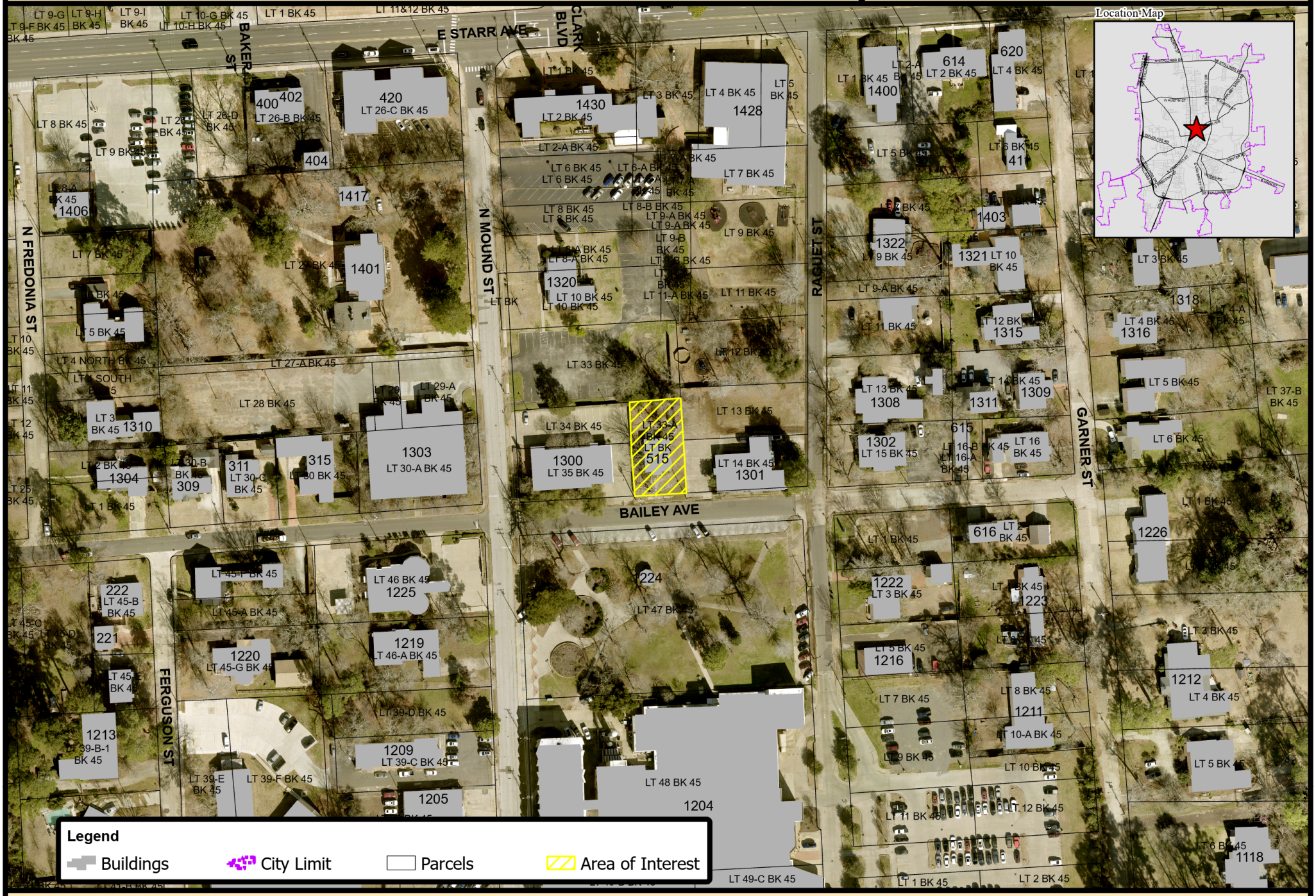
The Nacogdoches Historic Landmark Preservation Committee met on February 2, 2026, and voted unanimously to approve the item. The Planning and Zoning Commission will meet on

March 9, 2026, for their recommendation. Both HLPC and Planning and Zoning will present their recommendations to City Council for final approval on March 17, 2026.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:
1. Aerial Map
2. Zoning Map
3. Narrative
4. Blueprints
5. Site Photos

HO2026-01 Aerial Map



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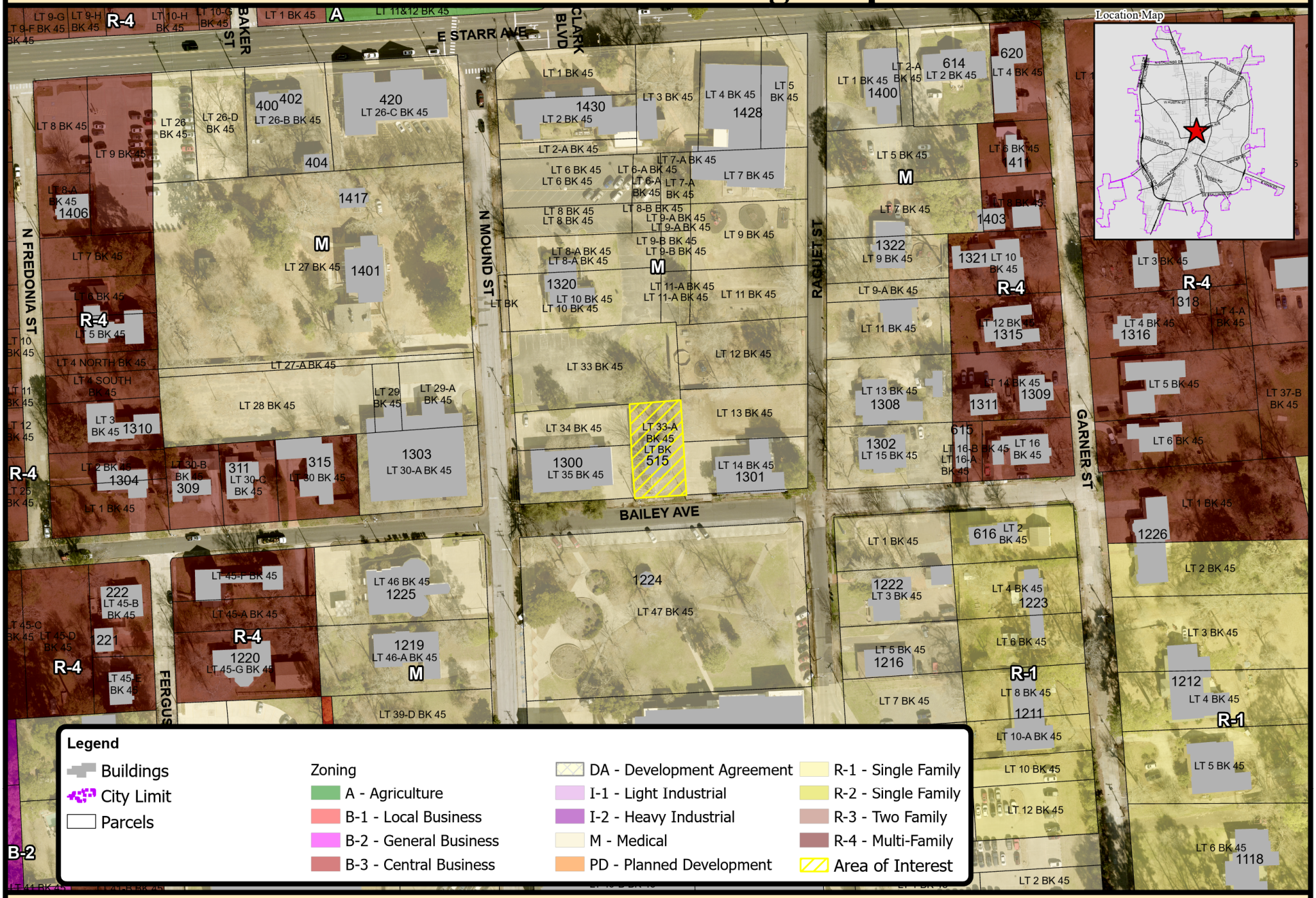
Nacogdoches
Engineering Department
GIS Division

HO2026-01 Zoning Map



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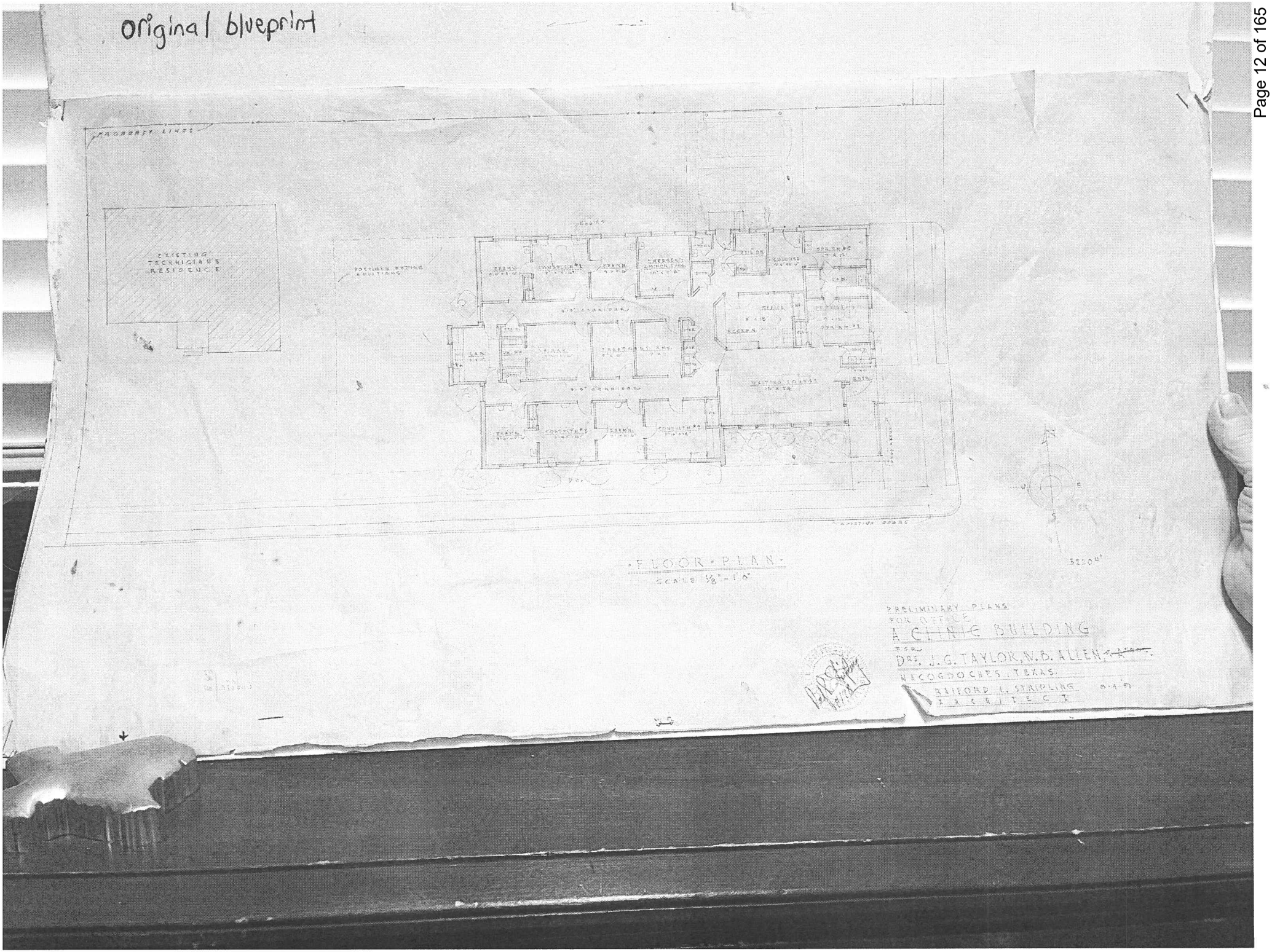
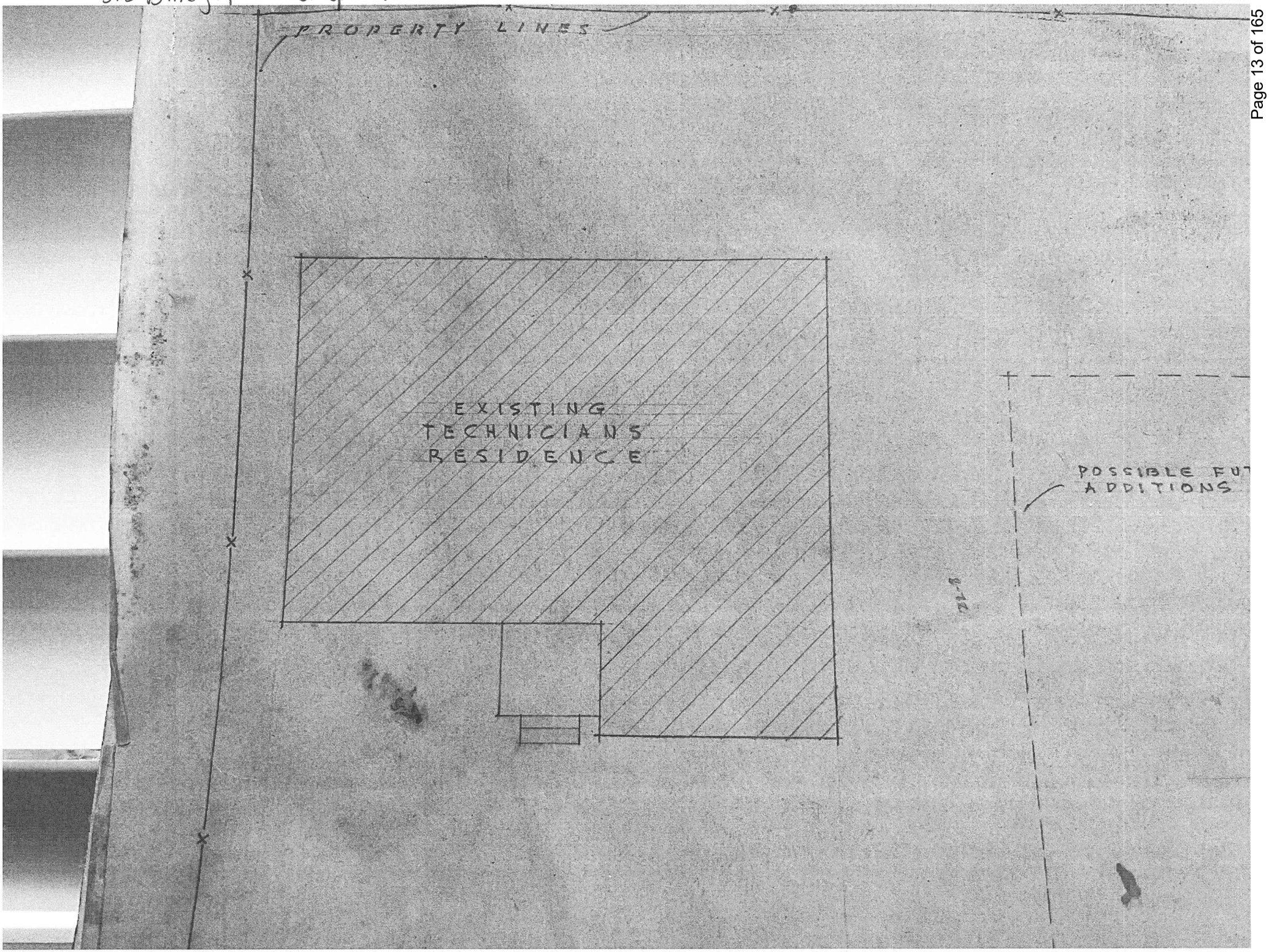
Nacogdoches
Engineering Department
GIS Division

The property on 515 Bailey Avenue has been around since before the Nacogdoches medical district was even created. The blue building was built around the early 1910s and stood when the plot for the Nacogdoches Memorial Hospital was still a body of water. When James G. Taylor had his medical office built around 1950, the building acted as lodgings for his medical staff. When Dr. Richard Baker bought the Taylor building, the property was tied along with it. It was then converted to a rental house. Dr Richard Baker's daughter Isabella also lived in this house and always appreciated the meaning and history of the property. Dr Baker has been a staple in the Nacogdoches Medical community for over 40 years and also served as the chief of staff at Nacogdoches Memorial Hospital. Over the years, this blue house has been home to countless different people. It was once even home to Charles Bright's sister and her husband once he came home from WWII. It also housed the Patton brothers who are related to Sarah Patton who's the owner of one of the most influential coffee shops in town, Java Jacks. There have been many who have been fortunate enough to call the beautiful historic house at 515 Bailey Avenue and who would love to have the home and its history preserved.

original blueprint



515 Bailey Ave on Blueprint





front of house



front porch



front of house



right side of house



left side of house



back of house

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zoning Case ZON2026-01 regarding a zone change from B-2, General Business to R-4, Multi-Family and from R-1, Single Family to R-4, Multi-Family, on one (1) parcel of land approximately 9.88 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26288, being Lots 19-A and 48, City Block 64; and located at 3607 East Main Street, Nacogdoches, Texas.

OVERVIEW: ***This request was withdrawn by the applicant on March 2, 2026.*** The applicant, George Carpenter, on behalf of property owner Trust of Laura Blankenship, is requesting a zone change on one (1) parcel of land, consisting of two zoning districts, from B-2 General Business and R-1 Single-Family Residential to R-4 Multi-Family Residential. The subject property is generally located northwest of the intersection of East Main Street and N.E. Stallings Drive. The proposed zoning change is requested to facilitate the development of a Travel Trailer/RV Park, a use that is permitted within the R-4 zoning district only with the approval of a Specific Use Permit (SUP) by the City Council. Consideration of the SUP request is contingent upon approval of the requested zone change.

Adjacent Land Use & Zoning

The subject property is currently developed as a single-family residence and zoned B-2, General Business and R-1, Single Family. Surrounding land uses include:

Direction	Comprehensive Plan	Current Zoning	Land Use
North	Single Family Residential	R-1, Single Family	Undeveloped & Residential
South (Across E. Main St.)	Commercial	B-2, General Business & R-4, Multi-Family	Commercial & Residential
East	Commercial & Single Family Residential	B-2, General Business & R-1, Single Family	Undeveloped
West	Single Family Residential, Commercial & Multi-Family Residential	R-1, Single Family	Residential

The surrounding area consists of a mix of commercial, single-family residential, and multi-family land uses and zoning districts.

STAFF REVIEW:

*****This request was withdrawn by the applicant on March 2, 2026.***** Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zone changes:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
The requested zoning change to R-4, Multi-Family would allow a higher-density residential zoning district in an area which contains a mix of commercial, single-family residential, and multi-family zoning districts along the East Main Street and N.E. Stallings Drive commercial corridors. The R-4 district is intended to accommodate higher-density residential development, which can function as a transition between commercial corridors and lower-density residential areas.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
Rezoning to R-4, Multi-Family would introduce a higher-density residential zoning district in an area that already includes a mix of commercial and residential zoning along the East Main Street and N.E. Stallings Drive commercial corridors. The R-4 district is designed to accommodate urban development patterns and provides flexibility for residential development that can transition between commercial corridors and lower-density residential areas. Approval of the requested zoning district would not preclude or hinder the orderly development of surrounding properties in accordance with their existing zoning and future land use designations.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
The subject property fronts East Main Street, an arterial roadway with an approximate 100-foot right-of-way, providing adequate access to the site. Public utilities are available to the property, including an existing six-inch water main and six-inch sanitary sewer main located along East Main Street. Based on available infrastructure, the property is served by adequate supporting facilities to accommodate development consistent with the requested R-4 zoning district.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
Specific driveway locations and parking arrangements will be reviewed at the time of site development to ensure compliance with applicable City and TxDOT standards. The proposed R-4 zoning district is intended to accommodate higher-density residential development and does not prevent the provision of safe and adequate vehicular access and parking consistent with ordinance requirements.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
Any future development will be required to comply with all applicable City codes related to nuisance prevention and property maintenance, ensuring compatibility with surrounding uses.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
Any future development of the property would be required to comply with the City's lighting standards, including requirements for shielding and directionality to minimize impacts on adjacent properties. Detailed lighting design would be reviewed at the time of site development to ensure compliance with applicable ordinance requirements.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;
The R-4, Multi-Family zoning district includes landscaping and screening requirements intended

to promote compatibility with adjacent residential zoning. Any future development of the property would be required to comply with applicable landscaping and screening standards of the zoning ordinance, or obtain approval of any requested exceptions through the appropriate review process. At the zoning stage, staff finds that the requested zoning district provides mechanisms to address landscaping and screening in coordination with surrounding land uses.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.
Future Land Use
The Future Land Use Map designates the southern portion of the subject property as Commercial and the northern portion as Single-Family Residential. In this context, the proposed zoning change is not consistent with the Future Land Use Map of the Comprehensive Plan. In addition, the Comprehensive Plan encourages efficient use of land within existing service areas, provision of a range of residential types and densities, and transitions in land use intensity between commercial and residential areas. The requested R-4 Multi-Family zoning introduces a higher-density residential classification that can function as a transition between the commercial corridor along East Main Street and the lower-density residential areas to the north. In this context, transitions in land use intensity resulting from the proposed change would be consistent with the goals and policies of the Comprehensive Plan.

PUBLIC ENGAGEMENT:

- January 13, 2026 – Staff mailed twenty-five (25) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- January 26, 2026 – Staff coordinated a combined neighborhood meeting in the council chambers on behalf of the applicant to receive input from surrounding property owners on the zone change and the corresponding SUP for the proposed RV Park. The meeting was canceled due to inclement weather and rescheduled for February 2, 2026. One neighboring property owner attended the meeting with concerns regarding noise, traffic congestion and safety with the nearby school, and the compatibility of an RV park with adjacent residential properties.
- January 20, 2026 – Staff mailed fifteen (15) public meeting notice letters to property owners within 200 feet and ten (10) notice postcards to property owners within 200-500 feet. Staff has received one letter in opposition to the request from a neighboring property owner with concerns regarding noise, traffic congestion and safety with the nearby school, and the compatibility of an RV park with adjacent residential properties.
- January 26, 2026 – Legal ad published in the Daily Sentinel newspaper.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

This item is scheduled for City Council consideration on March 17, 2026.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:
1. Aerial Map
2. Zoning Map
3. Notification Map
4. Future Land Use Map
5. Opposition Response

6. Comp Plan Ammendment Letter
7. Site Photos

ZON2026-01 Aerial Map



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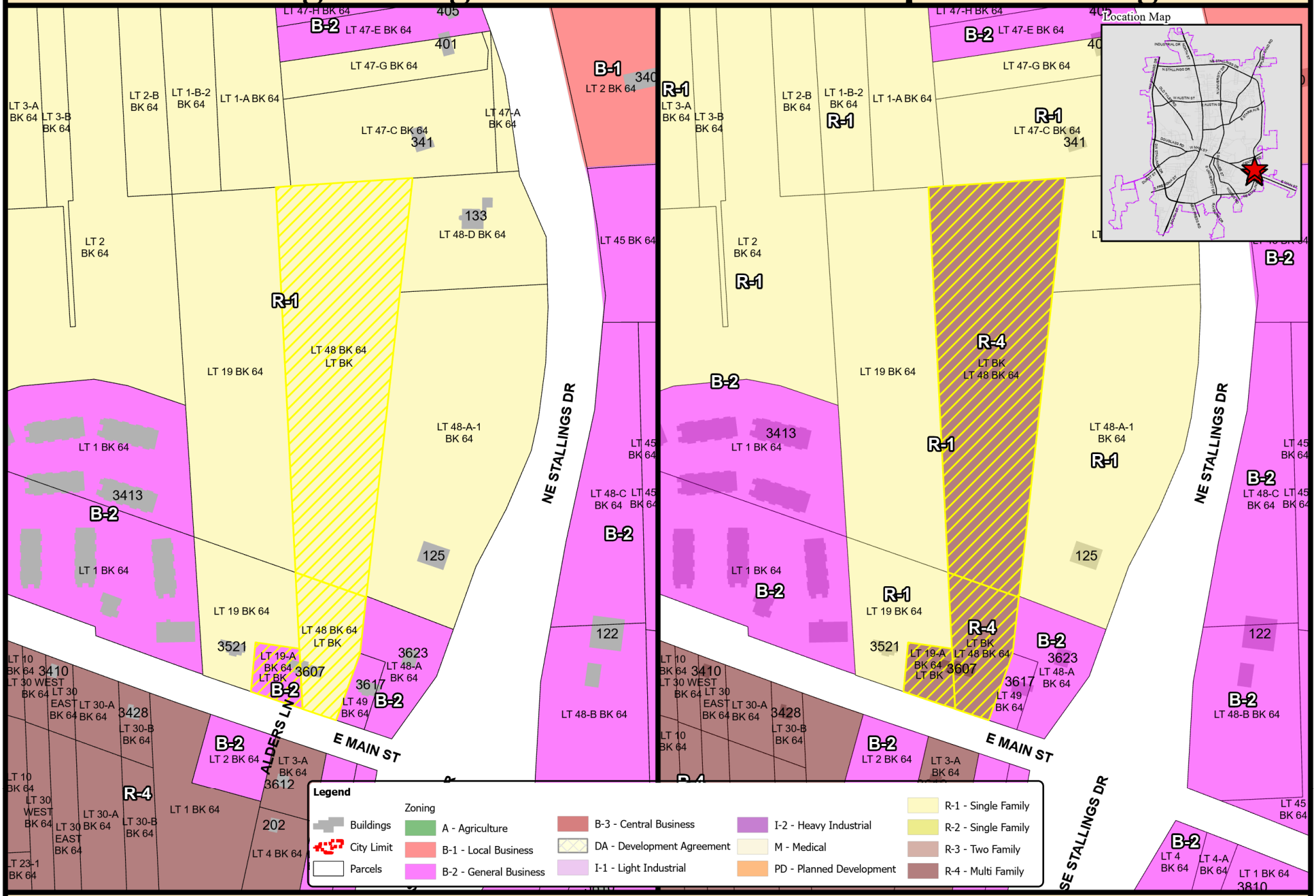
Existing Zoning ZON2026-01 Proposed Zoning



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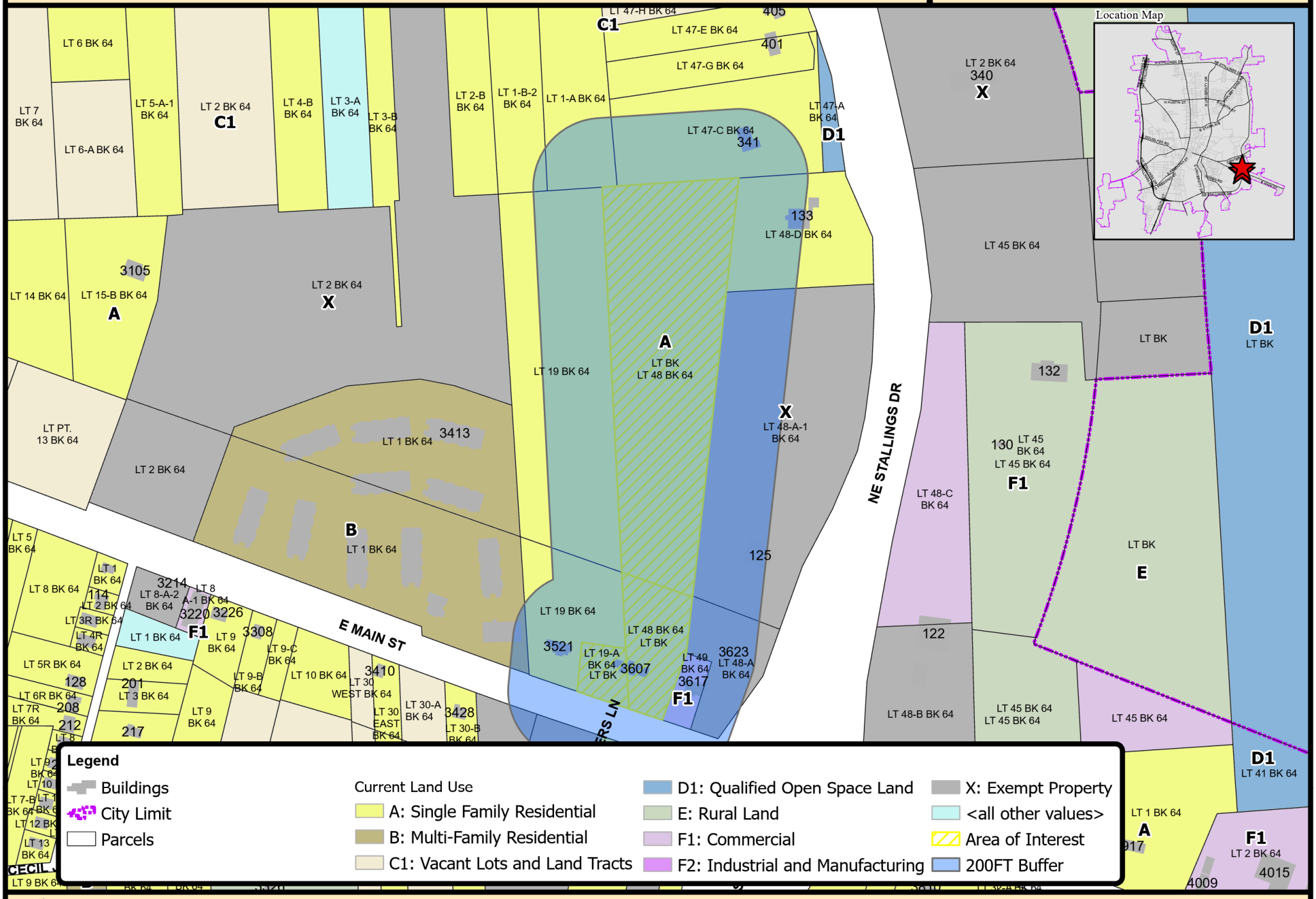
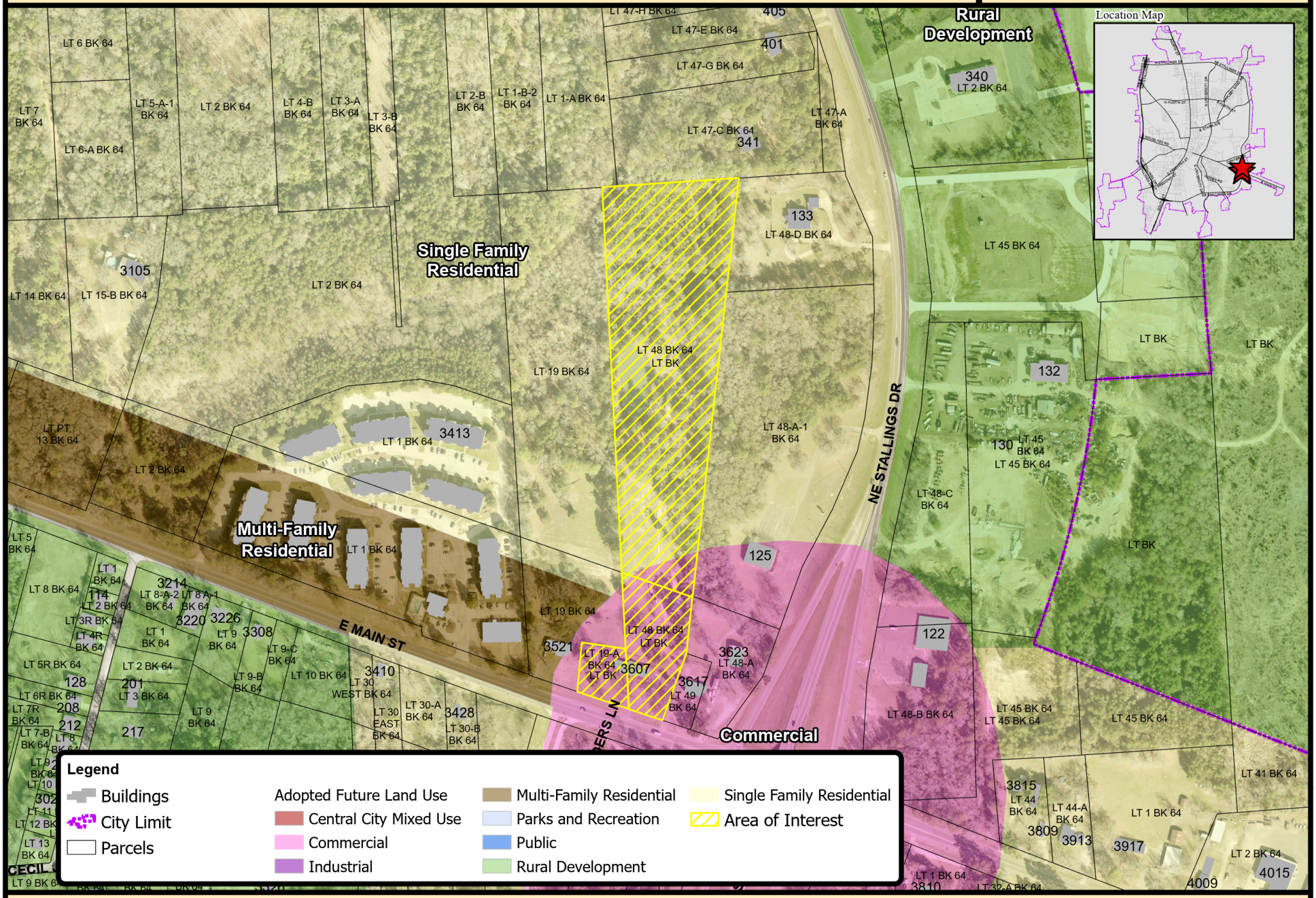
ZON2026-01 Notification Map



ZON2026-01 Future Land Use Map



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Nacogdoches
Engineering Department
GIS Division

Nacogdoches
the oldest town in Texas

Pollette, Juan <pollettej@nactx.us>

Online Form Submission #11558 for Public Comments Request

1 message

noreply@civicplus.com <noreply@civicplus.com> Thu, Jan 22, 2026 at 7:56 PM
Reply-To: noreply@civicplus.com
To: citysec@nactx.us, pz@nactx.us

Public Comments Request

Individuals who want to comment at the next regular meeting of the City Council or Planning and Zoning Commission (P&Z) may complete the following request form. See **Agendas & Minutes** for a list of upcoming meetings. **This form must be submitted no later than 24 hours before the posted meeting start time.** If the meeting is less than 24 hours from the submission of this form, comments will not be recognized (i.e. you will have to attend the meeting and request comments in person).

PLEASE NOTE: A public comment request is *not* the same as a Zoning Change Protest. Unlike protests, comment letters in opposition of a zone change cannot be used to trigger any special approval requirements.

Comments on agenda items

This form only applies to regular Council and P&Z meetings. It does not apply to special meetings, workshops, or other board or commission meetings. In addition:

- Comments must pertain to items that appear on the current posted Council or P&Z meeting agendas.
- Written comments will be included in the meeting record.
- Spoken comments will be limited to no more than three minutes (six minutes if translation is needed) per individual.

Comments on non-agenda items

Public comments on items not listed in the agenda may be spoken during the Open Forum portion of the meeting and will be limited to no more than 3 minutes (6 minutes if translation is needed) per individual.

(Section Break)	
First Name	ronald
Last Name	johnson

Do you live within Nacogdoches city limits?	Yes
Home Address	3521 East Main
City	Nacogdoches
State	Texas
Zip	75961
Phone Number	[redacted]
Email Address	[redacted]
My comments apply to the following meeting:	Planning & Zoning Commission

Please see Agendas & Minutes for a list of upcoming meeting dates, times, and agendas. This form must be submitted no later than 24 hours before the posted meeting start time.

My comments apply to the following meeting date:	1/26/2026
My agenda item or case number:	SUP2026-01
My position on the above agenda item or case number:	I am AGAINST this item.
I want to include comments at the meeting:	Yes. But I only want my written comments added to the meeting record.
My written comments	To Zoning Commission. SPU-SUP2026-01 I am against this and am writing in response to the rezoning of Parcel 26228. The request includes a Specific Use Permit to allow a Travel Trailer/RV Park on this property. I have 8 acres that join this property, and a member of my family has lived on the property since 1943 (3521 East Main). The property line in one area is about 10 yards from my house. There will likely be people coming and going at all hours, running generators and other activities that create a lot of noise. Improper waste disposal by more people can lead to litter and unpleasant odors. This will create a big problem for my neighbors and me, especially at night. There is already a traffic congestion problem because of two schools in the area. The driveway to the elementary school is just across the street from this property, and in the morning and afternoon, there is bumper-to-bumper traffic coming from two

directions trying to get into the driveway. There have already been several accidents, and I can only imagine what it will be like with travel trailers and RVs trying to get in their driveway, possibly having to cross the road. This is a real concern for the safety of children and their parents trying to access the school. These are two very narrow strips of land, and anything put on Parcel 26228 will be close to my property line. I am sure people will be trespassing on my land, and this needs to be addressed by a fence or other barrier. These will not be people who live here as neighbors, but strangers passing through. There is a lot of wildlife in this area that will be displaced because of a loss of habitat. The last thing is that property values will stagnate or decline for people who own land bordering this park. I don’t know of many people who would buy land next to an RV park. 3521 East Main is my family's home, and I, along with my neighbors, will be greatly inconven

Nacogdoches

To Zoning Commission.

SPU-SUP2026-01

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Ronald Johnson
3521 East Main
Nacogdoches

(Optional) I want to upload a file with this form	*Field not completed.*

Email not displaying correctly? View it in your browser.

--
You received this message because you are subscribed to the Google Groups "Planning & Zoning" group.
To unsubscribe from this group and stop receiving emails from it, send an email to pz+unsubscribe@nactx.us.
To view this discussion visit https://groups.google.com/a/nactx.us/d/msgid/pz/010f019be891a832-5663b82f-4ffd-49dc-9e56-9de0d832b9e1-000000%40us-east-2.amazonses.com.

Authentisign ID: 3ABBEB62-ECF6-F011-8D4D-000D3A1FC4E8

Nacogdoches
the oldest town in Texas

FOR OFFICE USE ONLY
ZON CASE NO.: ZONV2026-01
DATE SUBMITTED: 1/21/2026
STAFF: TP

COMPREHENSIVE PLAN AMENDMENT LETTER

(Check all applicable)

☒ Related to Future Land Use ☐ Related to Transportation ☐ Related to Other_____

ZO Sec. 118-4. - Relationship to comprehensive plan and thoroughfare plan.

"If a zoning or rezoning request differs from what the comprehensive plan recommends for that area, the city planner will advise the applicant of this and will request the applicant to submit a written letter stating the reasons the comprehensive plan should be changed, if he wishes to proceed with the zoning request."

PROPERTY INFORMATION:

Address: 3607 E Main ST Total Acres: 9.88

Legal Description: Lot(s): Lot 48 BLK 64 & Lot 19-A5 GORTON City Block:

Subdivision (If Platted): Subdivision Block:

APPLICANT / PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name(s): George Carpenter

Phone Number: E-mail:

Street Address City: Nacogdoches State: TX Zip Code: 75961

Signature: George Carpenter

PROPERTY OWNER'S INFORMATION:

Name(s): Trust of Laura Blankenship

Phone Number: E-mail:

Street Address City: Nacogdoches State: TX Zip Code: 75961

Signature: Authentisign Jamie Shelton 01/21/26

Authentisign ID: 3ABBEB62-ECF6-F011-8D4D-000D3A1FC4E8

DESCRIPTION OF REQUEST:

1. Present zoning classification: ☐ A ☒ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ M ☐ B-1 ☒ B-2 ☐ B-3 ☐ I-1 ☐ I-2 ☐ PD

2. Proposed zoning of property: ☐ A ☐ R-1 ☐ R-2 ☐ R-3 ☒ R-4 ☐ M ☐ B-1 ☐ B-2 ☐ B-3 ☐ I-1 ☐ I-2 ☐ PD

3. Present zoning classification of all abutting property:
   North: Residental
   East: commercial / highway - oriented
   South: Residental
   West: residental

4. Current Future Land Use Map classifications and proposed classifications of property:
   ☐ Rural Development ☐ Single Family Residential ☒ Multi-Family Residential
   ☐ Commercial ☐ Industrial ☐ Central City Mixed Use ☐ Public
   ☐ Parks & Recreation

5. Current Future Land Use Map classifications of all abutting property:
   North: Single family residental
   East: Commercial
   South: single family residental
   West: single family residental

6. Current and proposed thoroughfare alignments:
   Expressway: none
   Major Arterial: E Main Street
   Minor Arterial: N/A
   Major Collector: N/A
   Minor Collector: N/A

Authentisign ID: 3ABBEB62-ECF6-F011-8D4D-000D3A1FC4E8

ANSWER ALL OF THE FOLLOWING:

1. What specific element of the Comprehensive Plan (for example, Future Land Use designation, Thoroughfare Plan, or thoroughfare alignment) and at what specific location (if applicable) is requested to be amended?

   The future land use designation for the subject property located at 3607 E Main Street.

2. What is the amendment request?

   The applicant requests an amendment to allow a low-density, professionally managed RV park use that is compatible with surrounding development and consistent with planned infrastructure

3. Explain the reason for this amendment.

   The proposed use provides an appropriate transitional land use between residential and commercial properties, minimizes traffic impact and aligns with current market demand for well-managed RV accommodations

4. Identify the conditions that have changed to warrant this change to the existing Comprehensive Plan.

   Changes in housing demand, increased regional travel, and the need for diversified residential options have created conditions that were not fully anticipated when the Comprehensive Plan was adopted

5. Explain why the existing element of the Comprehensive Plan in question is no longer appropriate.

   The existing designation does not fully reflect the site's location along a major arterial roadway or its suitability for a low-density, managed use that buffers surrounding properties

6. How does the requested amendment further the goals and objectives of the Comprehensive Plan?

   The amendment supports orderly growth, efficient land use, compatibility with surrounding development, and responsible infrastructure utilization while promoting economic activity

7. What other information are you providing to support the proposed amendment (for example, transportation impact study)?

   Conceptual site plan, traffic considerations, and operational management details.

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete.

Signature and title: Faye Caple **Date:** 1/21/26

ZON2026-01 Site Photos

Subject property



Residential home across E. Main St.



Entrance to Carpenter Elementary



Adjacent commercial property to the east



E. Main St. & Loop 224 intersection (east)



Adjacent single family home to the west



Multi-Family Apartments to the west



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2026-01 regarding a Specific Use Permit request for a Travel Trailer/RV Park in a R-4, Multi-Family district on one (1) parcel of land approximately 9.88 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26288, being Lots 19-A and 48, City Block 64; and located at 3607 East Main Street, Nacogdoches, Texas.

OVERVIEW: ***This item was withdrawn by the applicant on March 2, 2026.* The applicant, George Carpenter, on behalf of property owner Trust of Laura Blankenship, is requesting approval of a Specific Use Permit (SUP) to allow the development of a Travel Trailer/RV Park on one (1) parcel of land located at 3607 East Main Street. The subject property consists of approximately 9.88 acres and is zoned R-4, Multi-Family Residential. The development concept proposed by the applicant includes thirteen (13) RV parking sites, internal drive aisles, and pedestrian amenities, including a walking trail. The applicant proposes to utilize the existing single-family residence located near the entrance of the property as a clubhouse for RV tenants, which would serve as a centralized management and amenity area and include common facilities such as restrooms, showers, laundry, and office space. The site plan also illustrates designated fire lanes, on-site parking, landscaped buffer areas, and the preservation of open space and natural features toward the rear of the property.

Adjacent Land Use & Zoning

The subject property is currently developed with a single-family residence and zoned R-4, Multi-Family. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
North	Single Family Residential	R-1, Single Family	Undeveloped & Residential
South (Across E. Main St.)	Commercial	B-2, General Business & R-4, Multi-Family	Commercial & Residential
East	Commercial & Single Family Residential	B-2, General Business & R-1, Single Family	Undeveloped
West	Single Family Residential, Commercial & Multi-Family Residential	R-1, Single Family	Residential

The surrounding area consists of a mix of commercial, single-family residential, and multi-family land uses and zoning districts.

STAFF REVIEW:

This item was withdrawn by the applicant on March 2, 2026. Per Section 118.139 of

the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
The proposed Travel Trailer/RV Park is located in an area characterized by a mix of commercial, single-family residential, and multi-family development along the East Main Street and N.E. Stallings Drive commercial corridors. The site plan reflects an internalized layout, with RV spaces oriented away from adjacent residential properties and significant buffering and open space maintained along property lines. The proposed use is limited in scale, with thirteen (13) RV sites on approximately 9.88 acres. Based on the site layout and surrounding development pattern, the proposed use can be compatible with adjacent properties.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
The proposed Travel Trailer/RV Park is designed as a low-intensity development with a limited number of sites and an internal circulation pattern that concentrates activity within the interior of the property. The site plan preserves significant open space and buffering along property boundaries and does not extend development in a manner that would restrict access to, or future development of, adjacent properties. Based on the proposed layout and scale, the establishment of the specific use would not impede the orderly development of surrounding vacant or underdeveloped land in accordance with existing zoning and future land use patterns.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
The subject property is served by existing public water and sanitary sewer infrastructure located along East Main Street, and access to the site is provided from an arterial roadway with sufficient capacity to serve the proposed use. The site plan indicates internal circulation, designated fire lanes, and areas reserved for supporting facilities necessary to serve the RV park. Detailed evaluation of utility connections, drainage design, and access improvements will occur at the time of site development and permitting. Based on available infrastructure and the proposed development scale, adequate supporting facilities can be provided to serve the proposed use.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
The site plan illustrates a single, controlled access point from East Main Street with an internal private drive loop designed to serve RV spaces and on-site amenities. Vehicular circulation and pedestrian movement are internalized, which limits interaction with adjacent properties and concentrates activity within the site. Final driveway design, internal circulation, and parking arrangements will be reviewed at the time of site development to ensure compliance with applicable City and TxDOT standards. Based on the proposed layout and limited number of RV sites, the arrangement of drives and parking can provide for safe and convenient vehicle circulation without adversely affecting surrounding development.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
The applicant has indicated that the proposed RV park will operate as a professionally managed facility with established rules addressing tenant conduct and site operations. Full utility hookups are proposed for each RV space, which would eliminate the routine use of generators. The site layout internalizes RV spaces and activity away from adjacent residential properties and

incorporates buffering and separation along property lines. Compliance with applicable City ordinances related to noise, waste disposal, and property maintenance would be required, and additional operational conditions may be imposed through the Specific Use Permit to address nuisance-related concerns. Based on these measures, nuisance impacts can be adequately controlled.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
Any exterior lighting associated with the proposed RV park would be required to comply with the City's lighting standards, including requirements for shielding and directionality to minimize impacts on adjacent properties. Detailed lighting design will be reviewed at the time of site development to ensure that lighting is directed inward and does not create glare or spillover onto neighboring residential areas.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;
The zoning ordinance requires that a minimum six-foot-tall wooden fence with an accompanying ten-foot-wide landscaped buffer be installed along property lines adjacent to residential-zoned properties. The applicant's site plan proposes an eight-foot-tall wooden fence with a fifteen-foot-wide landscaped buffer along the portion of the site where RV spaces are located. The site plan also indicates that the rear portion of the property will remain undeveloped and wooded, providing additional natural screening. Final review of landscaping and screening improvements will occur at the time of plan review for development to ensure compliance with applicable ordinance requirements.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.
Future Land Use
The Future Land Use Map designates the southern portion of the subject property as Commercial and the northern portion as Single-Family Residential. The proposed Travel Trailer/RV Park is considered a Multi-Family type of use, which is not consistent with the Future Land Use Map of the Comprehensive Plan. However, the approved R-4, Multi-Family zoning provides a residential transition between the commercial corridor along East Main Street and lower-density residential development to the north. The proposed Travel Trailer/RV Park is limited in scale and designed with internal circulation, buffering, and open space, which is consistent with the Comprehensive Plan's goals of providing transitions in land use intensity and accommodating a variety of residential types within areas served by existing infrastructure.

PUBLIC ENGAGEMENT:

- January 13, 2026 – Staff mailed twenty-five (25) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- January 26, 2026 – Staff coordinated a combined neighborhood meeting in the city hall council chambers on behalf of the applicant to receive input from surrounding property owners on the SUP and the corresponding zone change for the proposed RV Park. The meeting was canceled due to inclement weather and rescheduled for February 2, 2026. One neighboring property owner attended the meeting with concerns regarding noise, traffic congestion and safety with the nearby school, and the compatibility of an RV park with adjacent residential properties.
- January 20, 2026 – Staff mailed fifteen (15) public meeting notice letters to property owners within 200 feet and ten (10) notice postcards to property owners within 200-500 feet. Staff has received one letter in opposition to the request from a neighboring property owner with concerns regarding noise, traffic congestion and safety with the nearby

school, and the compatibility of an RV park with adjacent residential properties.
- January 26, 2026 – Legal ad published in the Daily Sentinel newspaper.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

This item is scheduled for City Council consideration on March 17, 2026.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:
1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Opposition Response
6. RV Park Site Plan
7. Site Photos

SUP2026-01 Aerial Map

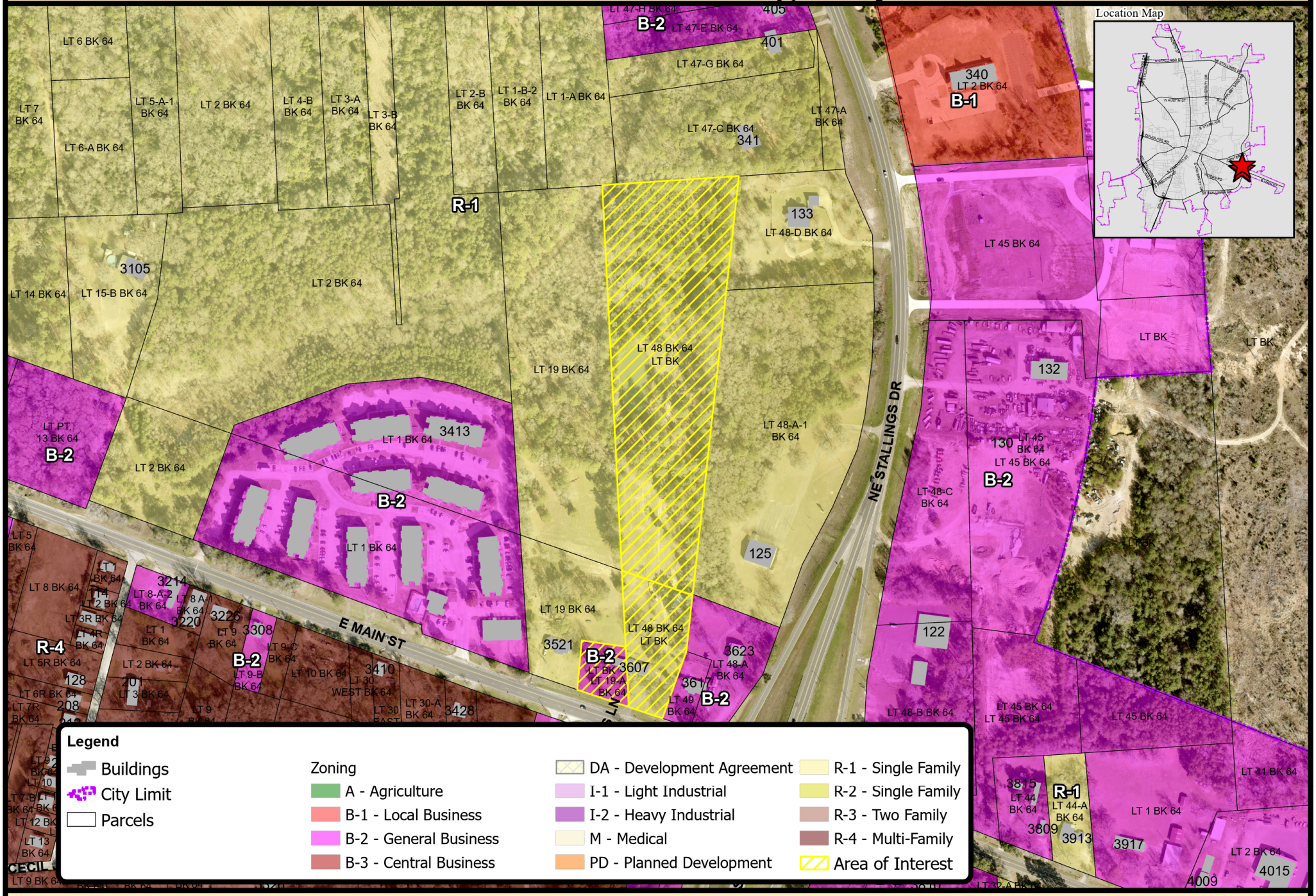


Date Created: 01/20/26 10:18 | ArcGIS Pro 3.2.2

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Nacogdoches
Engineering Department
GIS Division

SUP2026-01 Zoning Map



Legend

- Buildings
- City Limit
- Parcels

Zoning

- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi-Family
- Area of Interest

0 150 300 450 600 Feet

Date Created: 01/20/26 10:18 | ArcGIS Pro 3.2.2

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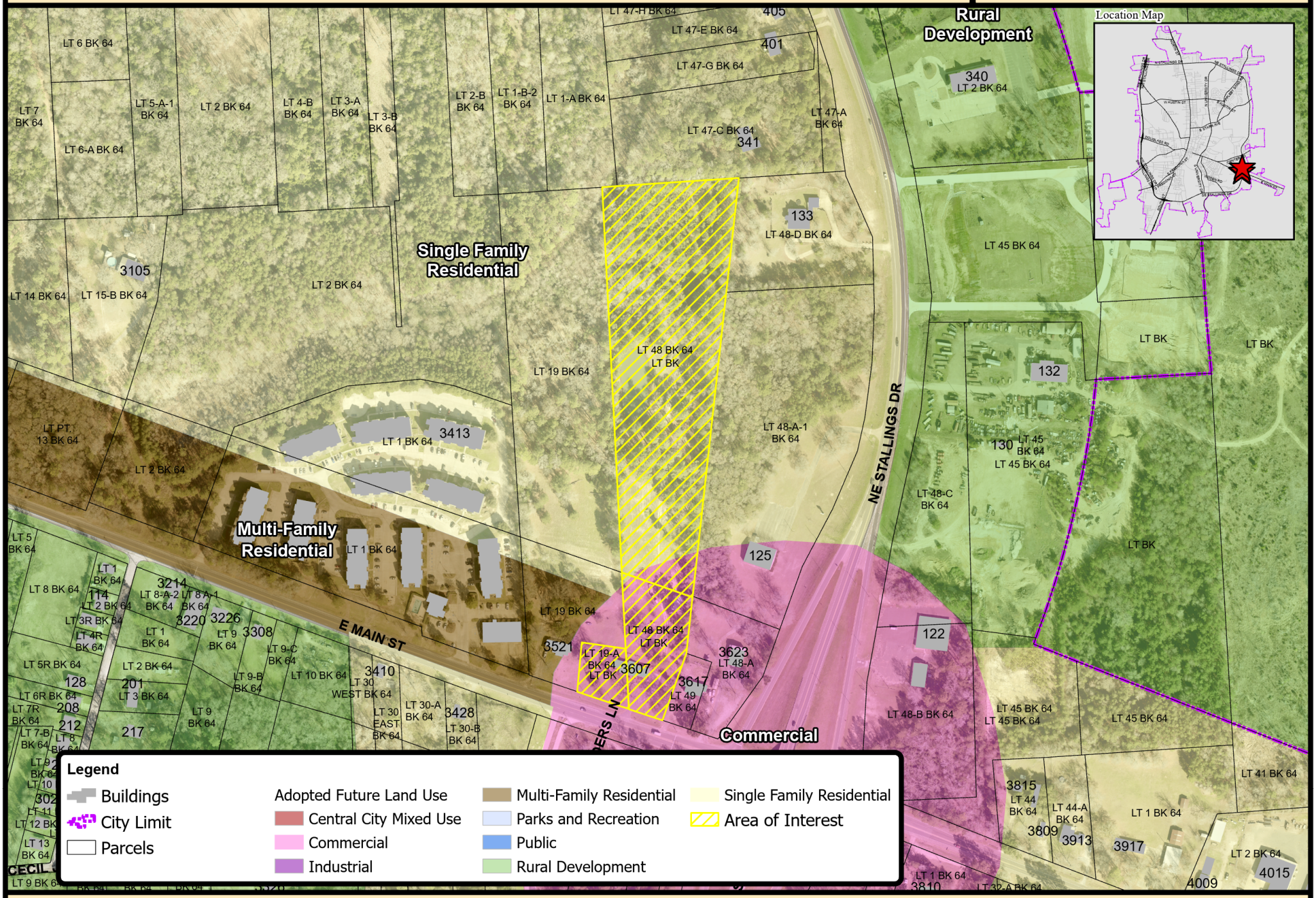
Nacogdoches
Engineering Department
GIS Division

SUP2026-01 Future Land Use Map



Date Created: 01/20/26 10:18 | ArcGIS Pro 3.2.2

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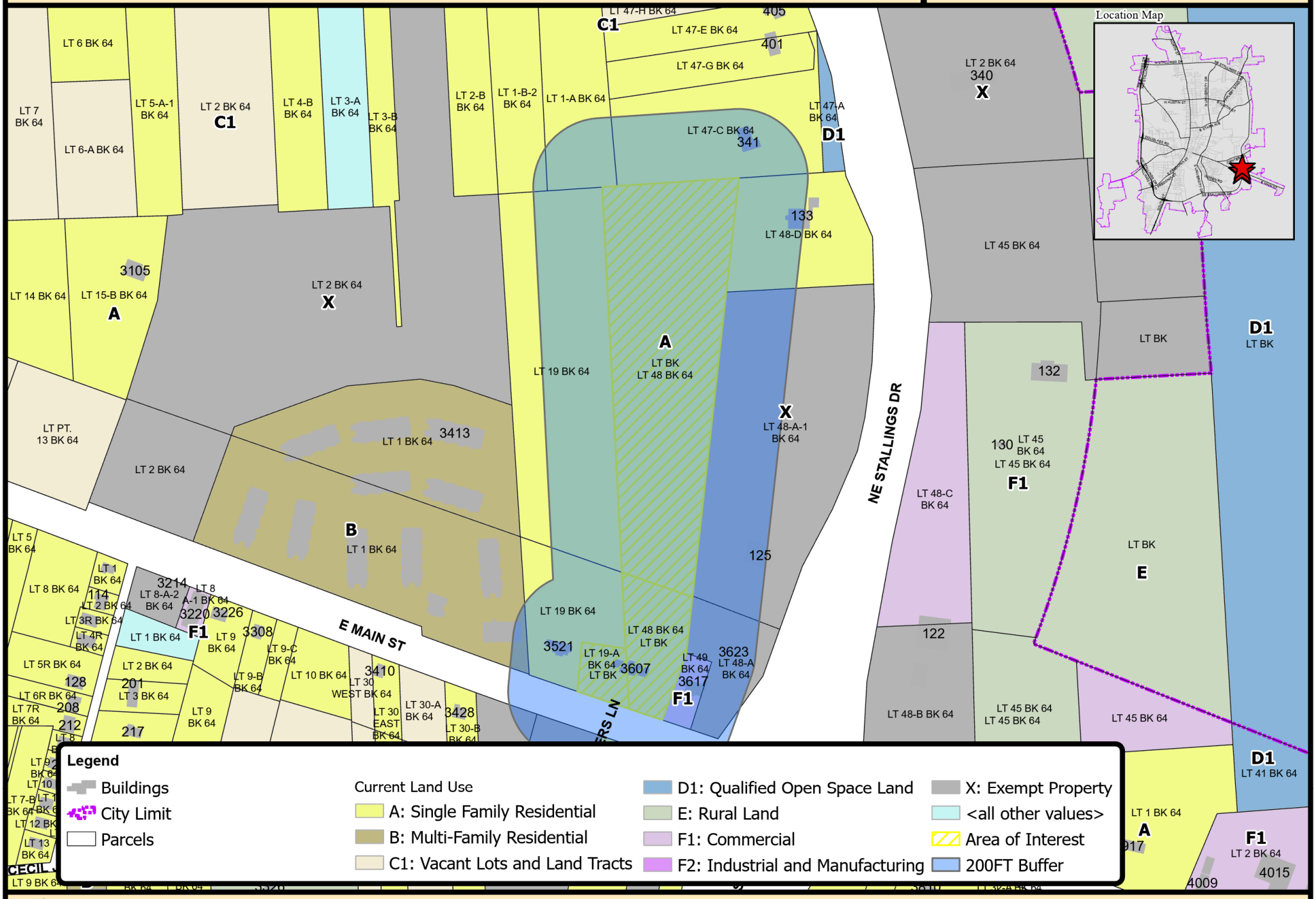
Nacogdoches
Engineering Department
GIS Division

SUP2026-01 Notification Map



Date Created: 01/20/26 10:18 | ArcGIS Pro 3.2.2

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Nacogdoches
The oldest town in Texas
Engineering Department
GIS Division

Pollette, Juan <pollettej@nactx.us>

Online Form Submission #11558 for Public Comments Request

1 message

noreply@civicplus.com <noreply@civicplus.com> Thu, Jan 22, 2026 at 7:56 PM
Reply-To: noreply@civicplus.com
To: citysec@nactx.us, pz@nactx.us

Public Comments Request

Individuals who want to comment at the next regular meeting of the City Council or Planning and Zoning Commission (P&Z) may complete the following request form. See **Agendas & Minutes** for a list of upcoming meetings. **This form must be submitted no later than 24 hours before the posted meeting start time.** If the meeting is less than 24 hours from the submission of this form, comments will not be recognized (i.e. you will have to attend the meeting and request comments in person).

PLEASE NOTE: A public comment request is *not* the same as a Zoning Change Protest. Unlike protests, comment letters in opposition of a zone change cannot be used to trigger any special approval requirements.

Comments on agenda items

This form only applies to regular Council and P&Z meetings. It does not apply to special meetings, workshops, or other board or commission meetings. In addition:

- Comments must pertain to items that appear on the current posted Council or P&Z meeting agendas.
- Written comments will be included in the meeting record.
- Spoken comments will be limited to no more than three minutes (six minutes if translation is needed) per individual.

Comments on non-agenda items

Public comments on items not listed in the agenda may be spoken during the Open Forum portion of the meeting and will be limited to no more than 3 minutes (6 minutes if translation is needed) per individual.

(Section Break)	
First Name	ronald
Last Name	johnson

Do you live within Nacogdoches city limits?	Yes
Home Address	3521 East Main
City	Nacogdoches
State	Texas
Zip	75961
Phone Number	[redacted]
Email Address	[redacted]
My comments apply to the following meeting:	Planning & Zoning Commission

Please see Agendas & Minutes for a list of upcoming meeting dates, times, and agendas. This form must be submitted no later than 24 hours before the posted meeting start time.

My comments apply to the following meeting date:	1/26/2026
My agenda item or case number:	SUP2026-01
My position on the above agenda item or case number:	I am AGAINST this item.
I want to include comments at the meeting:	Yes. But I only want my written comments added to the meeting record.
My written comments	To Zoning Commission. SPU-SUP2026-01 I am against this and am writing in response to the rezoning of Parcel 26228. The request includes a Specific Use Permit to allow a Travel Trailer/RV Park on this property. I have 8 acres that join this property, and a member of my family has lived on the property since 1943 (3521 East Main). The property line in one area is about 10 yards from my house. There will likely be people coming and going at all hours, running generators and other activities that create a lot of noise. Improper waste disposal by more people can lead to litter and unpleasant odors. This will create a big problem for my neighbors and me, especially at night. There is already a traffic congestion problem because of two schools in the area. The driveway to the elementary school is just across the street from this property, and in the morning and afternoon, there is bumper-to-bumper traffic coming from two

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Nacogdoches

To Zoning Commission.

SPU-SUP2026-01

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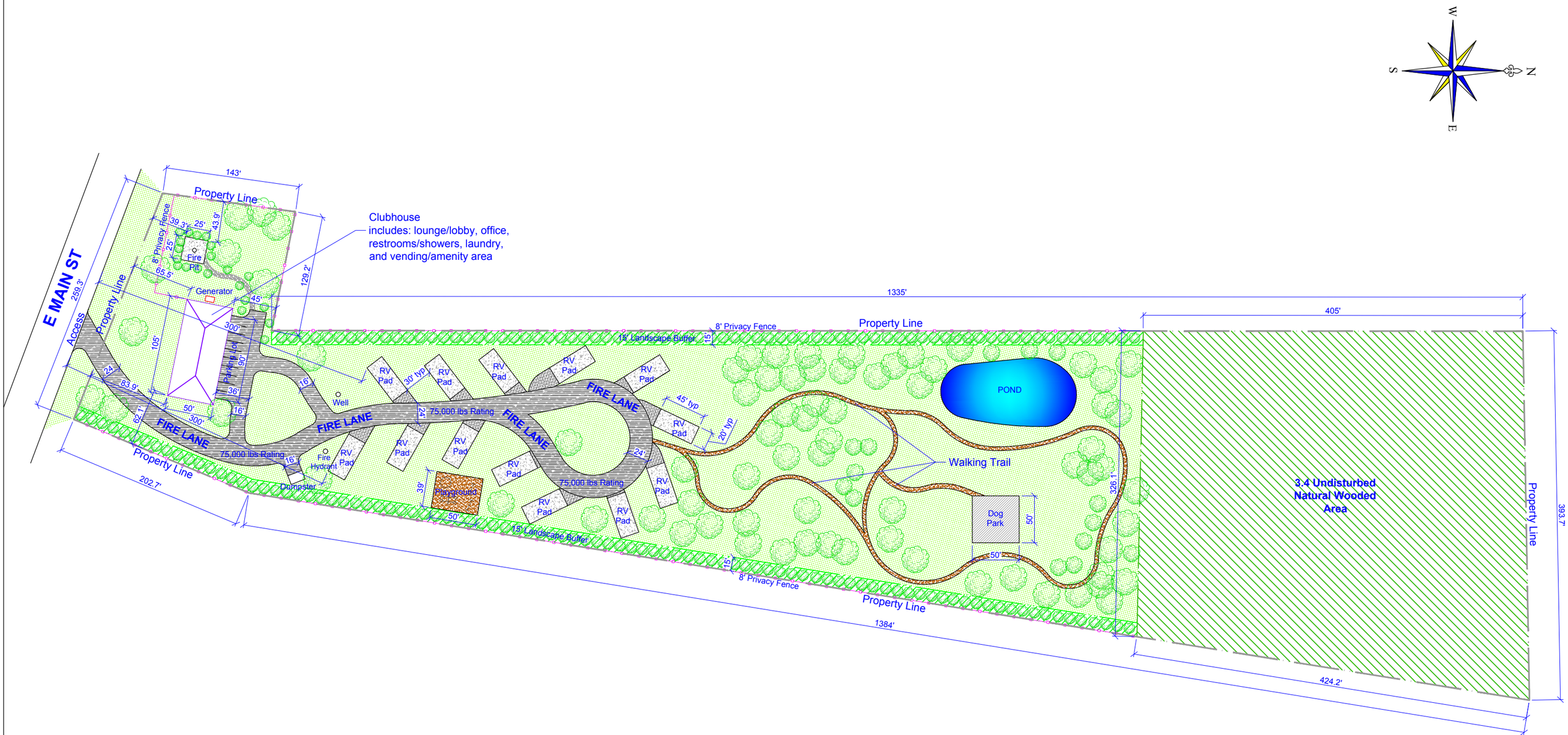
There is already a traffic congestion problem because of two schools in the area. The driveway to the elementary school is just across the street from this property, and in the morning and afternoon, there is bumper-to-bumper traffic coming from two directions trying to get into the driveway. There have already been several accidents, and I can only imagine what it will be like with travel trailers and RVs trying to get in their driveway, possibly having to cross the road. This is a real concern for the safety of children and their parents trying to access the school. These are two very narrow strips of land, and anything put on Parcel 26228 will be close to my property line. I am sure people will be trespassing on my land, and this needs to be addressed by a fence or other barrier. These will not be people who live here as neighbors, but strangers passing through. There is a lot of wildlife in this area that will be displaced because of a loss of habitat. The last thing is that property values will stagnate or decline for people who own land bordering this park. I don’t know of many people who would buy land next to an RV park. 3521 East Main is my family's home, and I, along with my neighbors, will be greatly inconvenienced by this park.

Ronald Johnson
3521 East Main
Nacogdoches

(Optional) I want to upload a file with this form	*Field not completed.*

Email not displaying correctly? View it in your browser.

--
You received this message because you are subscribed to the Google Groups "Planning & Zoning" group.
To unsubscribe from this group and stop receiving emails from it, send an email to pz+unsubscribe@nactx.us.
To view this discussion visit https://groups.google.com/a/nactx.us/d/msgid/pz/010f019be891a832-5663b82f-4ffd-49dc-9e56-9de0d832b9e1-000000%40us-east-2.amazonses.com.



0' 10' 30' 50' 100' 200' 300' 400'

1" SCALE 1"=100'

3607 E MAIN ST **NACOGDOCHES, TX 75961**	Scale:1"=100'	Date: 12-16-2025 Size: 11'x17'	Sheet 1 of 1

Parcel No. (APN)	26228
Land Use	RESIDENTIAL
	MISCELLANEOUS RESIDENTIAL
Buildings	1 Building
Building Area	1,920 SF
Lot Area	430,373 SF (9.88 ACRES)
Zoning Code	B-2 / R-1

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE

This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.

SUP2026-01 Site Photos

Subject property



Back of the subject property





Residential home across E. Main St.



Entrance to Carpenter Elementary



Adjacent commercial property to the east



E. Main St. & Loop 224 intersection (east)



Adjacent single family home to the west



Multi-Family Apartments to the west



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2026-02 regarding a Specific Use Permit request for Stone, Sand, Gravel & Mineral Extraction in a R-4, Multi-Family district on one (1) parcel of land approximately 28.2 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 85393; and generally located north of Powers Street between North Sanders Street and Old Tyler Road, Nacogdoches, Texas.

OVERVIEW: The applicant, Joseph Irie Montes of Jim/RB LLC., was previously granted approval of a Specific Use Permit for Stone, Sand, Gravel & Mineral Extraction on this property in January 2024. One of the conditions of approval limited the SUP to a term of twelve (12) months. That approval has since expired.
The applicant is requesting approval of a new SUP to continue the same extraction activity for an additional one-year period. No changes are proposed to the scope of the operation, site layout, access, hours of operation, or conditions previously imposed by City Council.

Adjacent Land Use & Zoning
The subject property is currently zoned R-4, Multi-Family and I-2, Heavy Industrial, and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Single Family Residential	R-3, Two Family, R-2, Single Family & I-2, Heavy Industrial	Undeveloped
South (Across Powers St.)	Single-Family Residential	R-4, Multi-Family	City Water Utilities & Residential
East	Single Family Residential	R-4, Multi-Family	Undeveloped & Residential
West	Single-Family Residential	R-4, Multi-Family	Residential

The surrounding zoning and land uses remain unchanged since the prior SUP approval and include a mix of multi-family zoning, residential uses, undeveloped property, and industrial zoning to the east.

STAFF REVIEW:

Per Section 118.173 of the Zoning Ordinance, a Specific Use Permit may be approved if all the following conditions have been found:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
The applicant intends to complete extraction activities and leave the property in a condition suitable for future development consistent with the underlying zoning. No new compatibility concerns have been identified since the prior approval.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
The SUP should not impede the normal and orderly development of surrounding vacant property. Upon completion of extraction activities, the property will remain developable in accordance with the R-4 zoning district.

Supporting Facilities. Adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided;
The property takes access from Powers Street, a designated collector roadway. Existing roadway conditions remain adequate to serve the proposed use. Water service is available along Powers Street; no sewer service is currently adjacent to the property.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
Access and on-site circulation will remain consistent with the previously approved SUP and will comply with applicable City standards.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
Existing mitigation measures, including preservation of vegetated buffers, silt fencing, and implementation of a Stormwater Pollution Prevention Plan (SWP3), will remain in place. The applicant has submitted an updated SWP3 report in compliance with state requirements. Hours of operation will continue to be limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
The owner is not proposing any additional lighting.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;
Existing mature vegetation along Powers Street and North Sanders Street provides effective screening. No changes to landscaping are proposed.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.
Future Land Use
The Future Land Use Plan designates the subject property as Single-Family Residential. While mineral extraction is not a compatible use for this designation, the requested Specific Use Permit is temporary in nature and does not alter the underlying zoning or future development potential of the property. Approval of the SUP will allow the continuation of a previously approved activity while preserving the ability for the site to develop in accordance with the Comprehensive Plan upon completion of extraction activities.

PUBLIC ENGAGEMENT:

- January 8, 2026 – Staff mailed eighty-three (83) neighborhood meeting notice postcards to property owners within 500 feet.
- January 22, 2026 – Staff coordinated a neighborhood meeting in the city hall council chambers on behalf of the applicant to receive input from surrounding property owners. None of the neighboring residents attended the meeting.
- January 20, 2026 – Staff mailed forty-seven (47) public meeting notice letters to property owners within 200 feet and thirty-six (36) notice postcards to property owners within 200-500 feet. No responses were received in favor or opposition of the request.
- January 25, 2026 – Legal ad published in the Daily Sentinel newspaper.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

Recommended SUP conditions

Staff recommends the following conditions for the Specific Use Permit:

1. Hours of operation will be from 8:00 a.m. until 6:00 p.m., Monday through Saturday.
2. Preserve the existing vegetative buffer at a minimum of 25 ft in width around the perimeter of the property allowing for a reasonable entrance into the area of excavation.
3. Install and maintain standard stormwater pollution prevention fencing in line with state regulations along the entrance of the property.
4. SUP will expire in 12 months from the date it is put into ordinance.
5. Additional street sweeping or cleanup will be provided once a week or as needed to keep the roadway in front of the site free of mud and debris.

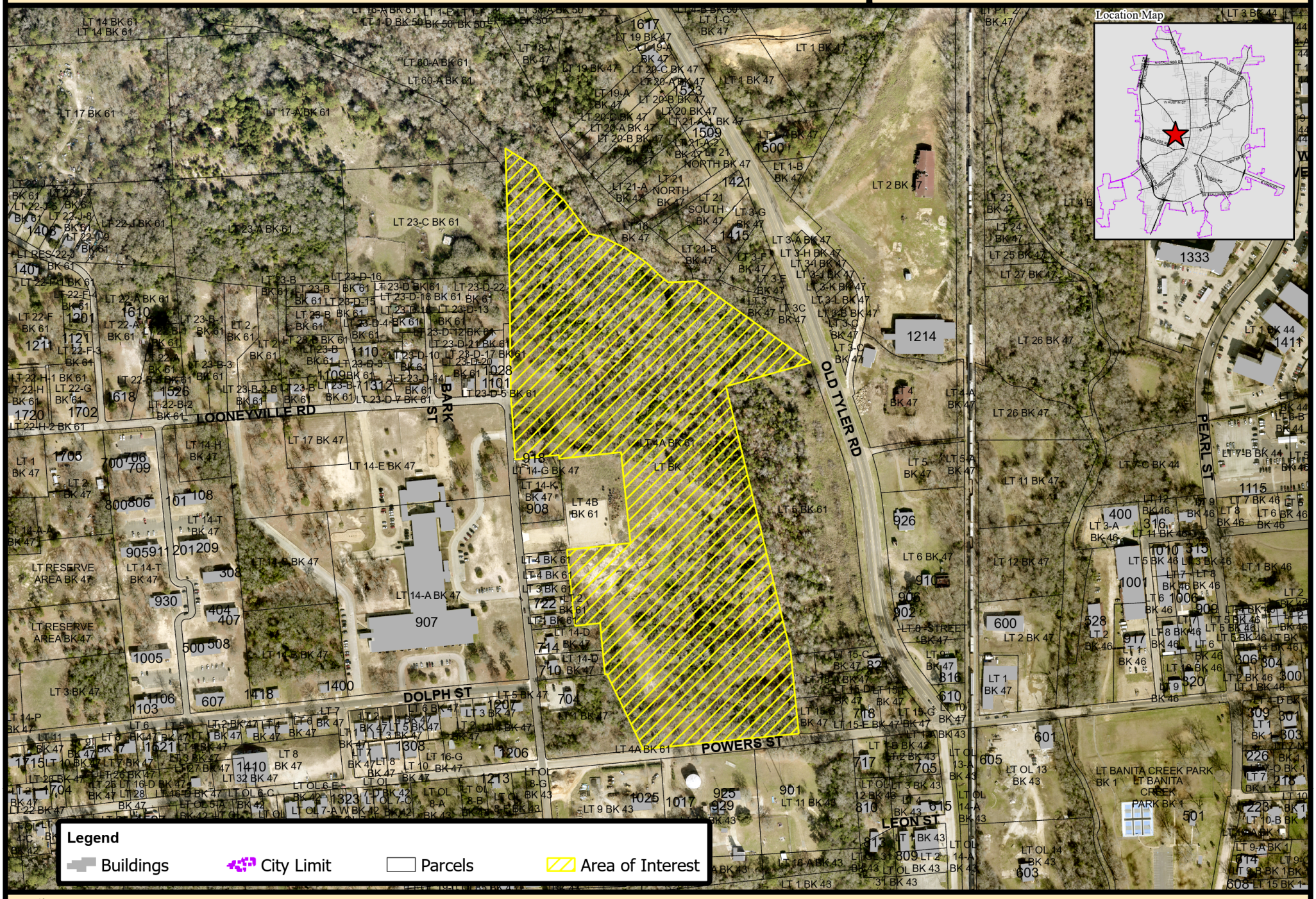
This item is scheduled to be heard by the City Council on Tuesday, March 17, 2026.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map 200ft
5. Updated SWP3
6. Site Photos

SUP2026-02 Aerial Map



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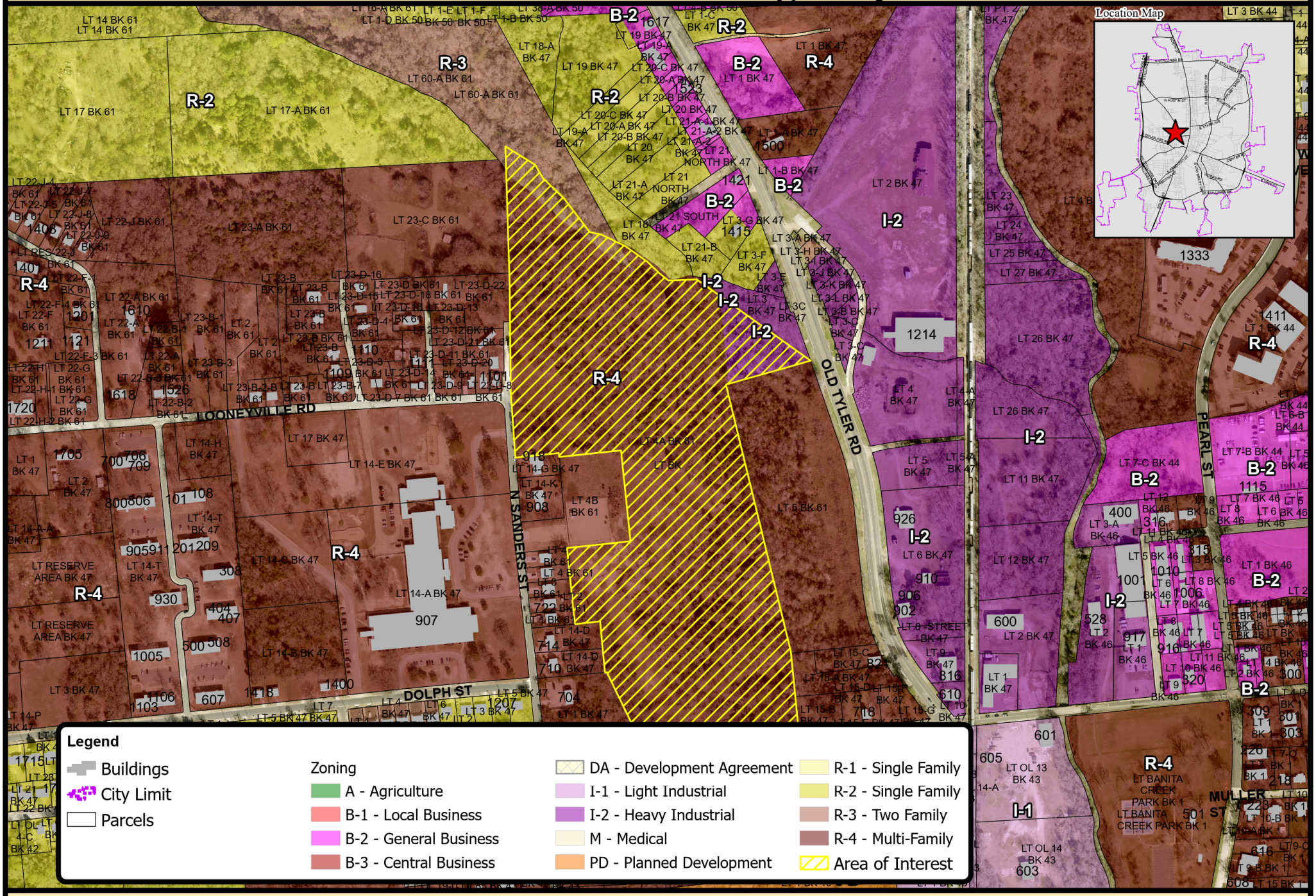
Nacogdoches
Engineering Department
GIS Division

SUP2026-02 Zoning Map



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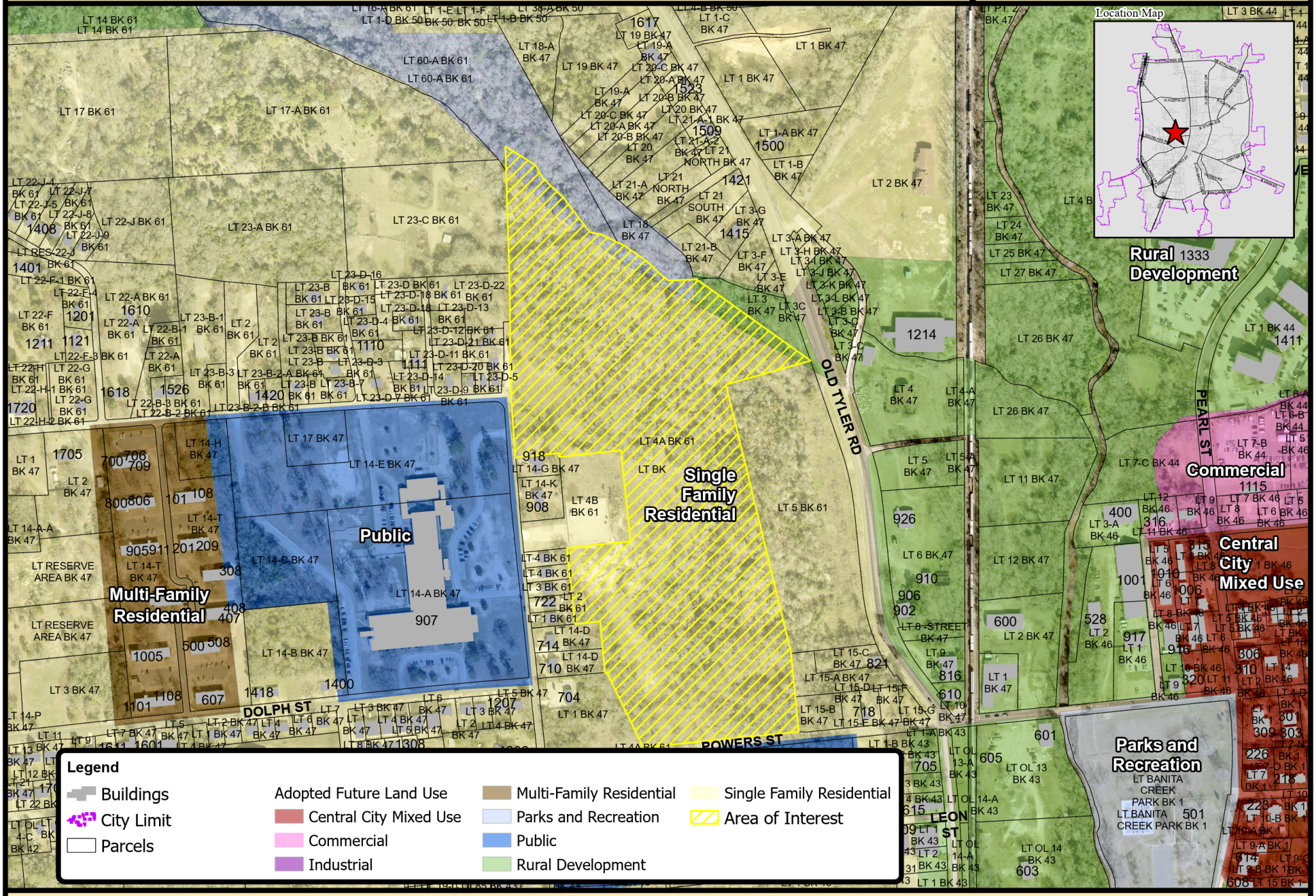
Nacogdoches
Engineering Department
GIS Division

SUP2026-02 Future Land Use Map



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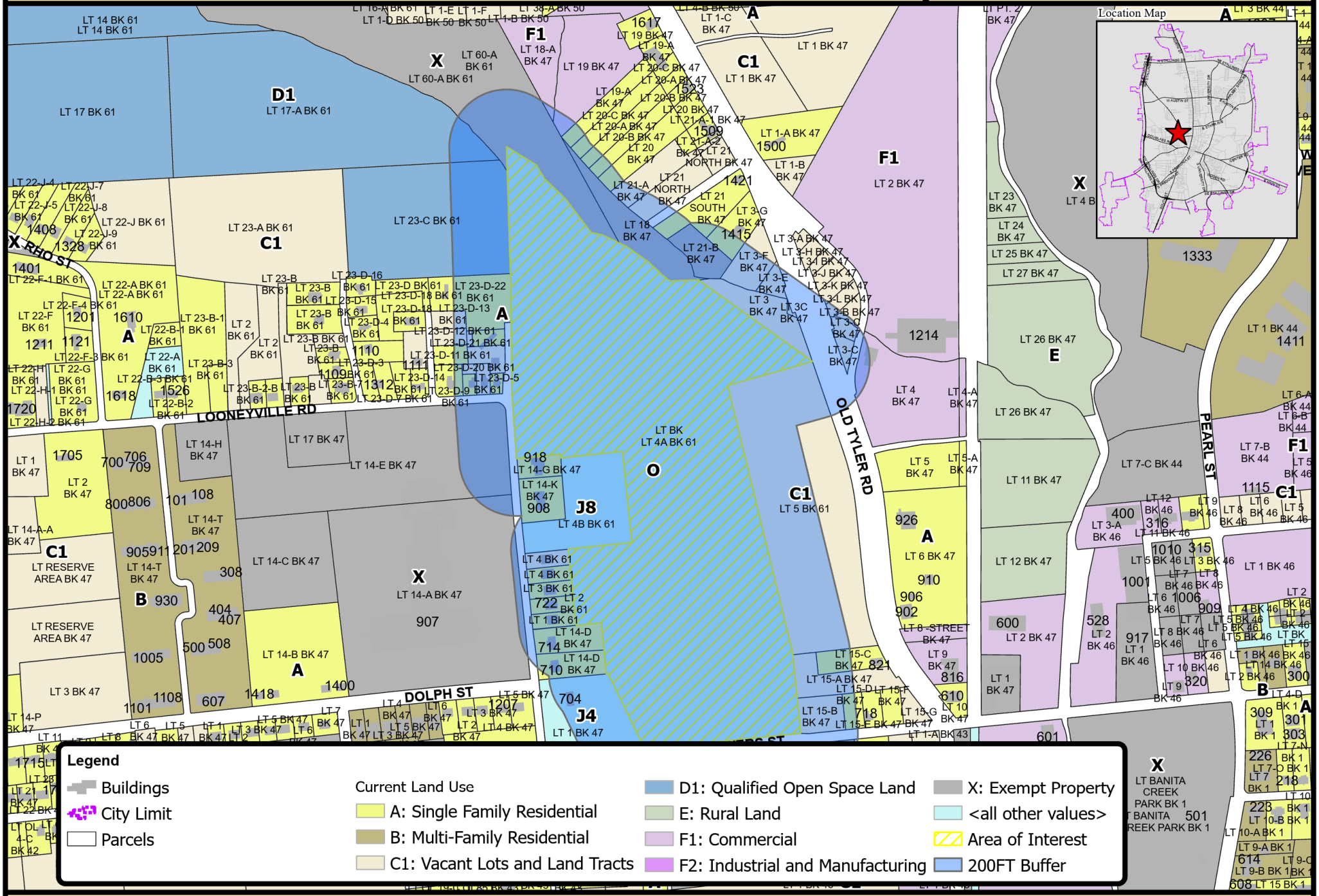
SUP2026-02 Notification Map



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Nacogdoches
Engineering Department
GIS Division

STORMWATER POLLUTION PREVENTION PLAN

PROPOSED POWERS ST. AND OLD TYLER ROAD SAND PIT CONSTRUCTION PROJECT

AN APPROXIMATE 4.8-ACRE CONSTRUCTION SITE
POWERS ST. AND OLD TYLER ROAD
NACOGDOCHES (NACOGDOCHES COUNTY), TEXAS

Date: October 24, 2024
Revised December 5, 2024
Revised January 12, 2026

Prepared for:

Aaron Montes
AMDI, Inc.
9778 US. Hwy 59 N
Nacogdoches, TX 75964

And

Joseph Irie Montes
JIM/RB, LLC

Prepared by:

Hydrex Environmental
312 Old Tyler Road
Nacogdoches, Texas 75961
(936) 568-9451 FAX (936) 568-9527

STORMWATER POLLUTION PREVENTION PLAN

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October 24, 2024
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Mellisa Cooper, CESCP
Project Manager

Mellisa Cooper

Prepared by:

Hydrex ENVIRONMENTAL

312 Old Tyler
Nacogdoches, Texas 75961
(936) 568-9451 FAX (936) 568-952

Hydrex ENVIRONMENTAL

December 5, 2024

Aaron Montes
AMDI, Inc.
9778 US. Hwy 59 N
Nacogdoches, TX 75964
And
Joseph Irie Montes
JIM/RB, LLC

Re: Revised Stormwater Pollution Prevention Plan
Proposed Powers St. and Old Tyler Road Sand Pit Construction Project
An Approximate 4.8-Acre Construction Site
Old Tyler Road
Nacogdoches (Nacogdoches County), Texas
Hydrex Project No. S-01-1808

Dear Mr. Montes:

Hydrex Environmental is pleased to submit the accompanying Stormwater Pollution Prevention Plan (SWP3) for the above-referenced construction site. The SWP3 was prepared in accordance with the requirements outlined in the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000.

The site's SWP3 must be implemented and followed by your construction manager and/or contractor(s) until construction is complete and final stabilization of the construction area has been achieved. If you have any questions, please feel free to call me at (936) 568-9451. Thank you for the opportunity to provide you with this service and we look forward to working with you in the future.

Sincerely,
Hydrex Environmental

Mellisa Cooper

Mellisa Cooper, CESCP
Project Manager

CERTIFICATION PAGE

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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sign as required by 30 TAC §305.44(b).

Signed: _____ Date: _____
Name: Mr. Aaron Montes
Title: Authorized Representative

If plan is shared by more than one entity:

Signed: _____ Date: TPDES #: _____
Name: Joseph Irie Montes
Title: Owner and Co-Authorized Representative

Signed: _____ Date: TPDES #: _____
Name:
Title:

Signed: _____ Date: TPDES #: _____
Name:
Title:

Primary Operators

Aaron Montes AMDI Inc. and Joseph Irie Montes JIM/RB, LLC

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Appendix C - Record of Construction Schedule Activities

Record of Disturbance/Stabilization Activities

Appendix D - Inspection Forms for Stormwater Controls

Stormwater Construction Site Inspection Forms
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Appendix E - Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000

Appendix F - Miscellaneous Documents

Required Activities to Perform
Small Construction Site Notice

1.0 INTRODUCTION

AMDI Inc. and JIM/RB, LLC are moving dirt from a sand pit located on Powers St. and Old Tyler Road. The project is located on an approximate 4.8-acre section of a larger piece of property located along Powers St. in Nacogdoches (Nacogdoches County), Texas (Appendix A, Plates A-1 and A-2). This Stormwater Pollution Prevention Plan (SWP3) has been prepared to outline and establish the best management practices (BMPs) and sediment and erosion controls that will be implemented, maintained, and/or followed for the duration of construction, including final stabilization by the operators, Aaron Montes AMDI Inc. (Operator).

This SWP3 has been developed in accordance with the requirements outlined in Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit TXR150000, dated March 5, 2023. The purpose of implementing and following the site's SWP3 will be to minimize pollutants in stormwater discharges from the construction site. A copy of the TPDES Construction General Permit TXR150000 is included in Appendix E.

The disturbed area for this construction project will encompass approximately 4.8 acres of land (Appendix A, Plate A-3). Construction activities planned for this project will include the following:

1) installation of sediment controls,
2) land clearing, grubbing, grading, and site preparation,
3) removal of sand and grading as needed,
4) construction of any stormwater drainage conveyances, and
5) final grading and stabilization of disturbed areas.

Construction activities associated with this project began September 2024 and is expected to be completed approximately in April 2027.

2.0 SITE DESCRIPTION

The disturbed area for this construction project encompasses approximately 4.8 acres of land located along Powers St. and Old Tyler Road in Nacogdoches (Nacogdoches County), Texas (Nacogdoches County), Texas (Appendix A, Plates A-1 and A-2).

2.1 Topography and Receiving Waters

Topographically, the construction site is located in an area of sloping terrain on the top of a hill within the watershed of Banita Creek (Appendix A, Plate A-2). The terrain across the construction site slopes slightly to the east. Currently, stormwater runoff is expected to follow surface topography and move as sheet flow east to offsite stormwater conveyances which flow toward Mull Branch Creek. Mull Branch creek flows into Banita Creek which drains into La Nana Bayou and then ultimately drains into the Angelina River. Post-construction stormwater runoff at the site will be directed to off-site stormwater conveyances which will direct stormwater east towards Banita Creek.

2.2 Rainfall Data

According to the *Soil Survey of Nacogdoches County, Texas*, the average annual rainfall for Nacogdoches County is approximately 50 inches. About 50% of precipitation occurs between April and September.

2.3 On-Site Soils

The NRCS Web Soil Survey for Nacogdoches County, Texas indicates the soils at the project site are mapped as *Darco-Urban land complex, 1 to 8 percent slopes, Darco-Urban land complex, 8 to 25 percent slopes, Hannahatchee-Urban land complex, frequently flooded, and Trawick-Urban land complex, 8 to 20 percent slopes* (Appendix A, Plate A-4).

The *Darco-Urban land complex, 1 to 8 percent slopes* soil unit occurs throughout the western section of the construction site. This deep gently sloping soil is on broad convex interstream divides. These soils contain 50 percent of Darco soils, 35 percent of urban soils, and 15 percent of Lilbert and Briley soils. These soils are made up of dark brown to a pale brown loamy fine sand in the surface layers to a depth of 48 inches. The subsoil layers are a yellowish red sandy clay loam to a depth of 80 inches. The Urban land part of the soils is so covered by structures and parking lots that its identification is not feasible. The soil is well drained, has moderate permeability and low available water capacity. Run off is slow and erosion hazard is slight. This soil has medium potential for urban development.

The *Darco-Urban land complex, 8 to 25 percent slopes* soil unit occurs throughout the central section of the construction site. This strong to steep sloping soil is above drainage ways. These soils contain 60 percent of Darco soils, 30 percent of urban soils, and 10 percent of Teneha soils. These soils are made up of dark brown to a very pale brown loamy fine sand in the surface layers to a depth of 55 inches. The subsoil layers are a strong brown sandy clay loam to a depth of 72 inches. The Urban land part of the soils is so covered by structures and parking lots that its identification is not feasible. This soil has medium potential for urban development and a severe hazard to erosion.

The *Hannahatchee-Urban land complex, frequently flooded,* soil unit occurs throughout the northern section of the construction site. This nearly level soil and urban land is found on bottomlands. These soils contain nearly 50 percent Hannahatchee soils, 35 percent Urban land, and 15 percent Tuscosso soils. These soils are made up of reddish-brown loam about 6 inches thick. The subsoil layers are a yellowish red sandy clay loam to a depth of 43 inches. These soils are frequently flooded with most areas flooding each year. This soil has low potential for urban development with flooding as the main hazard.

The *Trawick-Urban land complex, 8 to 20 percent slopes* soil unit occurs through much of the southeastern and northern sections of the construction site. This deep, sloping to moderately steep soil and urban land is located on convex side slopes. These soils contain 55 percent of Trawick soils, 30 percent of urban soils, and 15 percent of Bub and Nacogdoches soils. These soils are made up of dark red clay loam in the surface layers to a depth of 5 inches. The subsoil layers are dark red clay to a depth of 45 inches. The Urban land part of the soils is so covered by structures and parking lots that its identification is not feasible. This soil has low potential for urban development.

2.4 Description and Sequence of Soil Disturbing Activities

During construction, up to 4.8 acres of total land area will be disturbed or used for storage. Soil disturbing activities may include, but are not limited to:

1) land clearing in preparation for installation of sediment control fencing,
2) installation of sediment control fencing,
3) land clearing, grubbing, and grading in support of proposed construction activities, and/or
4) final grading and seeding/planting for establishment of permanent vegetative cover in disturbed areas outside of newly constructed areas.

Construction activities for this project are scheduled to be performed in the following general order:

1) land clearing and grubbing the proposed construction area for installation of sediment control fencing,
2) installation of sediment control fencing along down-gradient boundaries of the construction site,
3) land clearing, grubbing, and grading in support of construction and/or modification of proposed and existing stormwater drainage conveyances,

4) temporary stabilization of disturbed areas and stockpiles of soil immediately after disturbance, or as soon as practical, if the areas will not be re-disturbed within fourteen (14) days,

5) completion of construction activities and/or modifications to the proposed and existing stormwater drainage conveyances,

6) completion of final grading and establishment of permanent vegetative cover for final stabilization of previously disturbed areas outside construction areas,

7) removal of all remaining temporary erosion/sediment controls upon completion of all construction activities and when the site is stabilized, and

8) stabilization of any areas disturbed during removal of the temporary sediment/erosion controls.

3.0 DESCRIPTION OF POTENTIAL POLLUTANTS AND SOURCES

The potential for pollutants to enter or mix with stormwater at this construction site is primarily dependent upon the activities performed and the materials used during the construction process. Activities that can potentially affect stormwater through contact include land clearing, grading, excavating, fueling, concrete pouring, asphalt paving, vehicle tracking, waste disposal, stabilization, and fertilization. A list of potential pollutants located on-site, and their sources is presented in the following table.

Table 1. Potential Pollutants and Their Sources

Potential Pollutants	Source
Sediment	Disturbed soil from land clearing and grading activities and stock piles of dirt and topsoil from on and off-site sources.
Petroleum products	Diesel and oil from on-site storage or from construction vehicles used on-site.
Concrete and asphalt	Discharge or runoff from use of concrete and/or asphalt materials during construction.
Solid waste	Materials used during construction or used by workers while on-site.
Fertilizers	Use of fertilizers during stabilization of soils and sediment.

As needed, additional pollutants can be added to the table as they are brought on-site.

Control measures contained within this plan are designed to eliminate or reduce any potential impact of these activities and materials to stormwater discharges that may leave the construction site. Specific best management practices and control measures for this site are described in Section 4.0.

4.0 DESCRIPTION OF STORMWATER CONTROLS

The following information describes the best management practices (BMPs) and control measures that may be implemented as part of construction activities, to control and minimize pollutants in stormwater discharges from the construction area. The locations where these controls may be implemented are indicated on the Sediment and Erosion Control Plan map, (Appendix A, Plate A-3). Typical design details for some of the types of control measures that may be implemented during construction are included in Appendix B of this SWP3 and within construction plan details maintained by the Operator. The Operator will be responsible for ensuring all necessary BMPs and control measures are properly installed and adequately maintained in accordance with good engineering practices and manufacturer's specifications.

4.1 Best Management Practices

BMPs are controls or techniques used to reduce or eliminate the potential for pollutants in stormwater discharges from leaving the construction site. The following table lists the types of BMPs as well as the location and purpose of the BMPs, and appropriate timing for implementing and maintaining the BMPs.

Table 2. Types and Locations of Best Management Practices

Type of Stormwater BMP	Location and Purpose of BMP	Appropriate Timing of the BMP
Construction Exit(s)	Construction exit(s) will serve to reduce vehicle tracking from the construction site and will be installed in accordance with the design guidelines. If on paved surfaces, alternate acceptable means of reducing sediment tracking will be utilized. If needed, pre-existing culverts at the entrance will be replaced during construction.	As an initial construction activity, until permanent exits are established.

Table 2. Types and Locations of Best Management Practices

Type of Stormwater BMP	Location and Purpose of BMP	Appropriate Timing of the BMP
Sediment Control Fencing	Along down-gradient boundaries of the site to minimize the potential for off-site accumulations of sediment during construction.	As construction begins and for the duration of construction until final stabilization occurs.
Inlet Protection	If needed, Inlets receiving stormwater runoff from the construction site will be protected to reduce the potential for sediment entering any storm sewer system or conveyance. In unpaved areas, inlet protection will be provided by sediment control fencing or other similar devices. Inlet protection will be provided in paved areas by bagged gravel or other appropriate means of protection.	After installation of inlets to a storm sewer system until final stabilization occurs.
Swales and Rock Check Dams	If needed, diversion, interceptor, or perimeter swales will be installed to direct stormwater away from the site. Rock check dams could be installed, as needed, within the swales in order to slow the velocity of the water and prevent off-site migration of sediment.	As an initial construction activity until final stabilization occurs. Swales will remain as a permanent control.
Stormwater Detention Area	If constructed, the stormwater detention area will be used in order to prevent off-site migration of sediment and potential pollutants before entering off-site drainage.	During initial construction and remaining as a permanent control.
Retaining Walls	If installed, retaining walls will be constructed along areas of higher relief, to divert stormwater and prevent sediment build-up. Sediment control fencing should be used, if necessary, to prevent sediment from leaving the property.	As construction begins and for the duration of the site.

Table 2. Types and Locations of Best Management Practices

Type of Stormwater BMP	Location and Purpose of BMP	Appropriate Timing of the BMP
Rock Rubble and Rip Rap at Discharge Outlets	As needed, stormwater discharge outlets will contain erosion protection devices such as paved slopes, rock rubble, rip rap, and/or erosion protection fabric, as needed. The purpose of the erosion protection devices is to reduce undercutting and erosion potential of stormwater flowing through each of the outlet flumes.	After installation of outlets until final stabilization has occurred.
Soil Stabilization	Stabilization practices implemented in previously disturbed areas may include planting temporary or permanent vegetation, sod stabilization, mulching, or hydro mulch seeding.	During construction, all disturbed areas of the site that will not be re-disturbed for fourteen (14) days or more must be stabilized immediately, or as soon as practical, following the last disturbance activity and upon completion of construction activities.
Post Construction Controls	Management of post-construction stormwater runoff will be provided by existing storm sewer system.	Existing controls will be protected with inlet protection during construction and will be maintained until final stabilization.

Accumulations of sediment will be removed from along the sediment control fencing by the Operator to ensure adequate sedimentation controls are maintained. At a minimum, sediment accumulations will be removed when fifty percent (50%) of the design capacity of the sediment control fencing has been exceeded. Upon completion of construction activities, final stabilization in all previously disturbed landscaped areas of the construction site will be achieved. All temporary BMPs will be removed, and the areas stabilized. Areas seeded, sodded, or planted for final stabilization will be watered as necessary, to promote permanent vegetative growth.

4.2 Good Housekeeping Measures

Good housekeeping measures will be taken to eliminate or reduce exposure of potential pollutant sources to precipitation and runoff. Typical good housekeeping measures are performed on a daily basis by employees during the course of normal work activities. The following table includes a list of typical good housekeeping measures conducted on-site.

Table 3. Good Housekeeping Measures Performed On-Site

Pollutant Source	Good Housekeeping Measures Performed on a Daily Basis
Solid Waste	All solid waste materials (litter or construction debris) will be collected and stored in trash bins or dumpsters and will be emptied as necessary or as frequently as required by local ordinance. No waste materials will be buried or burned on-site unless burning is in accordance with current state and local ordinances. Covering waste with a tarp or lid will minimize exposure of waste to stormwater.
Petroleum Products and Hazardous Waste Materials	Should petroleum products and hazardous waste materials be brought on-site, they will be properly handled and disposed of in the manner specified by local, state, or federal regulation, if applicable, or in the manner specified by the manufacturer. The Operator will ensure that all on-site construction personnel using petroleum products and hazardous waste materials are instructed in the proper practices and procedures for handling, storing, and safeguarding these materials and will ensure that these procedures are followed for the duration of construction activities. All spills or leaks should be promptly cleaned and disposed of properly.
Sanitary Waste	If necessary, portable sanitary waste units will be provided by the Operator for the duration of construction activities. The Operator will ensure that all sanitary waste is collected from the portable units by a licensed waste management contractor as often as needed or as often as required by local regulation or city ordinance.
Material Storage	If brought onsite, construction materials, construction chemicals, and stockpiled soils will be stored in designated storage areas in a manner that prevents the materials from becoming a pollutant source in stormwater discharges. Stockpiled soils will be protected using sediment control fencing or stabilized with temporary vegetation or mulching. Construction materials and construction chemicals will be stored off of the ground surface (i.e. on pallets) and under protective cover, if possible. In addition, all construction chemicals will be stored in the original manufacturer's containers with secured lids and clearly labeled.

Table 3. Good Housekeeping Measures Performed On-Site

Pollutant Source	Good Housekeeping Measures Performed on a Daily Basis
Off-site Vehicle Tracking	When necessary, the Operator will sweep and maintain adjacent streets to ensure excess dirt, mud, or rock tracked from the construction area is properly removed in a timely manner. Maintenance procedures used on adjacent streets will be in accordance with local, state, and federal transportation safety guidelines. Trucks hauling waste materials from the construction site will be covered to eliminate or minimize wind-blown litter and construction debris. The Operator, will ensure that all wind-blown litter and debris generated or originating from the construction site (including dust) is properly managed, controlled, and/or properly disposed.
Vehicle and Equipment Washing	Minimize the discharge of wash water from equipment and vehicle washing, wheel wash water, and other wash waters. Wash water must be treated in a sediment basin or alternative control. No soaps or solvents are allowed to be used in the washing process. No oil or grease may be co-mingled with wash water discharges.

4.3 Erosion and Sediment Control Requirements

Erosion and sediment controls must be designed, installed, and maintained to minimize the discharges of pollutants. These controls must:

1) control stormwater volume and velocity to minimize soil erosion,
2) control stormwater discharges to minimize channel and stream bank erosion and scour, at points of discharge,
3) minimize the amount of soil exposed,
4) minimize the disturbances of steep slopes,
5) minimize sediment discharges from the site by addressing the design installation of the controls,
6) if disturbance is located in close proximity of surface water, natural buffers must be provided and maintained, if feasible,
7) preserve the native top soil, and
8) minimize soil compaction.

4.4 Temporary Concrete Washout Facility

Prior to performing any concrete pouring activities, at least one (1) temporary concrete washout facility will be constructed and utilized at the site to contain concrete washout from mixer truck chutes or concrete mixing activities. If necessary, any temporary concrete washout facility will be constructed by the Operator, in accordance with the minimum design criteria provided on Plate B-3 in Appendix B, or in accordance with a suitable alternate method. The proper use of any designated washout facility will serve to prevent unpermitted discharges of concrete pollutants and wash water from leaving the construction site and entering surface waters of the state during the period covered by the TPDES Construction General Permit. (See Section 4.09 for conditions required to authorize the discharge of concrete truck washout.)

Any temporary concrete washout facility(s), if constructed, will be maintained for as long as needed during construction. When appropriate, any temporary washout facility will be removed by the Operator. Upon removal, all associated accumulations of concrete residue will be properly disposed of, and final stabilization of the area will be performed.

4.5 Concrete Truck Washout Requirements

If necessary, the discharge of concrete wash water within the site may be authorized under the TPDES Construction General Permit. This authorization is limited to the land disposal of washout water from concrete trucks that are associated with off-site production facilities and for on-site facilities provided certain requirements and conditions are met. The requirements and conditions for authorizing the disposal of concrete washout at the construction site include the following:

1) Discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited.

2) Concrete truck washout shall be disposed in areas at the construction site where structural controls have been established to prevent discharge to surface waters of the state, or to areas that have a minimal slope that allow infiltration and filtering of wash water to prevent discharge to surface waters. Structural controls may consist of temporary berms, temporary

shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

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

4) The disposal of washout water from concrete trucks, made under authorization of the permit, must not cause or contribute to groundwater contamination.

5) The SWP3 shall include the locations of the designated concrete wash out area on the SWP3 site map (pen and ink additions are permitted).

If the above conditions are not met, the disposal of concrete washout is not authorized under the TPDES Construction General Permit.

4.6 Recordkeeping of Scheduled Construction Activities

To ensure erosion and sediment controls are implemented in a timely manner and followed, the Operator will maintain the following records on the Record of Disturbance/Stabilization Activities form in Appendix C:

1) dates when major grading activities occur,

2) dates when construction activities temporarily or permanently cease on a portion of the construction site, and

3) dates when stabilization measures are initiated.

The Record of Disturbance/Stabilization Activities form will be retained in Appendix C of the site's SWP3 for a period of three (3) years following the date final stabilization is achieved. Upon request, the form will be made readily available to:

1) the TCEQ executive director,

2) a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans,

3) local government officials, and

4) the Operator of any municipal separate storm sewer system (MS4) that may receive discharges from the construction site.

5.0 MAINTENANCE AND INSPECTIONS

5.1 Maintenance

All erosion and sediment control measures or other protective measures implemented at the construction site will be maintained in effective operating condition for the duration of construction activities and until the construction site has achieved final stabilization. The Operator will be responsible for implementing, maintaining, repairing, or modifying any ineffective or deficient erosion controls, sediment controls, or stormwater management controls implemented or installed at the construction site. Additionally, any deficiencies noted during the on-site inspections by the Operator, or its designated representative will be addressed and corrected before the next anticipated storm event or as soon as practicable.

If revisions to the site's SWP3 are deemed necessary, the Operator, or its designated representative will ensure these revisions are made.

If sediment escapes the construction area, the Operator will be responsible for removing off-site accumulations of sediment at a frequency sufficient to minimize off-site impacts.

The Operator will maintain previously installed sediment traps (i.e. sediment control fencing) to ensure the traps are providing adequate control for the duration of construction and until the construction area is finally stabilized. Along previously installed sediment control fencing, accumulations of sediment will be removed at a rate sufficient to maintain fifty percent (50%) or more of the sediment fencing's design capacity.

If applicable, previously installed inlet protection devices will be maintained by the Operator until the area drained by the inlet has been finally stabilized. Accumulations of sediment will be periodically removed from around all protected storm sewer inlets to ensure adequate drainage and sediment control is maintained.

The Operator will ensure all litter, construction debris, and construction chemicals exposed to stormwater at the site are prevented from becoming a pollutant source for stormwater discharges. In addition, the Operator will ensure proper disposal procedures are followed for all types of waste materials generated at the site during construction.

5.2 Inspections

An inspection of the construction site will be performed by a qualified representative of the Operator:

1) at least once every fourteen (14) calendar days **and** within twenty-four (24) hours following a storm event of 0.5 inches or greater, **or**

2) as an alternative to the above schedule, every seven (7) days.

The inspection schedule may be changed between the above two (2) options a maximum of one (1) time per month. Changes must be implemented at the beginning of the calendar month, and the reason for the change must be documented in the SWP3 (e.g. “wet” season, “dry” season). Inspections conducted using the seven (7) day option must be performed on the same day of each week. Inspection frequency must be conducted at least once every month in areas of construction sites that meet final or temporary stabilization while construction is still on-going.

Areas to be inspected will include:

1) disturbed areas that have not achieved final stabilization,

2) areas used for storage of materials that are exposed to precipitation,

3) structural controls for evidence of, or the potential for, pollutants entering the drainage system,

4) sediment and erosion control measures identified in the SWP3 to ensure that they are operating correctly, and

5) locations where vehicles enter or exit the construction site.

A Stormwater Construction Site Inspection Form, included in Appendix D, will be completed within 24 hours following an inspection. The construction inspection form will:

1) summarize the scope of the inspection,

2) contain the inspector's name and qualifications (qualifications for each inspector may be identified on a single page in Appendix D instead of repeating for each inspection),

3) contain the date of the inspection, and

4) identify major observations noted during the inspection.

Major observations noted during each inspection will include:

1) the location(s) of discharges of sediment or other pollutants from the construction site,

2) the location(s) of best management practices or controls that need to be maintained/repaired,

3) the location(s) of best management practices or controls that failed to operate as designed or proved inadequate for a particular location, and

4) the location(s) where additional best management practices or controls are needed.

Additionally, each inspection form will include a discussion of any incidents of non-compliance. When an inspection does not identify any incidents of non-compliance, the form shall contain a certification that the facility is in compliance with the SWP3 and the associated TPDES permit.

Each inspection form will be signed for certification by the Operator, or if applicable, its delegated representatives. Copies of all inspection forms will be maintained in

Appendix D of the site's SWP3 for a period of three (3) years following the date when final stabilization is completed.

6.0 NON-STORMWATER DISCHARGES

6.1 Permitted Non-Stormwater Discharges

The following permitted, non-stormwater discharges may occur at the construction site during the construction period:

1) discharges from firefighting activities (not included are: washing of trucks, runoff from training activities, test water from fire suppression systems, and similar activities),

2) uncontaminated fire hydrant flushings, which includes flushings from systems that use potable water, surface water, or groundwater that does not contain pollutants (excludes flushings of hyperchlorinated or reclaimed wastewater),

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

4) uncontaminated water used to control dust,

5) potable water sources including waterline flushings,

6) uncontaminated air conditioning condensate,

7) uncontaminated groundwater or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents, and

8) lawn watering and similar irrigation drainage.

After appropriate erosion and sediment controls have been installed, the Operator, will ensure that all permitted, non-stormwater discharges are directed towards the site's installed erosion and sediment controls.

If necessary, the discharge of concrete wash water may be authorized under the TPDES Construction General Permit (Sections 4.4 and 4.5). If required, all concrete

wash water will be directed towards the construction site's previously installed temporary concrete washout facilities.

6.2 Non-Permitted Non-Stormwater Discharges

The following non-permitted, non-stormwater discharges may not occur at the construction site during the construction period:

1) wastewater from washout concrete,
2) wastewater from wash out and cleanout of stucco, paint, form release oils, curing compound, and other construction materials,
3) fuels, oils, or other pollutant used in vehicle equipment operation and maintenance,
4) soaps or solvents used in vehicle and equipment washing,
5) toxic or hazardous substances from a spill or other release, and
6) discharges from dewatering activities.

7.0 AMENDING THE PLAN

The Operator will ensure that the site's SWP3 is revised, amended, or updated when:

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,

2) changing site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs, or

3) results of inspections or investigations by the site personnel authorized by the permittee, operator of a municipal separate storm sewer system receiving the discharge, authorized TCEQ personnel, or a federal, state, or local agency approving sediment and erosion control plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under TPDES General Permit TXR150000.

If an authorized official notifies the Operator at any time that the SWP3 does not meet one or more of the minimum requirements for a SWP3 **or** if the results of any inspection indicate the necessity to modify the SWP3, then the appropriate modifications or changes will be made to the plan by the Operator no more than seven (7) days following the date of the authorized official's notice or the inspector's report.

8.0 PLAN AVAILABILITY, POSTED NOTICES, AND RECORD RETENTION

8.1 Plan Availability

During construction, a copy of the SWP3 and all related documents and inspection reports will be retained at the construction site at Powers St. and Old Tyler Rd, Nacogdoches (Nacogdoches County), Texas or, if the site is inactive, in the office of AMDI, Inc. located at 9778 US. Hwy 59 Nacogdoches (Nacogdoches County), TX. Upon request, the SWP3 will be made available to:

1) the TCEQ executive director,

2) a federal, state, or local agency approving erosion and sediment control plans, grading plans, or stormwater management plans, local government officials, and

3) the operator of a municipal separate storm sewer system receiving discharges from the construction site.

8.2 Posted Notices

A TPDES Construction Site Notice, included in Appendix F, will be posted near the site's main construction entrance/exit for the duration of construction activities. For a linear construction project, such as a pipeline or highway, the notice(s) must be placed in a publicly accessible location near where active construction is underway. The notice(s) will contain the following information:

1) the TPDES permit number for the project (if 5 acres or greater),

2) contact name and telephone number of a representative for both the primary and secondary operators,

3) physical address or a description and location of the project,

4) projected start and end dates, and

5) location of the SWP3.

8.3 Retention of Records

A copy of the SWP3 will be kept at the construction site from the time construction activities begin until final stabilization of the site has been achieved. Following completion of construction, a copy of the SWP3 and a copy of all reports and actions, which include signed inspections (Appendix D), records of the construction schedule activity (Appendix C), and a copy of the construction site notice(s) (Appendix F), will be retained in the office of AMDI, Inc. located at 9778 US. Hwy 59 Nacogdoches (Nacogdoches County), TX. The SWP3, along with its associated records, will be retained for a period of three (3) years following the date that final stabilization is achieved. Records will include:

1) a copy of the SWP3,

2) all reports and actions required by the permit, including a copy of the construction site notice,

3) all data used to complete the Notice of Intent (NOI), if an NOI is required, and

4) all records of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

9.0 COMPLIANCE WITH APPROVED STATE AND LOCAL PLANS

The Operator will ensure that the site's SWP3:

1) is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state or local officials, and

2) is updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment and erosion site plans or permits, or stormwater management site plans or site permits approved by state or local officials for which the permittee receives written notice.

If the permittee is required to prepare a separate management plan, including but not limited to a Water Pollution Abatement Plan or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.

10.0 REFERENCES

BarWin Consultants, 2002, *Typical Design Details for Erosion and Sediment Controls*.

Dolezel, Fuchs, 1980, *Soil Survey of Nacogdoches County*, *Texas,* United States Department of Agriculture, Soil Conservation Service.

ESRI, ArcGIS Online World Street Map, (Plate A-1).

Nacogdoches County, Ariel Photograph, 2024, (Plate A-3).

North Central Texas Council of Governments (NCTCOG), 1993, *Diagram of Filter Fabric Inlet Protection*.

National Resources Conservation Service (NRCS), Soil Data Map (Plate A-4).

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm.

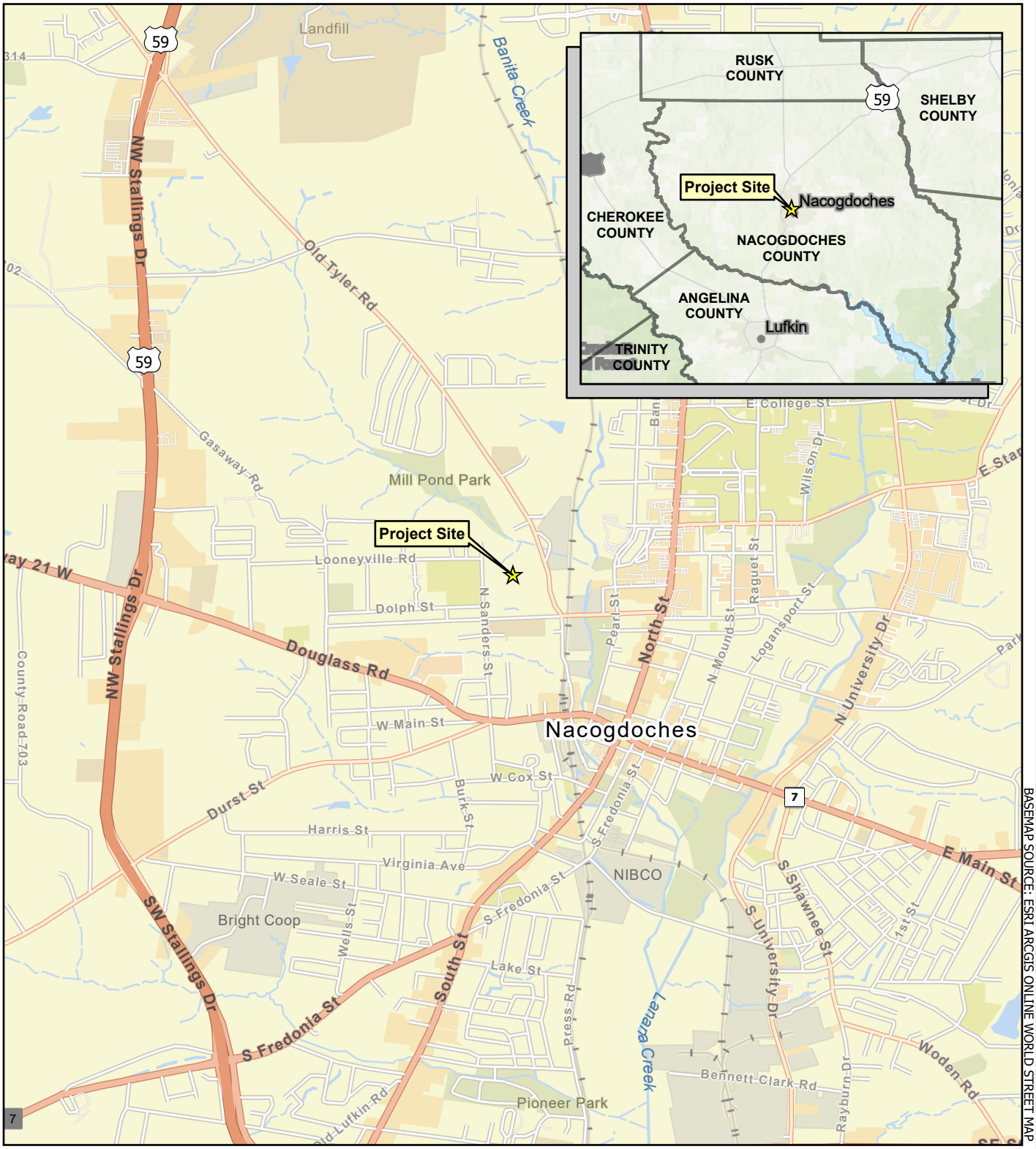
State of California, 2003, *Typical Design Details for Temporary Concrete Wash Out Facilities*, California Stormwater Best Management Practices Handbook.

Texas Commission on Environmental Quality, 2023, Texas Pollutant Discharge Elimination System, *General Permit Number TXR150000, Relating to Stormwater Discharges Associated with Construction Activities*.

United States Geological Survey, 7-1/2 Minute Topographic Quadrangle Map, Nacogdoches North, Texas 1983 Sheet and Nacogdoches South, Texas 1983 (Plate A-2).

Appendix A

Plates



☆ Project Site

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Feet

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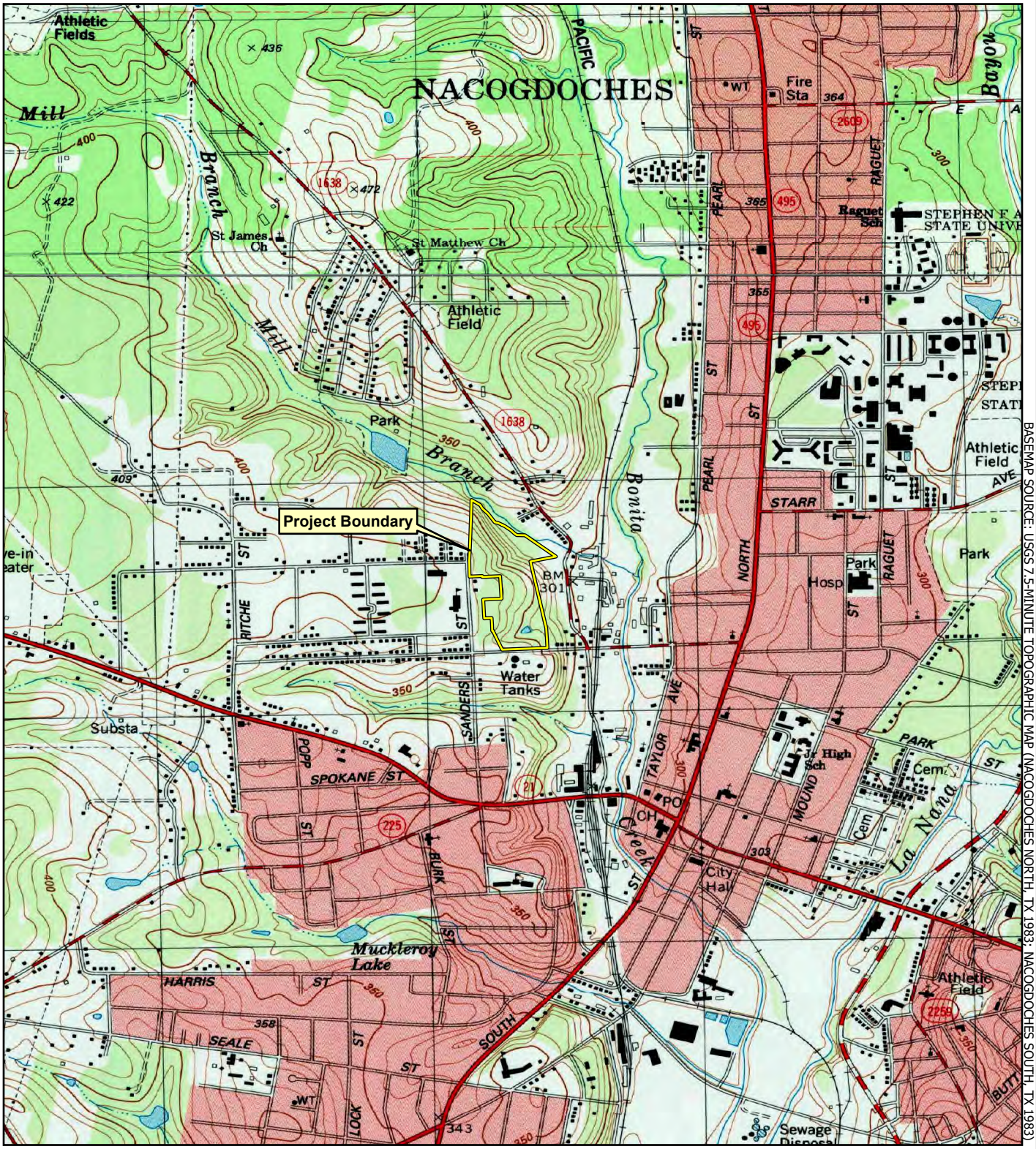
Hydrex ENVIRONMENTAL

PLATE A-1

VICINITY MAP

Proposed Old Tyler Road Sand Pit Construction
An Approximate 4.8-Acre Constrution Site Old Tyler Road Nacogdoches, TX 75964

Map Revised: 12/04/2024	Project Number: S-01-1808	GIS Analyst: DS



BASEMAP SOURCE: USGS 7.5-MINUTE TOPOGRAPHIC MAP (NACOGDOCHES NORTH, TX 1983; NACOGDOCHES SOUTH, TX 1983)

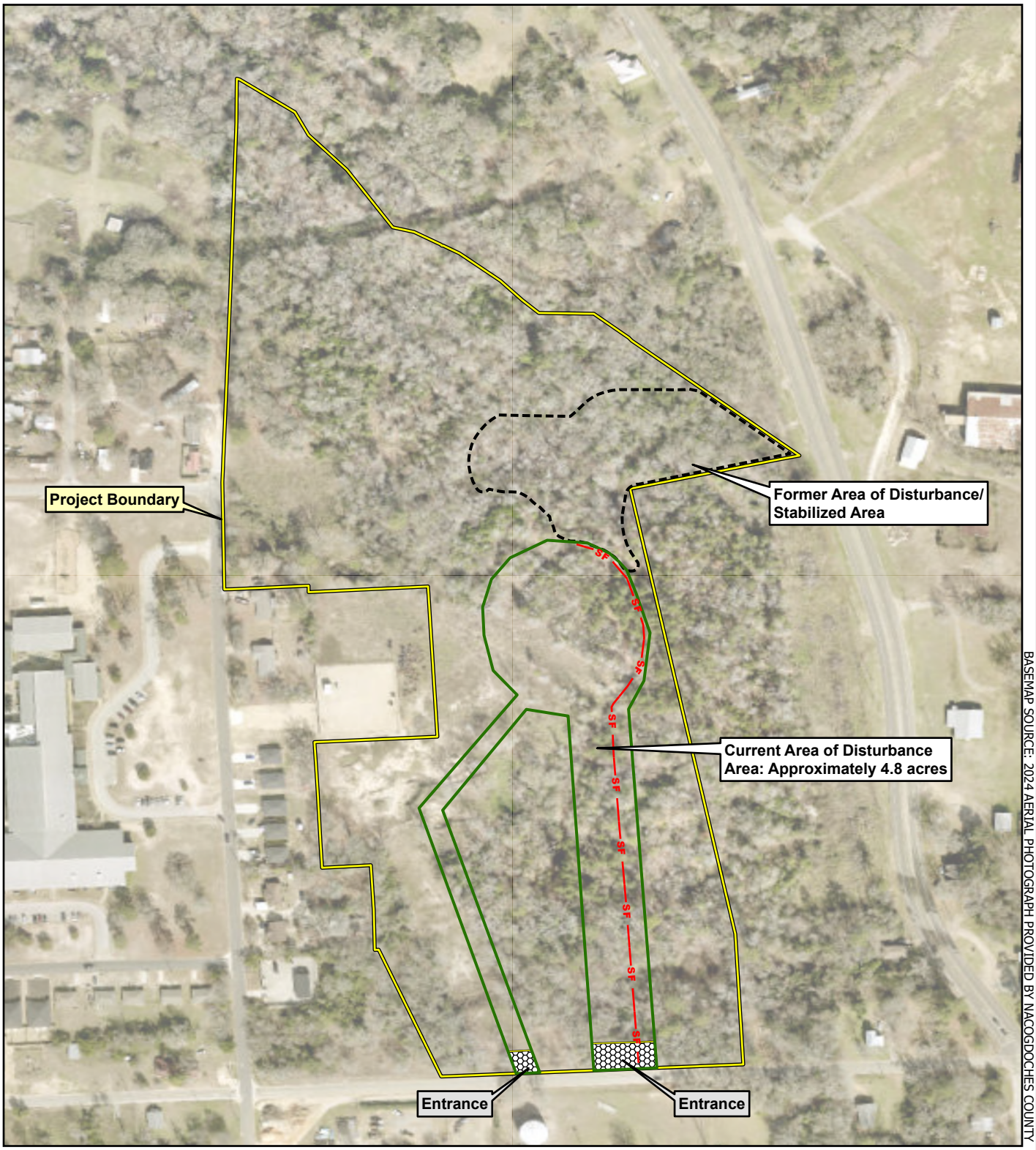
Hydrex ENVIRONMENTAL

PLATE A-2

USGS TOPOGRAPHIC MAP

Proposed Old Tyler Road Sand Pit Construction An Approximate 4.8-Acre Constrution Site Old Tyler Road Nacogdoches, TX 75964

Map Revised: 12/04/2024	Project Number: S-01-1808	GIS Analyst: DS



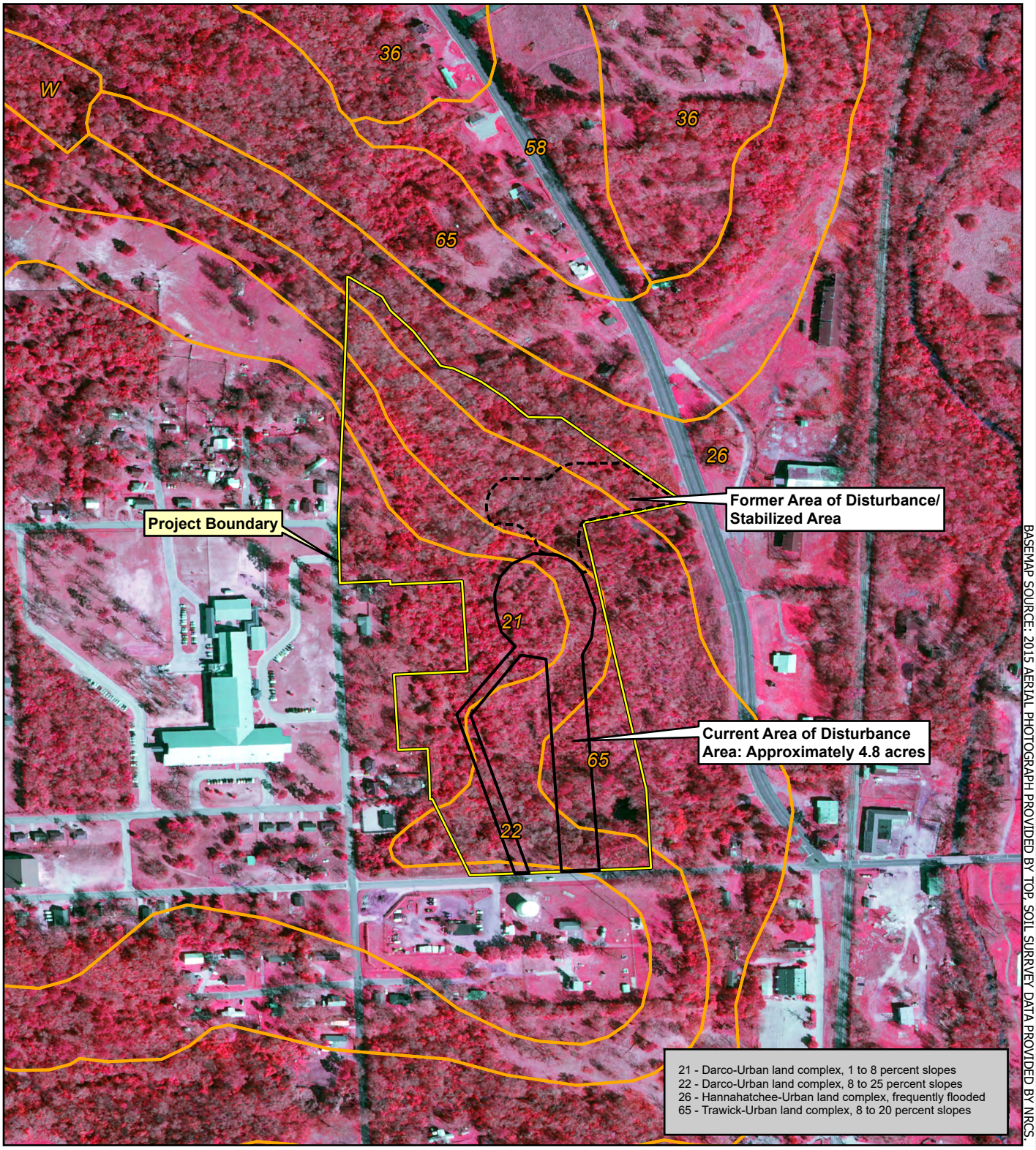
Hydrex ENVIRONMENTAL

PLATE A-3

2024 AERIAL PHOTOGRAPH

Proposed Old Tyler Road Sand Pit Construction
An Approximate 4.8-Acre Constrution Site
Old Tyler Road Nacogdoches, TX 75964

Map Revised: 12/03/2024	Project Number: S-01-1808	GIS Analyst: CLE



Hydrex ENVIRONMENTAL

PLATE A-4

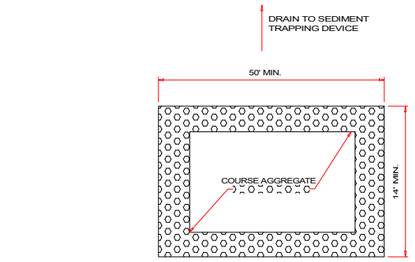
NRCS SOIL SURVEY MAP

Proposed Old Tyler Road Sand Pit Construction
An Approximate 4.8-Acre Constrution Site
Old Tyler Road Nacogdoches, TX 75964

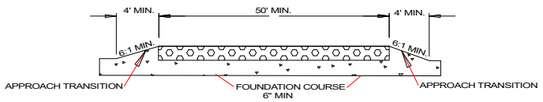
Map Revised: 12/03/2024	Project Number: S-01-1808	GIS Analyst: CLE

Appendix B

Stormwater Controls



PLAN

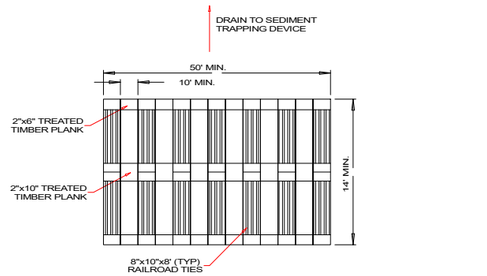


PROFILE

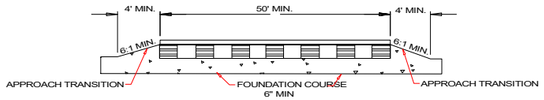
CONSTRUCTION EXIT (TYPE 1)

GENERAL NOTES

1. THE LENGTH OF THE TYPE 1 CONSTRUCTION EXIT SHALL BE AS INDICATED ON THE PLANS, BUT NOT LESS THAN 50'.
2. THE COARSE AGGREGATE SHOULD BE OPEN GRADED WITH A SIZE 4" TO 8".
3. THE APPROACH TRANSITIONS SHOULD BE NO STEEPER THAN 6:1 AND CONSTRUCTED AS DIRECTED BY THE ENGINEER.
4. THE CONSTRUCTION EXIT FOUNDATION COURSE SHALL BE FLEXIBLE BASE, BITUMINOUS CONCRETE, PORTLAND CEMENT CONCRETE OR OTHER MATERIAL AS APPROVED BY THE ENGINEER.
5. THE CONSTRUCTION EXIT SHALL BE GRADED TO ALLOW DRAINAGE TO A SEDIMENT TRAPPING DEVICE.
6. THE GUIDELINES SHOWN HEREON ARE SUGGESTIONS ONLY AND MAY BE MODIFIED BY THE ENGINEER.



PLAN

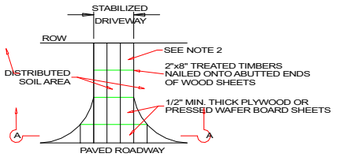


PROFILE

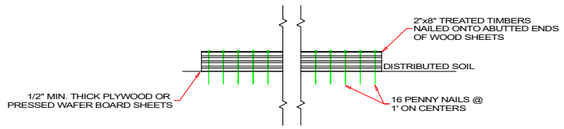
CONSTRUCTION EXIT (TYPE 2)

GENERAL NOTES

1. THE LENGTH OF THE TYPE 2 CONSTRUCTION EXIT SHALL BE AS INDICATED ON THE PLANS, BUT NOT LESS THAN 50'.
2. THE TREATED TIMER PLANKS SHALL BE ATTACHED TO THE RAILROAD TIES WITH 1/2"x6" MIN.100 BOLTS. OTHER FASTENERS MAY BE USED AS APPROVED BY THE ENGINEER.
3. THE TREATED TIMBER PLANKS SHALL BE #2 GRADE MIN., AND SHOULD BE FREE FROM LARGE AND LOOSE KNOTS.
4. THE APPROACH TRANSITIONS SHALL BE NO STEEPER THAN 6:1 AND CONSTRUCTED AS DIRECTED BY THE ENGINEER.
5. THE CONSTRUCTION EXIT FOUNDATION COURSE SHALL BE FLEXIBLE BASE, BITUMINOUS CONCRETE, PORTLAND CEMENT CONCRETE OR OTHER MATERIAL AS APPROVED BY THE ENGINEER.
6. THE CONSTRUCTION EXIT SHOULD BE GRADED TO ALLOW DRAINAGE TO A SEDIMENT TRAPPING DEVICE.
7. THE GUIDELINES SHOWN HEREON ARE SUGGESTIONS ONLY AND MAY BE MODIFIED BY THE ENGINEER.



PLAN

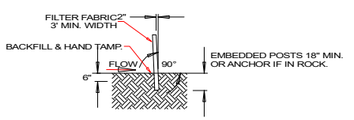


SECTION A-A

CONSTRUCTION EXIT (TYPE 3)

GENERAL NOTES

1. THE LENGTH OF THE TYPE 3 CONSTRUCTION EXIT SHALL BE AS SHOWN ON THE PLANS, OR AS DIRECTED BY THE ENGINEER.
2. THE TYPE 3 CONSTRUCTION EXIT MAY BE CONSTRUCTED FROM OPEN GRADED CRUSHED STONE WITH A SIZE OF TWO TO FOUR INCHES SPREAD A MIN. OF 4" THICK TO THE LIMITS SHOWN ON THE PLANS.
3. THE TREATED TIMBER PLANKS SHALL BE #2 GRADE MIN., AND SHOULD BE FREE FROM LARGE AND LOOSE KNOTS.
4. THE GUIDELINES SHOWN HEREON ARE SUGGESTION ONLY AND MY BE MODIFIED BY THE ENGINEER.



SECTION A-A

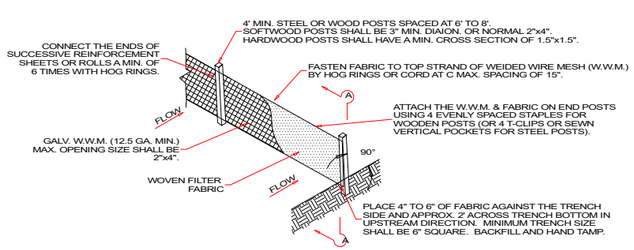
SEDIMENT CONTROL FENCE USAGE GUIDELINES

A SEDIMENT CONTROL FENCE MAY BE CONSTRUCTED NEAR THE DOWNSTREAM PERIMETER OF A DISTURBED AREA ALONG A CONTOUR TO INTERCEPT SEDIMENT FROM OVERLAND RUNOFF. A 2 YEAR STORM FREQUENCY MAY BE USED TO CALCULATE THE FLOW RATE TO BE FILTERED.

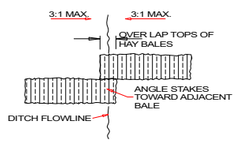
SEDIMENT CONTROL FENCE SHOULD BE SIZED TO FILTER A MAX. FLOW THROUGH RATE OF 100 GPM/FT2. SEDIMENT CONTROL FENCE IS NOT RECOMMENDED TO CONTROL EROSION FROM A DRAINAGE AREA LARGER THAN 2 ACRES.

GENERAL NOTES

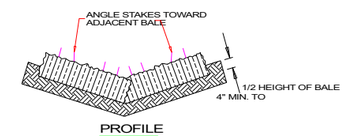
1. THE GUIDELINES SHOWN HEREON ARE SUGGESTIONS ONLY AND MAY BE MODIFIED BY THE ENGINEER.



TEMPORARY SEDIMENT CONTROL FENCE



PLAN



PROFILE

BALED HAY USAGE GUIDELINES

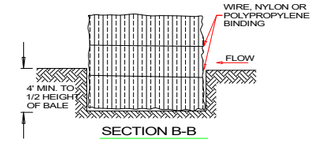
A BALED HAY INSTALLATION MAY BE CONSTRUCTED NEAR THE DOWNSTREAM PERIMETER OF A DISRUPTED AREA ALONG A CONTOUR TO INTERCEPT SEDIMENT FROM OVERLAND RUNOFF. A TWO YEAR STORM FREQUENCY MAY BE USED TO CALCULATE THE FLOW RATE TO BE FILTERED. THE INSTALLATION SHOULD BE SIZED TO FILTER A MAXIMUM FLOW THRU RATE OF 5 GPM/FT2 OF CROSS SECTIONAL AREA. BALED HAY MAY BE USED AT THE FOLLOWING LOCATIONS.

1. WHERE THE RUNOFF APPROACHING THE BALED HAY FLOWS OVER DISTURBED SOIL FOR LESS THAN 100'. IF THE SLOPE OF THE DISTURBED SOIL EXCEEDS 10%, THE LENGTH OF SLOPE UPSTREAM THE BALED HAY SHOULD BE LESS THAN 50'.
2. WHERE THE INSTALLATION WILL BE REQUIRED FOR LESS THAN 3 MONTHS.
3. WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN 1/2 ACRE.

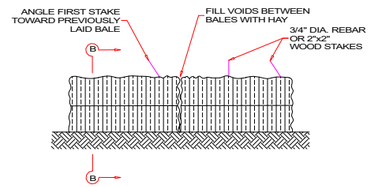
FOR BALED HAY INSTALLATIONS IN SMALL DITCHES, THE ADDITIONAL FOLLOWING CONSIDERATIONS APPLY:

1. THE DITCH SIDESLOPES SHOULD BE GRADED AS FLAT AS POSSIBLE TO MAXIMIZE THE DRAINAGE FLOWRATE THRU THE HAY.
2. THE DITCH SHOULD BE GRADED LARGE ENOUGH TO CONTAIN THE OVERTRAPPING DRAINAGE WHEN SEDIMENT HAS FILLED TO THE TOP OF THE BALED HAY.

BALES SHOULD BE REPLACED USUALLY EVERY 2 MONTHS OR MORE OFTEN DURING WET WEATHER WHEN LOSS OF STRUCTURAL INTEGRITY IS ACCELERATED.



SECTION B-B



BALED HAY FOR EROSION CONTROL

GENERAL NOTES

1. HAY BALES SHALL BE A MINIMUM OF 30" IN LENGTH AND WEIGH A MINIMUM OF 50 LBS.
2. HAY BALES SHALL BE BOUND BY EITHER WIRE OR NYLON OR POLYPROPYLENE STRING. THE BALES SHALL BE COMPOSED ENTIRELY OF VEGETABLE MATTER.
3. HAY BALES SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF 4" AND WHERE POSSIBLE 1/2 THE HEIGHT OF THE BALE.
4. HAY BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES. THE BALES SHALL BE PLACED WITH BINDINGS PARALLEL TO THE GROUND.
5. HAY BALES SHALL BE SECURELY ANCHORED IN PLACE WITH 3/8" DIA. REBAR OR 2"x2" WOOD STAKES, DRIVEN THROUGH THE BALES. THE FIRST STAKE SHALL BE ANGLED TOWARDS THE PREVIOUSLY LAID BALE TO FORCE THE BALES TOGETHER.
6. THE GUIDELINES SHOWN HEREON ARE SUGGESTIONS ONLY AND MAY BE MODIFIED BY THE ENGINEER.

GENERAL NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR COMPLETELY IDENTIFYING AND LOCATING ALL UTILITIES WITHIN THE PROJECT AREA, AND FOR PROTECTING, REPAIRING AND REPLACING SUCH LINES, CABLES, PIPES AND APPURTENANCES. THE UTILITIES SHOWN ON THIS DRAWING ARE APPROXIMATE AND MAY NOT REPRESENT THE EXACT LOCATION OR MATERIALS OF EXISTING FACILITIES. NOT ALL UTILITIES THAT EXIST MAY BE REPRESENTED ON THE DRAWING.
2. NOTIFY THE CITY ENGINEERING DEPT. (936-564-4693) FOR INSPECTION OF DRAINAGE IMPROVEMENTS PRIOR TO COVERING UNDERGROUND IMPROVEMENTS, BEFORE POURING BUILDING SLABS OR MAKING ANY UTILITY TAPS OR CURB CUTS.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING EROSION CONTROL (SILT FENCING) ON ALL DOWNHILL SLOPE AREAS OF THIS SITE.

TAKEN FROM DETAILS PROVIDED BY BARWIN CONSULTANTS, 2002

Plate B-1
Typical Design Details for Erosion and Sediment Controls

ENVIRONMENTAL
312 old Tyler Road
Nacogdoches, Texas 75964-3428
(936) 568-9451 Fax: (936) 568-9527

DROP INLET PROTECTION FOR USE IN PAVED AREAS

BAGGED GRAVEL INLET FILTER

Sandbags filled with pea gravel can be used to construct a sediment barrier around curb and drain inlets. The sandbags should be filled with washed pea gravel and stacked to form a continuous barrier about 1 foot high around the inlets. The bags should be tightly abutted against each other to prevent runoff from flowing between the bags.

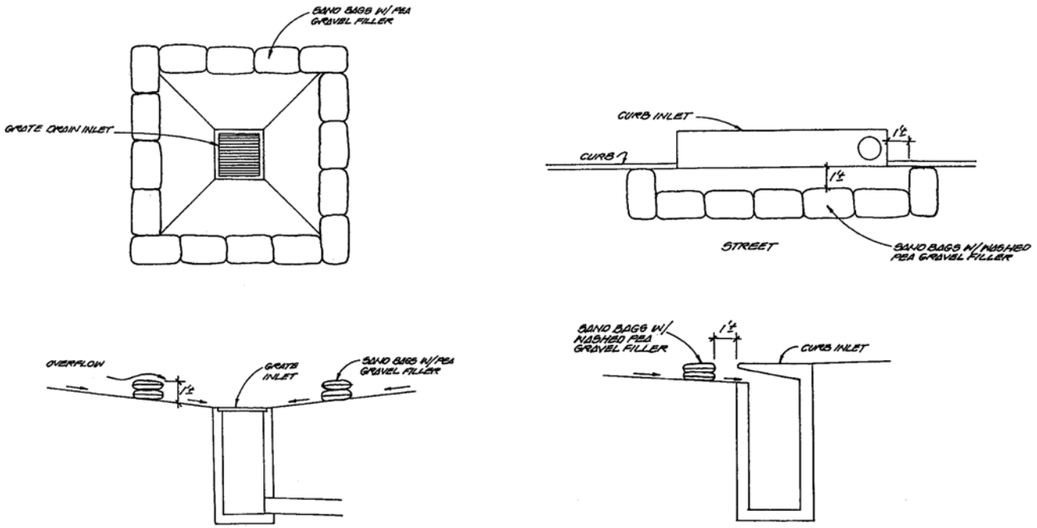


Diagram of Bagged Gravel Grate Inlet Protection (Pape-Dawson)

Diagram of Bagged Gravel Curb Inlet Protection (Pape-Dawson)

BAGGED GRAVEL INLET FILTER (ALTERNATE #1)

Inspection and Maintenance Guidelines

1. Inspection should be at the frequency specified in the Storm Water Pollution Prevention Plan. Repair or replacement should be made promptly as needed by the contractor.
2. Remove sediment when buildup reaches a depth of 3 inches. Removed sediment should be deposited in a suitable area and in such a manner that it will not erode.
3. Structures should be removed and the area stabilized only after the remaining drainage area has been properly stabilized.

BAGGED GRAVEL INLET FILTER (ALTERNATE #2)

Inspection and Maintenance Guidelines

1. Inspection should be at the frequency specified in the Storm Water Pollution Prevention Plan. Repair or replacement should be made promptly as needed by the contractor.
2. Remove sediment when buildup reaches a depth of 3 inches. Removed sediment should be deposited in a suitable area and in such a manner that it will not erode.
3. Check placement of device to prevent gaps between device and curb.
4. Structures should be removed and the area stabilized only after the remaining drainage area has been properly stabilized.

DROP INLET PROTECTION FOR USE IN UNPAVED AREAS

SILT FENCE DROP INLET PROTECTION

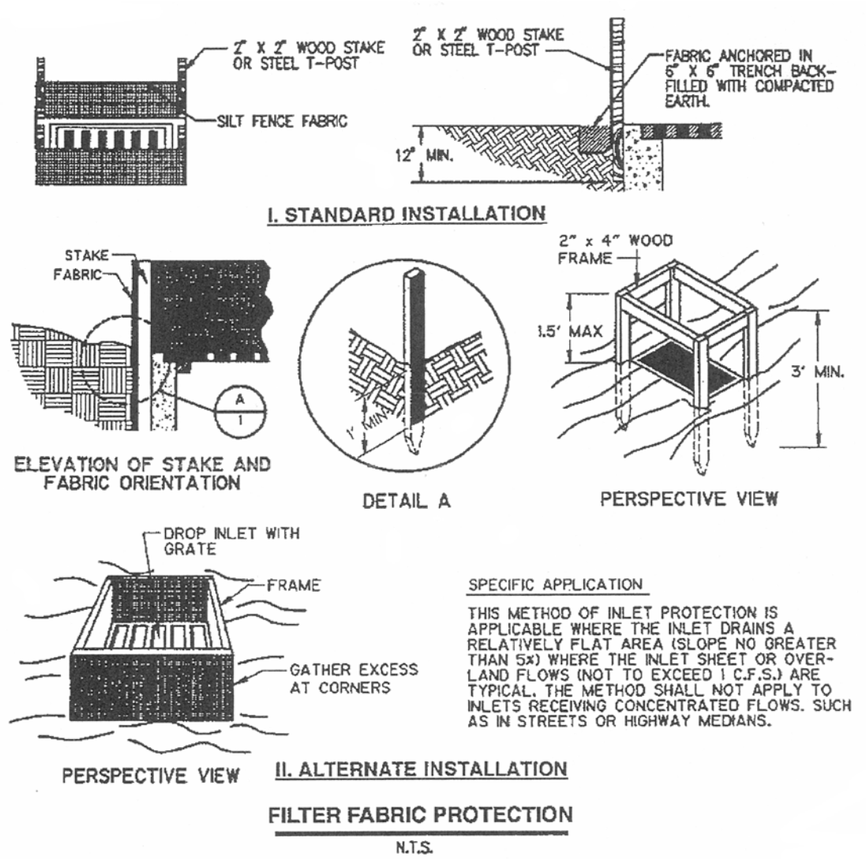


Diagram of Filter Fabric Inlet Protection (NCTCOG, 1993)

SILT FENCE DROP INLET PROTECTION

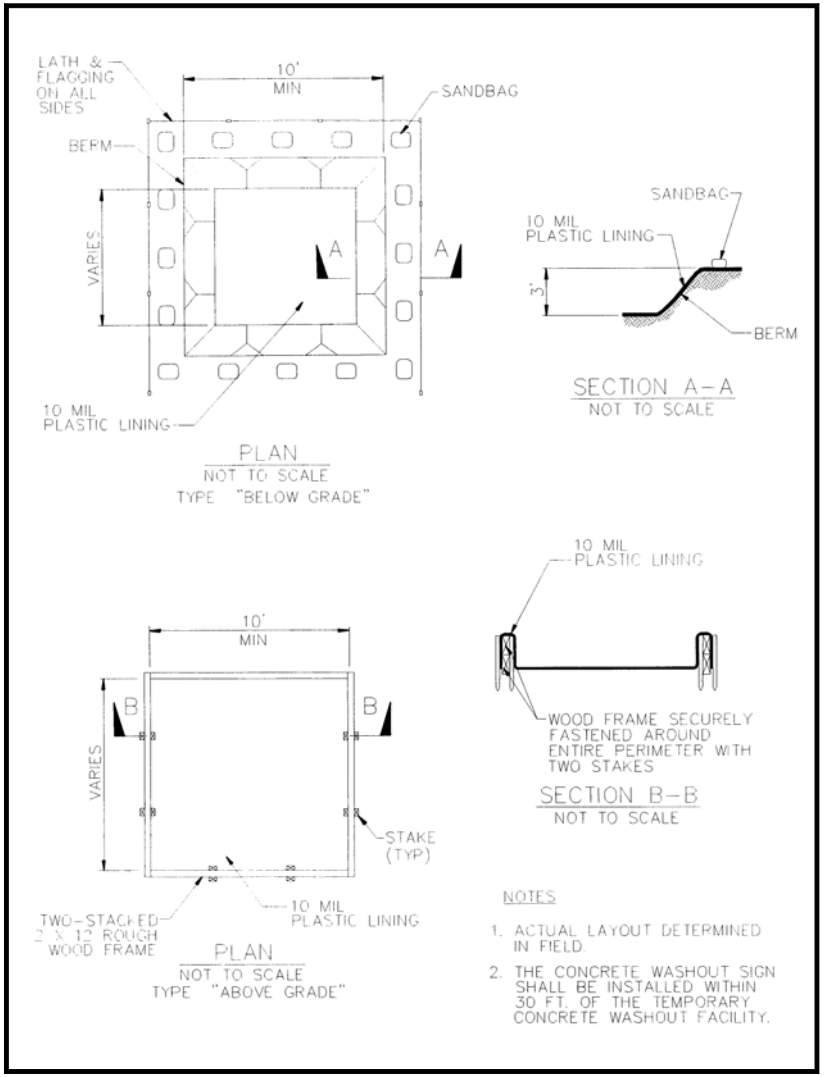
General Usage Guidelines

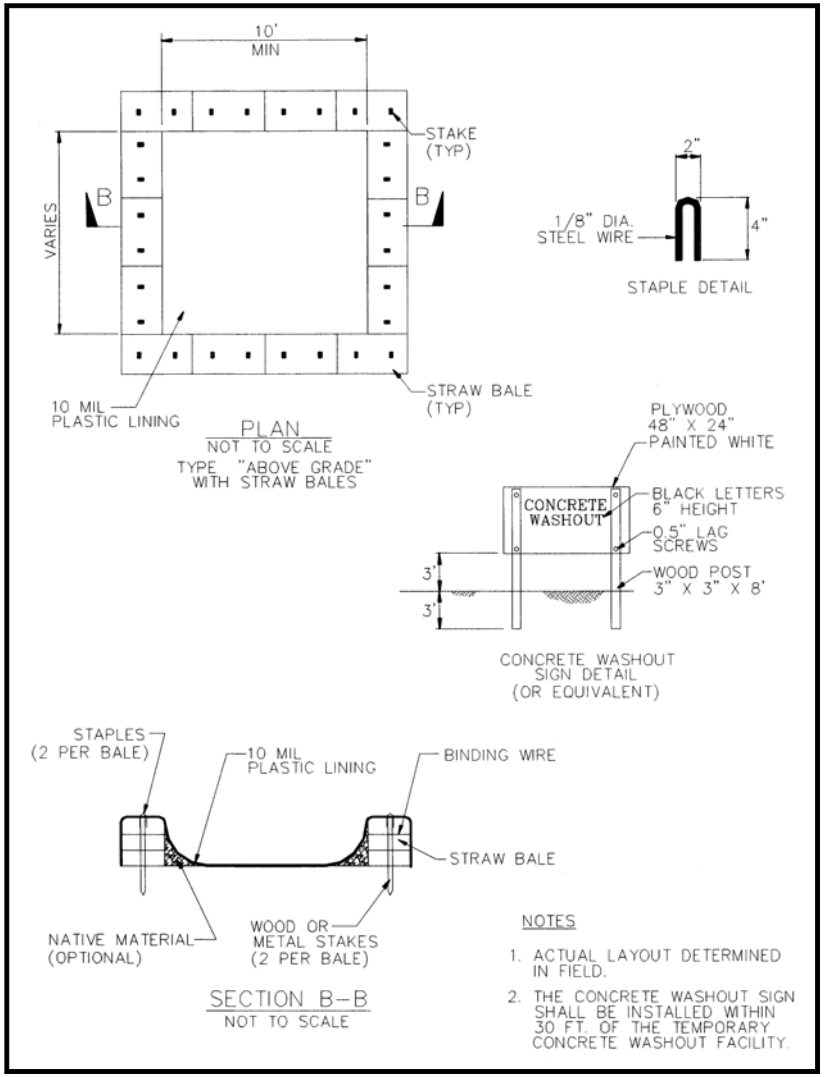
1. Silt fence should conform to the specifications listed for Sediment Control Fencing on Plate B-1.
2. The silt fence should be cut to fit from a continuous roll to avoid joints.
3. For stakes, use 2 x 4-inch wood or equivalent metal with a minimum length of 3 feet.
4. Space stakes evenly around the perimeter of the inlet a maximum of 3 feet apart, and securely drive them into the ground, approximately 18 inches deep.
5. To provide needed stability to the installation, a frame with 2 x 4-inch wood strips around the crest of the overflow area at a minimum of 1 ½ feet above the drop inlet crest may be provided.
6. Place the bottom 12 inches of the fabric in a trench and backfill the trench with 12 inches of compacted soil.
7. Fasten fabric securely by staples or wire to the stakes and frame. Joints must be overlapped to the next stake.
8. It may be necessary to build a temporary dike on the down slope side of the structure to prevent bypass flow. If the drop inlet is above the finished grade, the grate may be completely covered with filter fabric (silt fence). The fabric should be securely attached to the entire perimeter of the inlet using 1 x 2-inch wood strips and appropriate fasteners.

* MODIFIED FROM NCTCOG, *DIAGRAM OF FILTER FABRIC INLET PROTECTION*, 1993

Plate B-2
Typical Design Details for Inlet Protection

ENVIRONMENTAL
312 Old Tyler Road
Nacogdoches, Texas 75964-3428
(936) 568-9451 Fax: (936) 568-9527





TAKEN FROM 2003 CALIFORNIA STORM WATER BMP HANDBOOK

Hydrex
ENVIRONMENTAL
312 Old Tyler Road
Nacogdoches, Texas 75964
(936) 568-9451 Fax: (936) 568-9527

Plate B-3
Typical Design Details for Temporary Concrete Washout Facilities

Appendix C

Record of Construction Schedule Activities

Record of Disturbance/Stabilization Activities

(To be completed by the Operator during construction)

Description and Location of: Major Disturbance Activity or Erosion, Sediment, Stabilization Control Implemented	Date Activity/Control Initiated	Date Activity/Control Ceased

Record of Disturbance/Stabilization Activities

(continued)

Description and Location of: Major Disturbance Activity or Erosion, Sediment, Stabilization Control Implemented	Date Activity/Control Initiated	Date Activity/Control Ceased

Appendix D

Inspection Forms for Stormwater Controls

Stormwater Construction Site Inspection Report

General Information			
Project Name	Old Tyler Road Sand Pit Construction Project		
Location	Old Tyler Road Nacogdoches, TX		
Date of Inspection		**Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			

Type of Inspection:
❑ Regular ❑ Pre-storm event ❑ During storm event ❑ Post-storm event

Weather Information

Has there been a storm event since the last inspection? ❑Yes ❑No
If yes, provide:
Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):

Weather at time of this inspection?
❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds
❑ Other: Temperature:

Have any discharges occurred since the last inspection? ❑Yes ❑No
If yes, describe:

Are there any discharges at the time of inspection? ❑Yes ❑No
If yes, describe:

Inspection of BMPs

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1	Entrance/Exit	❑Yes ❑No	❑Yes ❑No	
2	Sediment Control Fence	❑Yes ❑No	❑Yes ❑No	
3	Inlet Protection	❑Yes ❑No	❑Yes ❑No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
4	Swales	❑Yes ❑No	❑Yes ❑No	
5	Rock Check Dams	❑Yes ❑No	❑Yes ❑No	
6	Soil Stabilization	❑Yes ❑No	❑Yes ❑No	
7	Retaining Walls	❑Yes ❑No	❑Yes ❑No	
8	Rock Rubble and Rip Rap at Discharge Outlets	❑Yes ❑No	❑Yes ❑No	
9		❑Yes ❑No	❑Yes ❑No	
10		❑Yes ❑No	❑Yes ❑No	
11		❑Yes ❑No	❑Yes ❑No	
12		❑Yes ❑No	❑Yes ❑No	
13		❑Yes ❑No	❑Yes ❑No	
14		❑Yes ❑No	❑Yes ❑No	

Overall Site Issues

	BMP/Good Housekeeping activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	

	BMP/Good Housekeeping activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No	❑Yes ❑No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	

	BMP/Good Housekeeping activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
12	(Other)	❑Yes ❑No	❑Yes ❑No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

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

Print name and title: _____

Signature:_____ **Date:**_____

QUALIFICATIONS OF THE INSPECTOR(S)

Inspectors must be knowledgeable of the following items:

1) Knowledgeable of the facility's SWP3,

2) Knowledgeable of the TPDES Permit (Appendix E), and

3) Knowledgeable of construction methods, erosion controls, BMPs and pollution prevention control measures developed for this site.

Inspector's Name:

Inspector's Name:

Inspector's Name:

Appendix E

Texas Pollutant Discharge Elimination System (TPDES)

General Permit No. TXR150000

Texas Commission on Environmental Quality

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

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

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

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

EFFECTIVE DATE: March 5, 2023

ISSUED DATE: February 27, 2023

For the Commission

TPDES GENERAL PERMIT NUMBER TXR150000

RELATING TO STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

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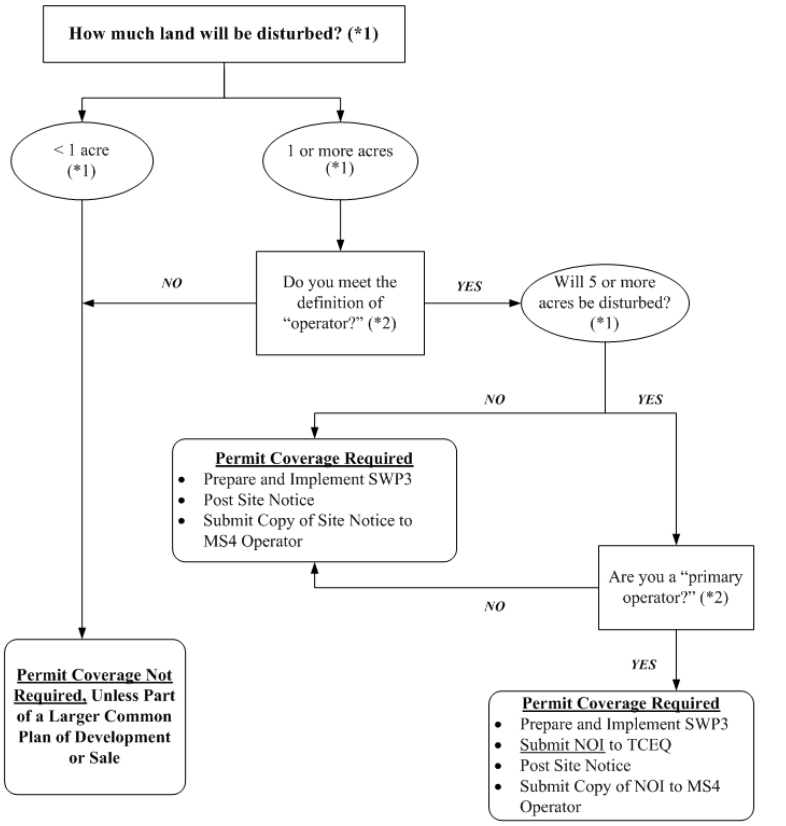
Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required

When calculating the acreage of land area disturbed, include the disturbed land-area of all construction and construction support activities.



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

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

Section B. Definitions

Arid Areas – Areas with an average annual rainfall of zero (0) to ten (10) inches.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For individual lots in a residential construction site by either:

  (1) the homebuilder completing final stabilization as specified in condition (a) above; or

  (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization. Fulfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3).

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

(d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

  (1) temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

  (2) the temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or

(b) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

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

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

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

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

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

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

Pollution – The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose (Texas Water Code (TWC) § 26.001(14)).

Rainfall Erosivity Factor (R factor) – The total annual erosive potential that is due to climatic effects, and is part of the Revised Universal Soil Loss Equation (RUSLE).

Receiving Water – A "Water of the United States" as defined in 40 CFR § 122.2 or a surface water in the state into which the regulated stormwater discharges.

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

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

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

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

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

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

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

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (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 non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Temporary Stabilization – A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either permanent stabilization can be achieved or until further construction activities take place.

Thawing Conditions – For the purposes of this permit, thawing conditions are expected based on the historical likelihood of two (2) or more days with daytime temperatures greater than 32 degrees Fahrenheit (˚F). This date can be determined by looking at historical weather data.

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

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

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

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

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

   (a) the construction support activities are located within one (1) mile from the boundary of the construction site where the construction activity authorized under the permit is being conducted that requires the support of these activities;

   (b) an SWP3 is developed and implemented for the permitted construction site according to the provisions in Part III.F. of this general permit, including appropriate controls and measures to reduce erosion and the discharge of pollutants in stormwater runoff according to the provisions in Part IV. of this general permit;

   (c) the activities are directly related to the construction site;

   (d) the activities are not a commercial operation, nor serve other unrelated construction projects; and

   (e) the activities do not continue to operate beyond the completion of the construction activity at the project it supports.

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

3. Non-Stormwater Discharges

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

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

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

(c) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where solvents, detergents, and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

(d) uncontaminated water used to control dust;

(e) potable water sources, including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;

(f) uncontaminated air conditioning condensate;

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

(h) lawn watering and similar irrigation drainage.

4. Other Permitted Discharges

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

Section B. Concrete Truck Wash Out

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

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

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

2. Prohibition of Non-Stormwater Discharges

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

3. Compliance with Water Quality Standards

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

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

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

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

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

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

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

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

(b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.

(c) For discharges located within ten (10) stream miles upstream of the Edwards Aquifer recharge zone, applicants shall also submit a copy of the NOI to the appropriate TCEQ regional office.

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

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

Counties: Williamson, Travis, and Hays

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

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Other Governmental Entities

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

8. Indian Country Lands

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

9. Exempt Oil and Gas Activities

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

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

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

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

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

10. Stormwater Discharges from Agricultural Activities

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

11. Endangered Species Act

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

12. Storage of High-Level Radioactive Waste

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

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

13. Other

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

Section D. Deadlines for Obtaining Authorization to Discharge

1. Large Construction Activities

(a) New Construction – Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.

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

2. Small Construction Activities

(a) New Construction – Discharges from sites where the commencement of construction activity occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.

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

Section E. Obtaining Authorization to Discharge

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

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

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

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

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

(c) All temporary stabilization is adequately maintained to effectively reduce or prohibit erosion, permanent stabilization activities have been initiated, and a condition of final stabilization is completed no later than 30 days following the end date of the time frame identified in Appendix A for the location of the construction site; the permittee signs a completed TCEQ Small Construction Site Notice for low potential for erosion (Form TCEQ-20964), including the certification statement;

(d) A signed and certified copy of the TCEQ Small Construction Site Notice for low potential for erosion is posted at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and maintained in that location until final stabilization has been achieved;

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

(e) A copy of the signed and certified TCEQ Small Construction Site Notice for low potential for erosion is provided to the operator of any MS4 receiving the discharge at least two (2) days prior to commencement of construction activities;

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

(g) Any non-stormwater discharges are either authorized under a separate permit or authorization, are not considered by TCEQ to be a wastewater, or are captured and routed for disposal at a publicly operated treatment works or licensed waste disposal facility.

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

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

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

2. Automatic Authorization for Small Construction Activities

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

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

(a) develop a SWP3 according to the provisions of this general permit, that covers either the entire site or all portions of the site for which the applicant is the operator, and implement the SWP3 prior to commencing construction activities;

(b) all operators of regulated small construction activities must post a copy of a signed and certified TCEQ Small Construction Site Notice (Form TCEQ-20963), the notice must be posted at the construction site in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities, at least two (2) days prior to commencing construction activity , and maintain the notice in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the TCEQ site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities);

(c) operators must maintain a posted TCEQ Small Construction Site Notice on the approved TCEQ form at the construction site until final stabilization has been achieved; and

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

(d) provide a copy of the signed and certified TCEQ Small Construction Site Notice to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least two (2) days prior to commencement of construction activities.

(e) if signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports). Operators for small construction activities must submit this form via mail following the instructions on the approved TCEQ paper form. A new Delegation of Signatory form must be submitted if the delegation changes to another individual or position.

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

3. Authorization for Large Construction Activities

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

(a) develop a SWP3 according to the provisions of this general permit that covers either the entire site or all portions of the site where the applicant is the operator. The SWP3 must be developed and implemented prior to obtaining coverage and prior to commencing construction activities;

(b) primary operators of large construction activities must submit an NOI prior to commencing construction activity at a construction site. A completed NOI must be submitted to TCEQ electronically using the online ePermits system on TCEQ's website.

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

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

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

(c) all operators of large construction activities must post a TCEQ Large Construction Site Notice on the approved TCEQ form (Form TCEQ-20961) in accordance with Part III.D.2. of this permit. The TCEQ site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and must be maintained in that location until final stabilization has been achieved. For linear construction activities, e.g., pipeline or highway, the TCEQ site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public, local, state, and federal authorities;

(d) two days prior to commencing construction activities, all primary operators must:

i. provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and

ii. list in the SWP3 the names and addresses of all MS4 operators receiving a copy;

(e) if signatory authority is delegated by an authorized representative, then a Delegation of Signatories form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports). Primary operators must submit this form electronically using the State of Texas Environmental Electronic Reporting System (STEERS), TCEQ's online permitting system, or by paper if the permittee requested and obtained an electronic reporting waiver. A new Delegation of Signatories form must be submitted, if the delegation changes to another individual or position;

(f) all persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI, or prior to commencement of construction activities, a primary operator is required to submit an NOI and the secondary operator has provided notification to the operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this general permit, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available; and

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

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

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

4. Waivers for Small Construction Activities:

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

5. Effective Date of Coverage

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

(b) Primary operators of large construction activities as described in Part II.E.3. above that electronically submit an NOI are authorized immediately following confirmation of receipt of the electronic form by the TCEQ, unless otherwise notified by the executive director.

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

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

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

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

6. Contents of the NOI

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

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

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

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

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

(e) the estimated construction project start date and end date;

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

(g) confirmation if the construction activity is associated with an oil and gas exploration, production, processing, or treatment, or transmission facility (see Part II.C.9.)

(h) confirmation that the construction activities are not associated with the construction of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 CFR Part 72 (see Part II.C.12.);

(i) confirmation that a SWP3 has been developed in accordance with all conditions of this general permit, that it will be implemented prior to commencement of construction activities, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;

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

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

(l) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters or *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* as not meeting applicable state water quality standards.

7. Notice of Change (NOC)

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

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

(b) Information on an NOC may include, but is not limited to, the following:

i. a change in the description of the construction project;

ii. an increase in the number of acres disturbed (for increases of one (1) or more acres);

iii. or the name of the operator (where the name of the operator has changed).

(c) Electronic NOC.

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

(d) Paper NOC.

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

(e) A copy of the NOC form or letter must also be placed in the SWP3 and provided to the operator of any MS4 receiving the discharge. A list that includes the names and addresses of all MS4 operators receiving a copy of the NOC (or NOC letter) must be included in the SWP3. Information that may not be included on an NOC includes but is not limited to the following:

i. transfer of operational control from one operator to another, including a transfer of the ownership of a company. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing or charter number that is on record with the Texas Secretary of State (SOS) must be changed.

ii. coverage under this general permit is not transferable from one operator to another. Instead, the new operator will need to submit an NOI or LREW, as applicable, and the previous operator will need to submit an NOT.

iii. a decrease in the number of acres disturbed. This information must be included in the SWP3 and retained on site.

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

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

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

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

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

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

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

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

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

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

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

2. Minimum Contents of the NOT

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

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

(b) an indication of whether final stabilization has been achieved at the site and a NOT has been submitted or if the permittee is simply no longer an operator at the site;

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

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

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

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

   (a) Each operator that has obtained automatic authorization for small construction or is a secondary operator for large construction must perform the following when terminating coverage under the permit:

      i. remove the TCEQ site notice;

      ii. complete the applicable portion of the TCEQ site notice related to removal of the TCEQ site notice; and

      iii. submit a copy of the completed TCEQ site notice to the operator of any MS4 receiving the discharge (or provide alternative notification as allowed by the MS4 operator, with documentation of such notification included in the SWP3).

   (b) The activities described in Part II.F.3.(a) above must be completed by the operator within 30 days of meeting any of the following conditions:

      i. final stabilization has been achieved on all portions of the site that are the responsibility of the operator;

      ii. a transfer of day-to-day operational control over activities necessary to ensure compliance with the SWP3 and other permit conditions has occurred (See Section II.F.4. below); or

      iii. the operator has obtained alternative authorization under an individual or general TPDES permit.

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

4. Transfer of Day-to-Day Operational Control

   (a) When the primary operator of a large construction activity changes or operational control over activities necessary to ensure compliance with the SWP3 and other permit conditions is transferred to another primary operator, the original operator must do the following:

      i. submit an NOT within ten (10) days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least ten (10) days prior to the transfer of operational control, in accordance with condition (c) below; and

      ii. submit a copy of the NOT from the primary operator terminating its coverage under the permit and its operational control of the construction site and submit a copy of the NOI from the new primary operator to the operator of any MS4 receiving the discharge in accordance with Part II.F.1. above.

   (b) For transfer of operational control, operators of small construction activities and secondary operators of large construction activities who are not required to submit an NOI must do the following:

      i. the existing operator must remove the original TCEQ construction site notice, and the new operator must post the required TCEQ construction site notice prior to the transfer of operational control, in accordance with the conditions in Part II.F.4.(c) i or ii below; and

      ii. a copy of the TCEQ construction site notice, which must be completed and provided to the operator of any MS4 receiving the discharge, in accordance with Part II.F.3. above.

   (c) Each operator is responsible for determining its role as an operator as defined in Part I.B. and obtaining authorization under the permit, as described above in Part II.E. 1. - 3. Where authorization has been obtained by submitting an NOI for coverage under this general permit, permit coverage is not transferable from one operator to another. A transfer of operational control can include changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State (SOS). A transfer of operational control can also occur when one of the following criteria is met, as applicable:

      i. another operator has assumed control over all areas of the site that do not meet the definition for final stabilization;

      ii. all silt fences and other temporary erosion controls have either been removed, scheduled for removal as defined in the SWP3, or transferred to a new operator, provided that the original permitted operator has attempted to notify the new operator in writing of the requirement to obtain permit coverage. Records of this notification (or attempt at notification) shall be retained by the operator transferring operational control to another operator in accordance with Part VI of this permit. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal; or

      iii. a homebuilder has purchased one (1) or more lots from an operator who obtained coverage under this general permit for a common plan of development or sale. The homebuilder is considered a new operator and shall comply with the requirements of this permit. Under these circumstances, the homebuilder is only responsible for compliance with the general permit requirements as they apply to the lot(s) it has operational control over in a larger common plan of development, and the original operator remains responsible for common controls or discharges, and must amend its SWP3 to remove the lot(s) transferred to the homebuilder.

Section G. Waivers from Coverage

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

1. Waiver Applicability and Coverage

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

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

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

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

2. Steps to Obtaining a Waiver

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

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

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

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

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

(e) multiply the percent value obtained in Step (c) above by the annual isoerodent value obtained in Step (d). This is the R factor for the proposed project. If the value is less than five (5), then a waiver may be obtained. If the value is five (5) or more, then a waiver may not be obtained, and the operator must obtain coverage under Part II.E.2. of this permit.

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

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

3. Effective Date of an LREW

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

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

4. Activities Extending Beyond the LREW Period

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

(a) recalculate the R factor using the original start date and a new projected ending date, and if the R factor is still under five (5), submit a new LREW form at least two (2) days before the end of the original waiver period; or

(b) obtain authorization under this general permit according to the requirements for automatic authorization for small construction activities in Part II.E.2. of this permit, prior to the end of the approved LREW period.

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

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

2. General Permit Alternative

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

3. Individual Permit Required

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

(a) the conditions of an approved TMDL or TMDL I-Plan on the receiving water;

(b) the activity being determined to cause, has a reasonable potential to cause, or contribute to a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state; and

(c) any other consideration defined in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges) including 30 TAC § 205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director.

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

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

Section I. Permit Expiration

1. This general permit is effective for a term not to exceed five (5) years. All active discharge authorizations expire on the date provided on page one (1) of this permit. Following public notice and comment, as provided by 30 TAC § 205.3 (relating to Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit. All authorizations that are active at the time the permit term expires will be administratively continued as indicated in Part II.I.2. below and in Part II.D.1.(b) and D.2.(b) of this permit.
2. If the executive director publishes a notice of the intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.
3. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit. No new NOIs will be accepted nor new authorizations honored under the general permit after the expiration date.

Part III. Stormwater Pollution Prevention Plans (SWP3)

All regulated construction site operators shall prepare an SWP3, prior to submittal of an NOI, to address discharges authorized under Parts II.E.2. and II.E.3. of this general permit that will reach waters of the U.S. This includes discharges to MS4s and privately owned separate storm sewer systems that drain into surface water in the state or waters of the U.S.

Individual operators at a site may develop separate SWP3s that cover only their portion of the project, provided reference is made to the other operators at the site. Where there is more than one (1) SWP3 for a site, operators must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of each other. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this general permit in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

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

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

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

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

Section A. Shared SWP3 Development

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

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

Section B. Responsibilities of Operators

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

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

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

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

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

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

(b) identifies the parties responsible for implementation of BMPs described in the SWP3;

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

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

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

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

Section D. Plan Review and Making Plans Available

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

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

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

(a) Primary and secondary operators of large construction activities must each post a TCEQ construction site notice, respective to their role as an operator at the construction site, as required above and according to requirements in Part II.E.3. of this general permit.

(b) Primary and secondary operators of small construction activities must post the TCEQ site notice as required in Part III.D.2.(a) above and for the specific type of small construction described in Part II.E.1. and 2. of the permit.

(c) If the construction project is a linear construction project, such as a pipeline or highway, the notices must be placed in a publicly accessible location near where construction is actively underway. TCEQ construction site notices for small and large construction activities at these linear construction sites may be relocated, as necessary, along the length of the project, but must still be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:

   i. the site-specific TPDES authorization number for the project if assigned;

   ii. the operator name, contact name, and contact phone number;

   iii. a brief description of the project; and

   iv. the location of the SWP3.

3. This permit does not provide the general public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the general public access to a construction site.

Section E. Revisions and Updates to SWP3s

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

1. a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3;

2. changing site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs; or

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

Section F. Contents of SWP3

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

1. A site or project description, which includes the following information:

   (a) a description of the nature of the construction activity;

   (b) a list of potential pollutants and their sources;

   (c) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities;

(d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including areas where construction support activities (defined in Part I.B. of this general permit) occur;

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

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

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

i. property boundary(ies);

ii. drainage patterns and approximate slopes anticipated before and after major grading activities;

iii. areas where soil disturbance will occur (note any phasing), including any demolition activities;

iv. locations of all controls and buffers, either planned or in place;

v. locations where temporary or permanent stabilization practices are expected to be used;

vi. locations of construction support activities, including those located off-site;

vii. surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicate whether those waters are impaired;

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

viii. locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;

ix. vehicle wash areas; and

x. designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).

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

(h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;

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

(j) a copy of this TPDES general permit (an electronic copy of this TPDES general permit or a current link to this TPDES general permit on the TCEQ webpage is acceptable);

(k) the NOI and the acknowledgement of provisional and non-provisional authorization for primary operators of large construction sites, and the TCEQ site notice for small construction sites and for secondary operators of large construction sites;

(l) if signatory authority is delegated by an authorized representative, then a copy of the formal notification to TCEQ, as required by 30 TAC 305.128 relating to Signatories to Reports must be filed in the SWP3 and made available for review upon request by TCEQ or local MS4 Operator. For primary operators of large construction activities, the formal notification to TCEQ must be submitted either electronically through

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

(m) stormwater and allowable non-stormwater discharge locations, including storm drain inlets on site and in the immediate vicinity of the construction site where construction support activities will occur; and

(n) locations of all pollutant-generating activities at the construction site and where construction support activities will occur, such as the following: Paving operations; concrete, paint and stucco washout and water disposal; solid waste storage and disposal; and dewatering operations.

2. A description of the BMPs that will be used to minimize pollution in runoff.

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

(a) General Requirements

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

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

iii. Controls must be developed to minimize the offsite transport of litter, construction debris, construction materials, and other pollutants required of Part IV.D.

(b) Erosion Control and Stabilization Practices

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

i. Erosion control and stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.

ii. The following records must be maintained and either attached to or referenced in the SWP3, and made readily available upon request to the parties listed in Part III.D.1 of this general permit:

(A) the dates when major grading activities occur;

(B) the dates when construction activities temporarily or permanently cease on a portion of the site; and

(C) the dates when stabilization measures are initiated.

iii. Erosion control and stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days. Stabilization

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

(A) where the immediate initiation of vegetative stabilization measures after construction activity has temporarily or permanently ceased due to frozen conditions, non-vegetative controls must be implemented until thawing conditions (as defined in Part I.B. of this general permit) are present, and vegetative stabilization measures can be initiated as soon as practicable.

(B) in arid areas, semi-arid areas, or drought-stricken areas, as they are defined in Part I.B. of this general permit, where the immediate initiation of vegetative stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, other types of erosion control and stabilization measures must be initiated at the site as soon as practicable. Where vegetative controls are infeasible due to arid conditions, and within fourteen (14) calendar days of a temporary or permanent cessation of construction activity in any portion of the site, the operator shall immediately install non-vegetative erosion controls in areas of the construction site where construction activity is complete or has ceased. If non-vegetative controls are infeasible, the operator shall install temporary sediment controls as required in Part III.F.2.(b)iii.(C) below.

(C) in areas where non-vegetative controls are infeasible, the operator may alternatively utilize temporary perimeter controls. The operator must document in the SWP3 the reason why stabilization measures are not feasible, and must demonstrate that the perimeter controls will retain sediment on site to the extent practicable. The operator must continue to inspect the BMPs at the frequencies established in Part III.F.8.(c) for unstabilized sites.

(D) the requirement for permittees to initiate stabilization is triggered as soon as it is known with reasonable certainty that construction activity at the site or in certain areas of the site will be stopped for 14 or more additional calendar days. If the initiation or completion of vegetative stabilization is prevented by circumstances beyond the control of the permittee, the permittee must employ and implement alternative stabilization measures immediately. When conditions at the site changes that would allow for vegetative stabilization, then the permittee must initiate or complete vegetative stabilization as soon as practicable.

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

v. TCEQ does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left un-vegetated or un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

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

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

(A) Sedimentation Basin(s) or Impoundments

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

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

(3) If a sedimentation basin or impoundment is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin or impoundment is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins or impoundments are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins or impoundments.

(4) Unless infeasible, when discharging from sedimentation basins and impoundments, the permittee shall utilize outlet structures that withdraw water from the surface.

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

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

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

(B) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

(C) If sedimentation basins or impoundments are used, the permittee shall comply with the requirements in Part IV.F. of this general permit.

3. Description of Permanent Stormwater Controls

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

(a) permittees authorized under the permit for small construction activities are responsible for the installation and maintenance of stormwater control measures prior to final stabilization of the site; or

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

4. Other Required Controls and BMPs

(a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and dust. The SWP3 shall include a description of controls utilized to control the generation of pollutants that could be discharged in stormwater from the site.

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

(c) The SWP3 must include a description of potential pollutant sources in discharges of stormwater from all areas of the construction site where construction activity, including construction support activities, will be located, and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

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

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

(f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part IV. of this general permit.

(g) For demolition of any structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980, and the receiving waterbody is impaired for polychlorinated biphenyls (PCBs):

i. implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures to precipitation and to stormwater; and

ii. ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

5. Documentation of Compliance with Approved State and Local Plans

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

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

(c) If the permittee is required to prepare a separate management plan, including but not limited to a WPAP or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.

6. Maintenance Requirements

(a) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, as soon as the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

(b) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator shall replace or modify the control as soon as practicable after making the discovery.

(c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.

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

7. Observation and Evaluation of Dewatering Controls Pursuant to Part IV.C. of this General Permit

(a) Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days where dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Observations and Evaluations

i. A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:

(A) date of the observations and evaluation;

(B) name(s) and title(s) of personnel making the observations and evaluation;

(C) approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);

(D) estimates of the rate (in gallons per day) of discharge on the day of evaluation;

(E) whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and

(F) major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

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

iii. The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.

8. Inspections of All Controls

(a) Personnel provided by the permittee must inspect disturbed areas (cleared, graded, or excavated) of the construction site that do not meet the requirements of final stabilization in this general permit, all locations where stabilization measures have been implemented, areas of construction support activity covered under this permit, stormwater controls (including pollution prevention controls) for evidence of, or the potential for, the discharge of pollutants, areas where stormwater typically flows within the construction site, and points of discharge from the construction site.

i. Personnel conducting these inspections must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site.

ii. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Inspections

i. Inspect all stormwater controls (including sediment and erosion control measures identified in the SWP3) to ensure that they are installed properly, appear to be operational, and minimizing pollutants in discharges, as intended.

ii. Identify locations on the construction site where new or modified stormwater controls are necessary.

iii. Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.

iv. Identify any incidents of noncompliance observed during the inspection.

v. Inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking.

vi. If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, and observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).

vii. Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in Part III.F.6. above.

(c) Inspection frequencies:

i. Inspections of construction sites must be conducted at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, unless as otherwise provided below in Part III.F.8.(c)ii. – v. below.

(A) If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

(B) If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two (2) inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

ii. Inspection frequencies must be conducted at least once every month in areas of the construction site that meet final stabilization or have been temporarily stabilized.

iii. Inspection frequencies for construction sites, where runoff is unlikely due to the occurrence of frozen conditions at the site, must be conducted at least once every month until thawing conditions begin to occur (see definitions for thawing conditions in Part I.B.). The SWP3 must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those

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

iv. In arid, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of when drought conditions occurred at the site, which resulted in inspections being conducted monthly, while those conditions persisted, instead of at the interval of once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

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

vi. The inspection procedures described in Part III.F.8.(c)i. – v above can be performed at the frequencies and under the applicable conditions indicated for each schedule option, provided that the SWP3 reflects the current schedule and that any changes to the schedule are made in accordance with the following provisions: the inspection frequency schedule can only be changed a maximum of once per calendar month and implemented within the first five (5) business days of a calendar month; and the reason for the schedule change documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(d) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.8.(a) above.

i. Inspection of linear construction sites could require the use of vehicles that could compromise areas of temporary or permanent stabilization, cause additional disturbance of soils, and result in the increase the potential for erosion. In these circumstances, controls must be inspected at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, but representative inspections may be performed.

ii. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.8.(a) above. The conditions of the controls along each inspected 0.25-mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25-mile portion to either the end of the next 0.25-mile inspected portion, or to the end of the project, whichever occurs first.

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

iii. the SWP3 for a linear construction site must reflect the current inspection schedule. Any changes to the inspection schedule must be made in accordance with the following provisions:

(A) the schedule may be changed a maximum of one time each month;

(B) the schedule change must be implemented at the beginning of a calendar month, and

(C) the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(e) Adverse Conditions.

Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:

i. the date and time of the adverse condition,

ii. names of personnel that witnessed the adverse condition, and

iii. a narrative for the nature of the adverse condition.

(f) In the event of flooding or other adverse conditions which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable. Inspection Reports.

i. A report summarizing the scope of any inspection must be completed within 24-hours following the inspection. The report must also include the date(s) of the inspection and major observations relating to the implementation of the SWP3. Major observations in the report must include: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

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

iii. The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

(g) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable. If necessary, modify your site map to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

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

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

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

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

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

Section A. Erosion and Sediment Controls

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

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

   Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.
9. TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute “surface water” for the purposes of triggering the buffer requirement in Part IV.A.(6) above.

Section B. Soil Stabilization

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

Section C. Dewatering

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

Section D. Pollution Prevention Measures

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

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

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

Section E. Prohibited Discharges

The following discharges are prohibited:

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

Section F. Surface Outlets

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

Part V. Stormwater Runoff from Concrete Batch Plants

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

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

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

Section A. Benchmark Sampling Requirements

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

Table 1. Benchmark Parameters

Benchmark Parameter	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease (*1)	15 mg/L	1/quarter (*2) (*3)	Grab (*4)
Total Suspended Solids (*1)	50 mg/L	1/quarter (*2) (*3)	Grab (*4)
pH	6.0 – 9.0 Standard Units	1/quarter (*2) (*3)	Grab (*4)
Total Iron (*1)	1.3 mg/L	1/quarter (*2) (*3)	Grab (*4)

(*1) All analytical results for these parameters must be obtained from a laboratory that is accredited based on rules located in 30 TAC § 25.4 (a) or through the National Environmental Laboratory Accreditation Program (NELAP). Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

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

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

January through March
April through June
July through September
October through December

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

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

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

   The operator's investigation must identify the following:

   (a) any additional potential sources of pollution, such as spills that might have occurred;

   (b) necessary revisions to good housekeeping measures that are part of the SWP3;

   (c) additional BMPs, including a schedule to install or implement the BMPs; and

   (d) other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

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

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

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

1. Description of Potential Pollutant Sources – The SWP3 must provide a description of potential sources (activities and materials) that can cause, have a reasonable potential to cause or contribute to a violation of water quality standards or have been found to cause, or contribute to, the loss of a designated use of surface water in the state in stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in stormwater discharges associated with industrial activity and non-stormwater discharges (described in Part II.A.3. of this general permit), in compliance with the terms and conditions of this general permit, including the protection of water quality, and must ensure the implementation of these practices.

   The following must be developed, at a minimum, in support of developing this description:

   (a) Drainage – The site map must include the following information:

      i. the location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;

      ii. a depiction of the drainage area and the direction of flow to the outfall(s);

      iii. structural controls used within the drainage area(s);

      iv. the locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

      v. the locations of the following: any bag house or other dust control device(s); recycle/sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

   (b) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and precipitation and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

   (c) Spills and Leaks – A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and precipitation and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated as needed.

   (d) Sampling Data – A summary of existing stormwater discharge sampling data must be maintained, if available.

2. Measures and Controls – The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part V.B.1. of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

   (a) Good Housekeeping – Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

      i. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

      ii. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

   (b) Spill Prevention and Response Procedures – Areas where potential spills that can contribute pollutants to stormwater runoff and precipitation, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

   (c) Inspections – Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC § 305.128. Inspections of facilities in operation must be performed

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

(d) Employee Training – An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one (1) training prior to the initiation of operation of the concrete batch plant.

(e) Record Keeping and Internal Reporting Procedures – A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(f) Management of Runoff – The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

3. Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:

(a) visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include, but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

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

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

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

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

Section C. Prohibition of Wastewater Discharges

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

Part VI. Concrete Truck Wash Out Requirements

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

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

B. Concrete truck wash out water shall be disposed in areas at the construction site where structural controls have been established to prevent discharge to surface water in the state, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent discharge to surface water in the state. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

C. Wash out of concrete trucks during rainfall events shall be minimized. The discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck wash out as the result of rainfall or stormwater runoff.

D. The disposal of wash out water from concrete trucks, made under authorization of this general permit must not cause or contribute to groundwater contamination.

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

Part VII. Retention of Records

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

A. a copy of the SWP3;

B. all reports and actions required by this permit, including a copy of the TCEQ construction site notice;

C. all data used to complete the NOI, if an NOI is required for coverage under this general permit; and

D. all records of submittal of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

Part VIII. Standard Permit Conditions

A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued (CWA and TWC), and is grounds for enforcement action, for terminating, revoking and reissuance, or modification, or denying coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41 (a).

B. Authorization under this general permit may be modified, suspended, revoked and reissued, terminated or otherwise suspended for cause, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41(f). Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for modifying, revoking and reissuing, terminating or, otherwise suspending authorization under this permit, based on rules located in TWC § 23.086, 30 TAC § 305.66, and 40 CFR § 122.41 (h). Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.

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

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

E. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:

1. negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8);
2. knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
3. knowingly violating CWA §303 and placing another person in imminent danger of death or serious bodily injury.

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

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

H. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

I. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

J. The permittee shall comply with the monitoring and reporting requirements in 40 CFR § 122.41(j) and (l), as applicable.

K. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

Part IX. Fees

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

1. $225 if submitting an NOI electronically, or
2. $325 if submitting a paper NOI.

B. Fees are due upon submission of the NOI. An NOI will not be declared administratively complete unless the associated fee has been paid in full.

C. No separate annual fees will be assessed for this general permit. The Water Quality Annual Fee has been incorporated into the NOI fees as described above.

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30

Archer: Dec. 15 - Feb. 14

Armstrong: Nov. 15 - Apr. 30

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

Baylor: Dec. 15 - Feb. 14

Borden: Nov. 15 - Apr. 30

Brewster: Nov. 15 - Apr. 30

Briscoe: Nov. 15 - Apr. 30

Brown: Dec. 15 - Feb. 14

Callahan: Dec. 15 - Feb. 14

Carson: Nov. 15 - Apr. 30

Castro: Nov. 15 - Apr. 30

Childress: Dec. 15 - Feb. 14

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

Coke: Dec. 15 - Feb. 14

Coleman: Dec. 15 - Feb. 14

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

Concho: Dec. 15 - Feb. 14

Cottle: Dec. 15 - Feb. 14

Crane: Nov. 15 - Apr. 30

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

Crosby: Nov. 15 - Apr. 30

Culberson: Nov. 1 - May 14

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

Dawson: Nov. 15 - Apr. 30

Deaf Smith: Nov. 15 - Apr. 30

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

Dimmit: Dec. 15 - Feb. 14

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

Eastland: Dec. 15 - Feb. 14

Ector: Nov. 15 - Apr. 30

Edwards: Dec. 15 - Feb. 14

El Paso: Jan. 1 - Jul. 14, or May 15 - Jul. 31, or Jun. 1 - Aug. 14, or Jun. 15 - Sept. 14, or Jul. 1 - Oct. 14, or Jul. 15 - Oct. 31, or Aug. 1 - Apr. 30, or Aug. 15 - May 14, or Sept. 1 - May 30, or Oct. 1 - Jun. 14, or Nov. 1 - Jun. 30, or Nov. 15 - Jul. 14

Fisher: Dec. 15 - Feb. 14

Floyd: Nov. 15 - Apr. 30

Foard: Dec. 15 - Feb. 14

Gaines: Nov. 15 - Apr. 30

Garza: Nov. 15 - Apr. 30

Glasscock: Nov. 15 - Apr. 30

Hale: Nov. 15 - Apr. 30

Hall: Feb. 1 - Mar. 30

Hansford: Nov. 15 - Apr. 30

Hardeman: Dec. 15 - Feb. 14

Hartley: Nov. 15 - Apr. 30

Haskell: Dec. 15 - Feb. 14

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

Howard: Nov. 15 - Apr. 30

Hudspeth: Nov. 1 - May 14

Hutchinson: Nov. 15 - Apr. 30

Irion: Dec. 15 - Feb. 14

Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14

Jones: Dec. 15 - Feb. 14

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

Kerr: Dec. 15 - Feb. 14

Kimble: Dec. 15 - Feb. 14

King: Dec. 15 - Feb. 14

Kinney: Dec. 15 - Feb. 14

Knox: Dec. 15 - Feb. 14

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

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

Lubbock: Nov. 15 - Apr. 30

Lynn: Nov. 15 - Apr. 30

Martin: Nov. 15 - Apr. 30

Mason: Dec. 15 - Feb. 14

Maverick: Dec. 15 - Feb. 14

McCulloch: Dec. 15 - Feb. 14

Menard: Dec. 15 - Feb. 14

Midland: Nov. 15 - Apr. 30

Mitchell: Nov. 15 - Apr. 30

Moore: Nov. 15 - Apr. 30

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

Nolan: Dec. 15 - Feb. 14

Oldham: Nov. 15 - Apr. 30

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

Pecos: Nov. 15 - Apr. 30

Potter: Nov. 15 - Apr. 30

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

Randall: Nov. 15 - Apr. 30

Reagan: Nov. 15 - Apr. 30

Real: Dec. 15 - Feb. 14

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

Runnels: Dec. 15 - Feb. 14

Schleicher: Dec. 15 - Feb. 14

Scurry: Nov. 15 - Apr. 30

Shackelford: Dec. 15 - Feb. 14

Sherman: Nov. 15 - Apr. 30

Stephens: Dec. 15 - Feb. 14

Sterling: Nov. 15 - Apr. 30

Stonewall: Dec. 15 - Feb. 14

Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30

Taylor: Dec. 15 - Feb. 14

Terrell: Nov. 15 - Apr. 30

Terry: Nov. 15 - Apr. 30

Throckmorton: Dec. 15 - Feb. 14

Tom Green: Dec. 15 - Feb. 14

Upton: Nov. 15 - Apr. 30

Uvalde: Dec. 15 - Feb. 14

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

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

Wichita: Dec. 15 - Feb. 14

Wilbarger: Dec. 15 - Feb. 14

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

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

Young: Dec. 15 - Feb. 14

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

Zavala: Dec. 15 - Feb. 14

Appendix B: Storm Erosivity (EI) Zones in Texas

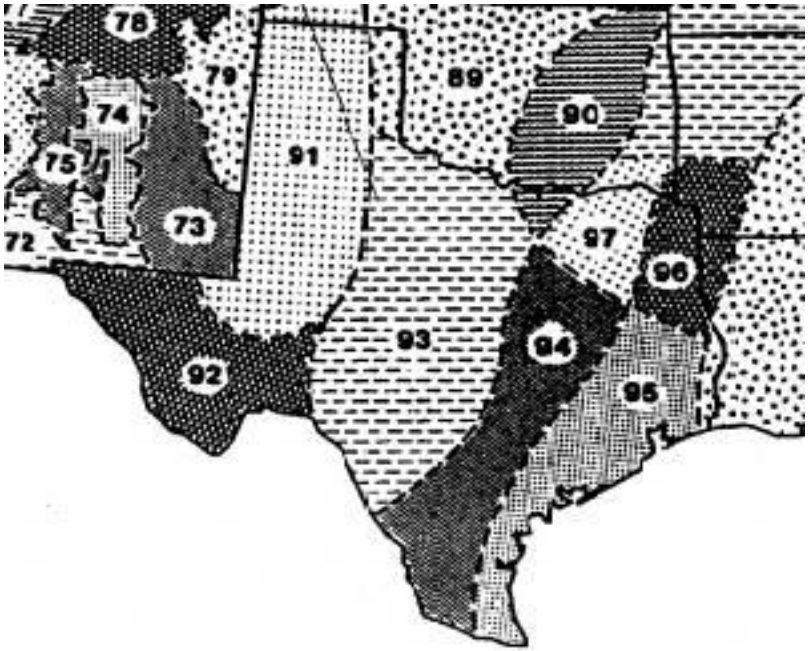


Figure B. EI Distribution Zones

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

Appendix C: Isoerodent Map

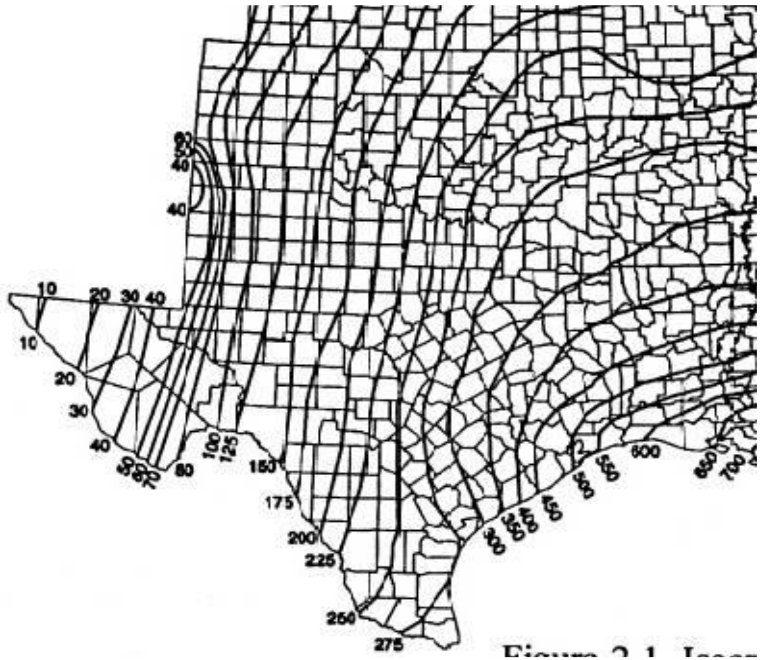


Figure C. Isoerodent Map of Texas. Units are hundreds ft*tonf*in(ac*h*yr)$^{-1}$

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

Appendix D: Erosivity Indices for EI Zones in Texas

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

Date Periods* (Month/Day)

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

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

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

Appendix F

Miscellaneous Documents

SMALL CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Stormwater Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of stormwater runoff from small construction sites. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Operator Name:	JIM/RB, LLC
Contact Name and Phone Number:	Joseph Irie Montes 936-556-1395
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*	Located along Old Tyler Road Nacogdoches, TX 75964 October 2024 to April 2027
Location of Stormwater Pollution Prevention Plan:	JIM/RB, LLC

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

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

Signature and Title _____ Date _____

_____ *Date Notice Removed*

____*MS4 operator notified per Part II.F.3.*

REQUIRED ACTIVITIES TO PERFORM

1) Post Construction Site Notice (Appendix F) by main entrance/exit to be visible by the public. The site notice must be maintained for the duration of the construction and final stabilization.

2) Record and date major disturbance activities on the Record of Disturbance /Stabilization Activities form (Appendix C).

3) Pen and ink changes can be made to any part of the SWP3 as long as no TPDES Permit requirements are deleted or omitted.

4) Identify the location of every concrete washout facility on the Sediment and Erosion Control site map (Appendix A, Plate A-3) by marking its location and labeling it.

5) Complete the Qualifications of the Inspector(s) sheet for each person performing the site inspections (Appendix D).

6) Perform site inspections as per Section 5.2 of the SWP3 for the duration of soil disturbing construction activities. Record and date these inspections on the Stormwater Construction Site Inspection Forms (Appendix D).

SUP2026-02 Site Photo

Subject property



PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Discuss and consider action on Subdivision Case SD2026-01 regarding a variance for Westmoreland No. 2 Preliminary Plat on one (1) parcel of land approximately 2.12 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 247251; and generally located northwest of the intersection of Park Street and N.E. Stallings Drive, Nacogdoches, Texas.

OVERVIEW:
The applicant, Andrew Middlebrook, of HGT Group LP, is requesting approval of a Preliminary Plat with a Subdivision Variance for the Westmoreland No. 2 Subdivision. The subject property is zoned B-1, Local Business, and is located on the northwest corner of Park Street and N.E. Stallings Drive. The proposed Preliminary Plat will combine the southern portion of two tracts, being Lots 44-D and 44F City Block 54, into one lot and includes the extension of the sewer line along Stallings Drive to serve the proposed lot. The plat cannot be processed as an administrative plat under Sec. 90-122(m) because sanitary sewer service is not currently available to serve the proposed lot and would require extension of municipal utilities.

STAFF REVIEW:
Staff has reviewed the Preliminary Plat for compliance with Division 3, Section 90-91 of the City of Nacogdoches Subdivision Ordinance. Notated plat elements appear consistent with ordinance requirements, including metes and bounds descriptions, subdivision name, lot labeling, etc.

Utility Extension

The Proposed Preliminary Plat does not authorize construction of utility improvements. Approval of the Preliminary Plat establishes the lot configuration only. Extension of sanitary sewer service to the property will require separate engineering plans, review, and approval by the City in accordance with applicable utility and construction standards.

Subdivision Variance Requests
The applicant is requesting a variance from Sec. 90-217(b) of the Subdivision Ordinance, which requires side lot lines to be perpendicular or radial to the street frontage. In accordance with Sec. 90-8 (Variances), the Planning & Zoning Commission may grant a variance only if it makes each of the following findings:

1. There are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of his land.
The applicant has identified the location of an existing public water line easement crossing the property as a site constraint affecting lot layout. The applicant has further cited the historical abandonment of Shady Grove Road and the resulting placement of the public water line easement along the former roadway alignment as factors influencing the proposed lot

configuration. Staff notes that utility easements are a common condition of development and, by themselves, do not automatically constitute a hardship under Sec. 90-8. Staff further notes that alternative development approaches were discussed with the applicant, including the possibility of working with the City to potentially abandon or relocate the water line to allow for a revised plat configuration that complies with subdivision standards.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
The subject property is zoned B-1, Local Business, and retains development potential under the current zoning and subdivision standards. Staff notes that while the requested variance would allow the plat to proceed as currently configured, alternative development options exist that would allow subdivision of the property without the requested variance.

3. The granting of the variance will not be detrimental to the public health, safety, or welfare, nor injurious to other property in the area.
Staff has not identified any direct impacts on surrounding properties related specifically to the orientation of the proposed side lot lines. The proposed subdivision is located in an area characterized by commercial development. Currently, adverse effects on vehicle traffic, public safety, or adjacent land uses have not been identified as a result of the variance request.

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with this chapter.
Staff could not determine if the requested variance would prevent the ability of surrounding properties to subdivide in the future. Staff notes that the Subdivision Ordinance is intended to promote consistent lot design and orderly development patterns, and that alternative compliant development options were identified during discussions with the applicant.

Review and Approval by Planning and Zoning Commission
The Planning and Zoning Commission is responsible for reviewing and approving the preliminary plat. Final plat approval may proceed once all required utility improvements have been completed and successfully inspected by the City.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:
1. Aerial Map
2. Preliminary Plat
3. Variance Request Letter

SD2026-01 Aerial Map



0 80 160 240 320 Feet

Date Created: 11/04/25 10:34 | ArcGIS Pro 3.2.2

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

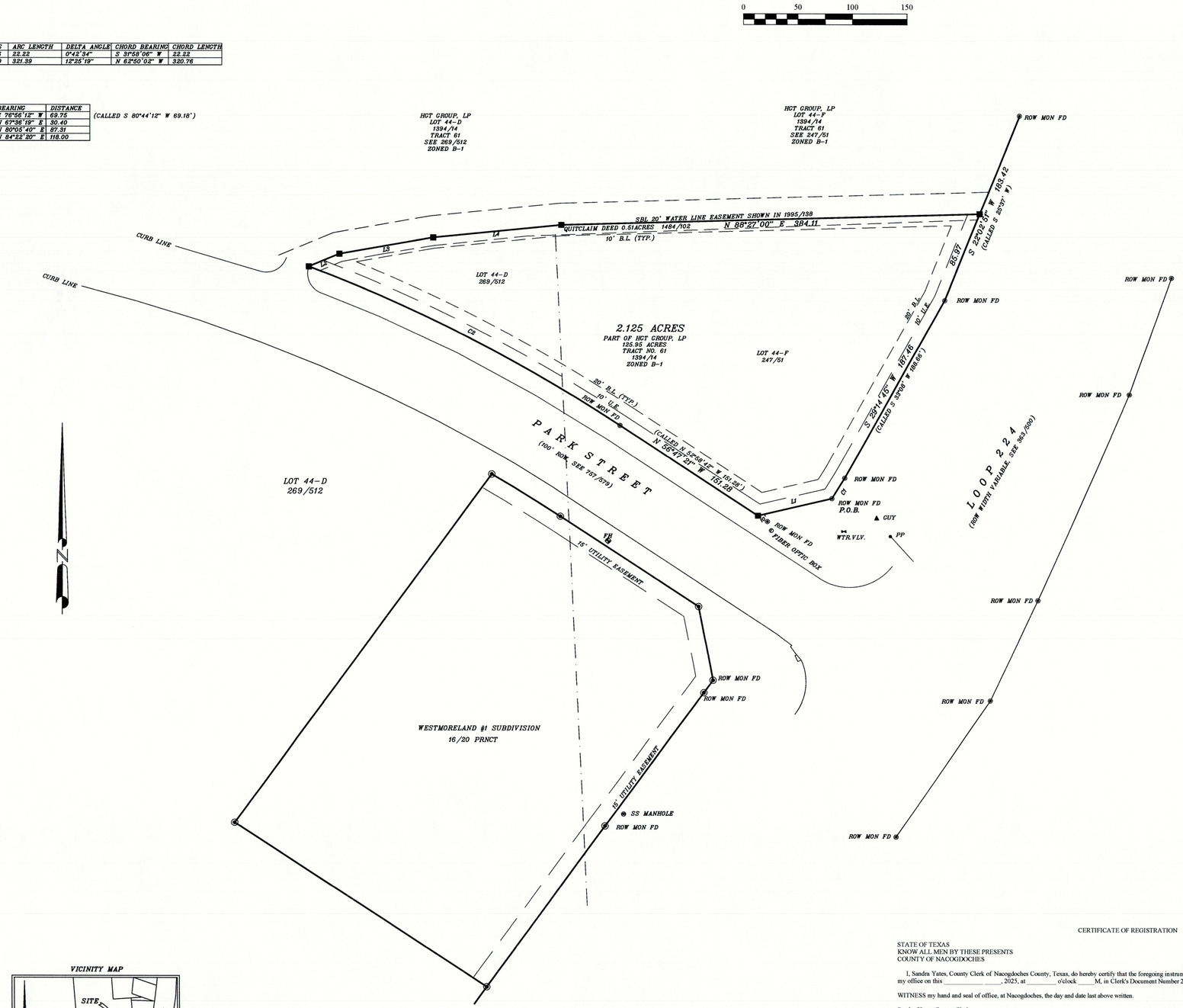
Nacogdoches
the oldest town in Texas
Engineering Department
GIS Division

W E S T M O R E L A N D #2 S U B D I V I S I O N

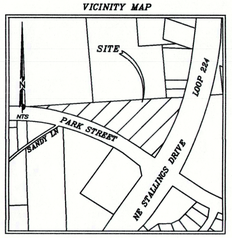
SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OR OWNERSHIP.
SURVEY PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT.
BEARINGS ARE REFERRED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE.
■ = ½" RODS SET ARE TOPPED WITH A 1" RED PLASTIC CAP STAMPED "SAMSON 1915".
NO SANITARY SEWER LOCATED ON THIS LOT.
PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON THIS LOT, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF NACOGDOCHES.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1794.86	22.22	0°42'34"	S 31°58'06" W	22.22
C2	1482.39	321.39	12°25'19"	N 62°50'02" W	320.76

LINE	BEARING	DISTANCE
L1	S 76°56'12" W	69.75
L2	N 67°36'19" E	30.40
L3	N 80°05'40" E	87.31
L4	N 84°22'20" E	118.00



VICINITY MAP



FIELD NOTES

All that certain tract or parcel of land lying and being situate in the City of Nacogdoches, Nacogdoches County, Texas on the **ANTONIO ARRIOLA GRANT, A-5,** and being part of a 125.95 acre tract described as Tract No. 61 in a deed from Middlebrook Management, LLC to HGT Group, LP dated November 19, 1999, recorded in Volume 1394, Page 14 of the Deed Records Nacogdoches County, Texas (DNRCT), and being part of a 14-1/3 acre tract, called **LOT 44-F, BLOCK 54**, described in a deed from Mrs. Bessie Westmoreland, et al, to Emily Mast Middlebrook dated December 13, 1954, recorded in Volume 247, Page 51 of the DRNCT, being part of a 16 acre tract, called **LOT 44-D, BLOCK 54**, described in a deed from Mrs. Bessie Westmoreland, et al, to Emily Middlebrook dated August 5, 1957, recorded in Volume 269, Page 512 of the DRNCT, and part of a 0.51 acre tract, being part of Old Shady Grove Road described in a deed from the City of Nacogdoches to HGT Group, LP dated August 15, 2000, recorded in Volume 1484, Page 102 of the DRNCT, and more particularly described as follows:

BEGINNING at a concrete row monument found for corner at the intersection of the west row of State Loop 224, row width variable, as described as parcel 13 in a deed from Emily Middlebrook to the State of Texas dated October 1, 1970, recorded in Volume 363, Page 500 of the DRNCT, and the north row of Park Street described as parcel 26 in a deed from George Middlebrook, III, et al, to the State of Texas dated May 25, 1990, recorded in Volume 757, Page 579 of the DRNCT;

THENCE with the north row of Park Street, parcel 26, as follows:

1. S 76°56'12" W, 69.75 feet (called S 80°44'12" W 69.18') to a ½" iron rod set for corner, from which a concrete row monument found bears S 56°47'21" E, 10 feet;
2. N 56°47'21" W 151.28 feet (called N 52°58'42" W 151.28') to a concrete row monument found for corner;
3. Northwardly, 321.39 feet with a curve to the left having a radius of 1482.39 feet, a central angle of 12°25'19" and a chord of N 62°50'02" W, 320.76 feet to a ½" iron rod set for corner at the SWC of a 20 foot wide water easement shown on the plat in a conveyance from HGT Group, LP to the City of Nacogdoches dated October 29, 2003 recorded in Volume 1995, Page 138 of the DRNCT;

THENCE with the SBL of said 20 foot water line easement as follows:

1. N 67°36'19" E, 30.40 feet to a ½" iron rod set for corner;
2. N 80°05'40" E, 87.31 feet to a ½" iron rod set for corner;
3. N 84°22'20" E, 118.00 feet to a ½" iron rod set for corner;
4. N 88°27'00" E, 384.11 feet to a ½" iron rod set for corner in the west row of State Loop 224 at the SEC of said easement;

THENCE with the west row of State Loop 224 as follows:

1. S 22°02'51" W, 85.97 feet (called S 25°37' W) to a concrete row monument found for corner;
2. S 29°14'45" W, 187.46 (called S 33°08' W 188.66') to a concrete monument found for corner;
3. Southwestwardly, 22.22 feet with a curve to the right having a radius of 1794.86 feet, a central angle of 00°42'34" and a chord of S 31°58'06" W, 22.22 feet to the place of **BEGINNING** containing within these calls 2.125 acres.

I, Tommy Findeisen, a duly Registered Professional Land Surveyor for the State of Texas do hereby state that the above plat and field notes were prepared from a survey made by me on the ground this the 1st day of December, 2025.

PRELIMINARY – FOR REVIEW ONLY THIS DOCUMENT MAY NOT BE RECORDED FOR ANY PURPOSE AND SHOULD NOT BE USED OR VIEWED AS A FINAL SURVEY DOCUMENT

Tommy Findeisen, RPLS No. 1915

DEDICATION

STATE OF TEXAS
COUNTY OF NACOGDOCHES

The undersigned, Middlebrook Management, LLC, as the General Partner of HGT Group, LP, the owner of the property subdivided in the above plat of **WESTMORELAND #2 SUBDIVISION** located in the **ANTONIO ARRIOLA GRANT, A-5,** and being **PART OF LOTS 44-D AND 44-F, CITY BLOCK 54** and PART of a **0.51 acre tract,** do hereby make subdivision of said property for and on behalf of HGT Group, LP according to the lines, lots and easements therein shown and designate said subdivision as the **WESTMORELAND #2 SUBDIVISION** on the **ANTONIO ARRIOLA, GRANT, A-5,** Nacogdoches, Texas, and dedicate to public use the easements shown thereon forever; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land do dedicated.

IN TESTIMONY, HGT Group, LP has caused these presents to be signed by its General Partner, Middlebrook Management, LLC, acting by Andrew Middlebrook, Operations Director, this _____ day of _____, 2025.

By _____
Andrew Middlebrook, Operations Director

NOTARY CERTIFICATE

STATE OF TEXAS
COUNTY OF NACOGDOCHES

Before me, the undersigned authority, on this day personally appeared Andrew Middlebrook, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Operations Director of Middlebrook Management, LLC, the General Partner of HGT Group, LP, a Texas limited partnership, for the purpose and consideration therein expressed and in the capacity therein set forth as the act and deed of said limited liability company acting as the general partner of said limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2025.

_____
Notary Public in and for Nacogdoches County, Texas

CERTIFICATE OF APPROVAL BY PLANNING COMMISSION

STATE OF TEXAS
COUNTY OF NACOGDOCHES

This is to certify that the City Planning Commission of the City of Nacogdoches, Nacogdoches County, Texas, have approved this plat and subdivision of **WESTMORELAND #2 SUBDIVISION**, being **PART OF LOTS 44-D** and **44-F, CITY BLOCK 54 of the CITY OF NACOGDOCHES, TEXAS,** as shown hereon.

IN TESTIMONY WHEREOF, witness the official signatures of the Chairman and Secretary of the City Planning Commission in Nacogdoches, Nacogdoches County, Texas, this _____ day of _____, 2025.

_____ _____ _____
Chairman Secretary

CERTIFICATE OF REGISTRATION

STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF NACOGDOCHES

I, Sandra Yates, County Clerk of Nacogdoches County, Texas, do hereby certify that the foregoing instrument with its certificate of authentication was filed for registration in my office on this _____ _____, 2025, at _____ o'clock _____M, in Clerk's Document Number 2025-_____ of the Real Property Records for said County.

WITNESS my hand and seal of office, at Nacogdoches, the day and date last above written.

Sandra Yates, County Clerk
Nacogdoches County, Texas

By _____ Deputy Clerk

SURVEYED FOR
HARBOR HOSPICE LAND INVESTORS OF EAST TEXAS, LP

N. T. SAMSON & ASSOCIATES
FIRM NUMBER 1008 1200
1001 PARK STREET
NACOGDOCHES, TEXAS 75961
PHONE (936) 564-6402 FAX (936) 564-7992

ANTONIO ARRIOLA GRANT, A-5, (NOW CALLED LOTS 44 - D & 44 - F, CITY BLOCK 54) NACOGDOCHES, TEXAS

REVISIONS		
NO.	DATE	REMARKS

DATE:	12/01/2025
SCALE:	1" = 50'
JOB NO:	527/64
SHEET NO.	1 OF 1

HGT Group, LP

Owners and Managers of Forest Land

January 8, 2026

Juan Pollette
City of Nacogdoches City Planner

Mr. Pollette:

Per your request, this letter is a formal request for a variance of Sec. 90-217(b) on Westmoreland #2 Subdivision requesting a variance for the side lot to be not perpendicular to the street frontage and addressing the below 4 items in the ordinance.

Item 1: There are special circumstances related to this proposed lot that necessitated the west side lot line to not be perpendicular to the street. Along the north boundary of the proposed lot, lies the former county road turned city street formally known as Shady Grove Road. In 2000, during the development of Park Village to the east, Shady Grove Road was abandoned by the city and the land was quitclaimed to us in exchange for a 35' water line easement along the route of the active 6" water line that fell within the boundary of former city street. (see Exhibit A) Additionally, at some point a lot line was established in the creating a lot of similar shape to the proposed lot that has been recognized by us and the city as an internal lot line since. The shape of the proposed lot was necessitated by the waterline easement area being unbuildable and thus being a reasonable stopping point for the depth and width of the lot.

Item 2: The variance is necessary for the preservation and enjoyment of our use as owner because the easement area along the north boundary of the proposed lot is unbuildable and it is reasonable that it falls between the proposed lot and any future lots to the north and west.

Item 3: The granting of the variance will not be detrimental to the public health, safety, or welfare and will not be injurious to other property in the area because we own all neighboring parcels of approximately 38 acres north of Park St.

Item 4: The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area because we own all of the adjacent properties on that side of Park St. Acceptance the proposed lot platting will allow us to retain ample frontage access to Stallings Dr. on the east and approximately 1700' of frontage left along Park St. to the west, which will give us multiple options to property access of our residual land for future development within the subdivision rules of the City.

P. O. Box 632399 Nacogdoches, Texas 75963
(936) 462-8561 FAX (936) 462-8564

HGT Group, LP

Owners and Managers of Forest Land

Thank you for your time and consideration of this matter. I am available at any time to discuss.

Sincerely,



Andrew Middlebrook
Operations Director
HGT Group, LP

P. O. Box 632399 Nacogdoches, Texas 75963
(936) 462-8561 FAX (936) 462-8564

EXHIBIT A Pg 1

EXHIBIT "A"

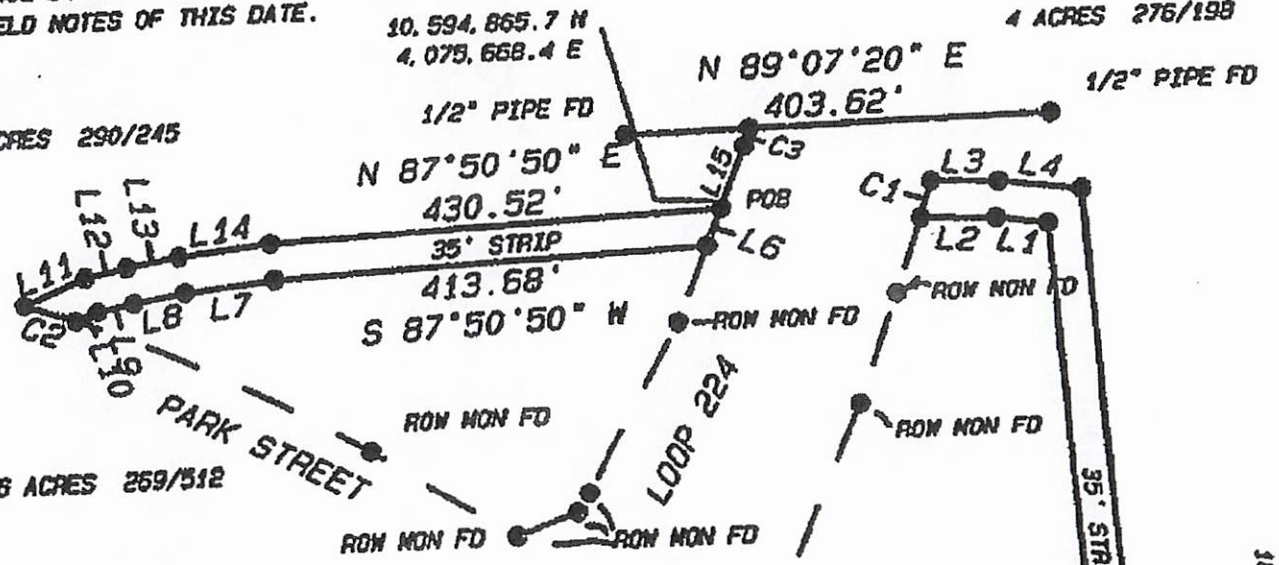
17139

OR 014804 00100

QUIT CLAIM OF SHADY GROVE ROAD

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	36.30	01°02'42"	1990.08	36.30	N 17°42'53" E
C2	51.65	01°59'48"	1482.39	51.66	N 69°44'35" W
C3	17.36	00°32'58"	1809.72	17.38	S 17°17'28" W

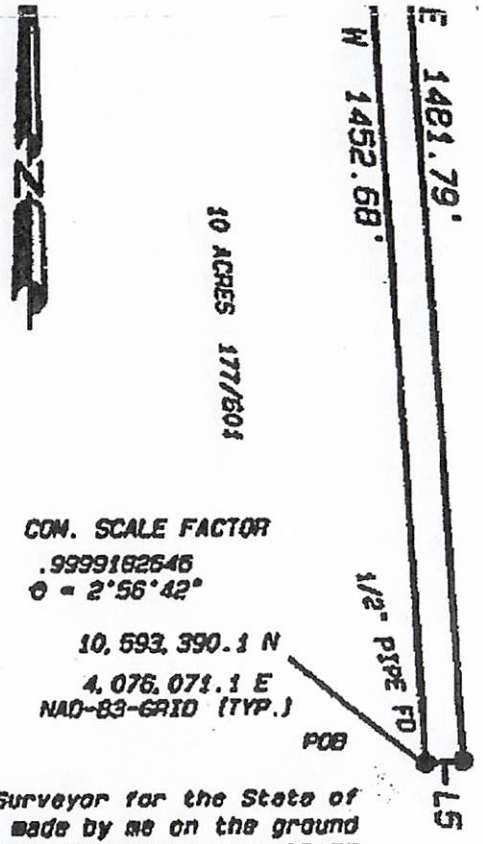
1. SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OR OWNERSHIP.
2. SURVEY PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT.
3. REFERENCE BEARING BEING THE GRID BEARING BETWEEN CITY MOUMENTS 23 56 N 86°40'33" E.
4. SEE FIELD NOTES OF THIS DATE.



HGT GROUP, LP 1394/14 TR 61

LINE	BEARING	DISTANCE
L1	N 82°34'47" W	49.30
L2	N 87°39'41" W	70.99
L3	S 87°39'41" E	62.92
L4	S 82°34'47" E	79.64
L5	S 86°49'19" W	35.00
L6	S 22°02'51" W	38.37
L7	S 84°11'21" W	65.39

L12	N 79°16'26" E	40.18
L13	N 60°42'47" E	61.37
L14	N 84°11'21" E	87.87
L15	S 22°02'51" W	64.70



SURVEYED FOR HGT GROUP, LP
ANTONIO ARRIOLA SURVEY, A-5
NACOGDOCHES COUNTY, TEXAS
SCALE 1" = 200' JULY 1, 2000

I, Tommy Findeisen, a duly Registered Professional Land Surveyor for the State of Texas hereby state that the above plat was drawn from a survey made by me on the ground the 1st day of July, 2000. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. IF THIS PLAT IS NOT SIGNED IN RED INK IT SHOULD BE ASSUMED TO BE A COPY AND CONTAIN UNAUTHORIZED MATERIAL.

Tommy Findeisen

Tommy Findeisen
Registered Professional Land Surveyor No. 1915
1001 Park Street, Nacogdoches, Texas
(936) 564-6402

EXHIBIT A pg 2

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Discuss and consider action on Planned Development Case PD-2026-01 regarding a Site Plan for a Planned Development District on one (1) parcel of land approximately 9.5 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 203177; and generally located south of West Austin Street, approximately 250 feet west of the intersection of West Austin Street and Opal Drive, Nacogdoches, Texas.

OVERVIEW: In August 2025, the City Council approved a zone change from A, Agriculture, to PD, Planned Development, along with the associated Development Plan for the construction of a Nursing Care and Rehabilitative Center on the 9.5-acre subject property. The approved Development Plan established the permitted land use, general building placement, development standards, buffering requirements, and overall site layout for the Planned Development district.

The applicant, Michael Delaney, representing Mummm Investments LLC, is now submitting the required Site Plan, which is the final step in the Planned Development process pursuant to Section 118-392(c) of the Zoning Ordinance. The Site Plan provides detailed construction-level information and must demonstrate compliance with the previously approved Development Plan and all applicable PD standards.

The submitted Site Plan reflects a single-story skilled nursing care facility located in the southern portion of the property, consistent with the approved layout. The plan includes approximately 80 paved parking spaces, internal circulation and fire access, utility connections, drainage improvements, and a 15-foot landscaped buffer along property lines adjacent to Agricultural zoning. The existing detention pond and significant vegetation along West Austin Street are preserved in accordance with the approved PD standards. Staff has reviewed the Site Plan for consistency with the approved Development Plan and applicable ordinance requirements.

Approval of the Site Plan will allow the applicant to proceed with site preparation, securing of easements from the adjacent property, and the planning and design of extension of public sewer utilities into the site from nearby rights of way.

Adjacent Land Use & Zoning

The subject property is zoned A, Agricultural and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Current Zoning	Land Use
North (Across W. Austin St.)	Single Family Residential	A, Agricultural & PD, Planned Development	Undeveloped & Residential
South	Single Family Residential	A, Agricultural	Agricultural

East	Single Family Residential	PD, Planned Development	Residential & Commercial
West	Single Family Residential	A, Agricultural	Agricultural

The subject property is located adjacent to a PD developed for a senior community to the east. Surrounding zoning and land uses include a mix of residential, farm land and undeveloped parcels.

STAFF REVIEW:
Per Section 118.392 of the Nacogdoches Code of Ordinances, based upon the concept plan or development plan, the following conditions shall be considered when reviewing a site plan:

a. The plan complies with the development plan approved for that portion of the planned development district.
The submitted Site Plan is consistent with the approved Development Plan approved by City Council, including building location, general layout, parking configuration, buffering, and overall site design.

b. The plan complies with all standards and conditions set forth in the ordinance approving the development plan.
The Site Plan reflects the standards and conditions established in the PD ordinance, including permitted land use, single-story building design, landscaped buffer requirements, and overall site configuration.

c. Unless modified by the ordinance approving the development plan, the plan complies with the following additional standards generally applicable to development within the city, as set forth in this chapter:
1. Performance standards as set forth in article VII of this chapter pertaining to performance standards; and
2. Setback, landscaping and off-street parking and loading standards;
The Site Plan complies with applicable performance standards and development regulations of the Zoning Ordinance. Required setbacks, landscaping, and parking are shown in accordance with the approved PD standards. Approximately 80 off-street parking spaces are provided, exceeding minimum requirements. No modifications to Article VII performance standards were granted.

d. The plan provides for appropriate ingress and egress points for access, parking and loading, including existing and proposed ingress/egress/access easements, queuing and internal circulation;
Access is provided from West Austin Street consistent with the approved Development Plan. Internal circulation allows for safe vehicle movement, service access, and emergency vehicle maneuvering.

e. The plan provides for fire safety and adequate measures for fire control and dealing with fire or explosive hazard; and
The Site Plan provides adequate fire apparatus access, designated fire lanes, and hydrant placement consistent with Fire Code requirements. Final fire and life safety compliance will be confirmed during building permit review.

f. The plan provides for adequate utilities, roads, drainage, and other infrastructure, as required by the city's subdivision regulations.

Public water service is available to the site via existing water mains along West Austin Street. Sanitary sewer service will be extended from the Austin Hills Subdivision to the east. The developer will secure and file a separate public utility easement instrument with Nacogdoches County to provide for public access to the proposed sewer extension. Upon installation and successful inspection, the sewer line and associated easement will be dedicated to the City. Recordation of the required public utility easement shall occur prior to issuance of any building permits related to the project. Drainage improvements, grading, and utility connections are shown on the Site Plan and will be subject to engineering review and approval prior to permit issuance. Staff finds that adequate utilities and infrastructure are available to serve the proposed development, subject to compliance with subdivision and engineering requirements.

Staff recommendation:

As allowed under Sec. 118-392(c)(5), Staff recommends the Commission approve the Site Plan upon the condition that, prior to seeking a permit with the City to develop the site, property owners must confirm the recordation of a public utility easement which will serve the appropriate extension of public water and sewer utilities to this district.

Prior actions:

August 11, 2025 – The Planning & Zoning Commission recommended approval of the PD district zoning and supplemental Development Plan.
August 19, 2025 – City Council approved the PD district zoning and supplemental Development Plan.

Approval of the Site Plan by the Planning & Zoning Commission constitutes final approval for this phase of the Planned Development process.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:
1. Site Plan
2. Landscape Plan

50 0 50 100
SCALE FEET HORIZONTAL

ZONE A
UNDEVELOPED

ZONE A
UNDEVELOPED

ZONE PD
RESIDENTIAL
THE WOODS OF SFA
DUPLEX SUBDIVISION

ZONE PD
RESIDENTIAL
AUSTIN HILLS SUBDIVISION
AGE RESTRICTED SINGLE FAMILY HOMES

ZONE PD
COMMERCIAL
FUTURE SENIOR CENTER
ACTIVITIES BUILDING

ZONE A
UNDEVELOPED

ZONE A
UNDEVELOPED

APPROX. 2400' TO OLD TYLER ROAD

APPROX. 2400' TO OLD TYLER ROAD

WEST AUSTIN STREET – FM 2609
(RIGHT-OF-WAY WIDTH VARIES – RULE 616.6(a))

PROPOSED MONUMENT SIGN WITH LIGHTING (REFR. ARCH)

S 78°28'27" E 100.44'

N 84°32'42" E 101.75'

S 78°26'04" E 148.60'

PROPOSED 15' LANDSCAPE BUFFER

N 01°48'26" W 355.00'

VEGETATIVE BUFFER ZONE

PROPOSED STORMWATER DETENTION OUTLET STRUCTURE

EXISTING POND TO REMAIN. MODIFY TO PROVIDE STORM WATER DETENTION. SHARED DRAINAGE EASEMENT DOC# 2024-2664 NCDR.

EXISTING POND

PROPOSED OPEN AREA. SAVE SELECT TREES.

PROPOSED EARTHEN BERM

PROPOSED ASPHALT ACCESS DRIVE

PREFERRED POWER EASEMENT LOCATION

EXISTING SEWER CENTERLINE

EXISTING SAN MH 3158
RIM: 385.69
FL 12" NE 376.58
FL 8" SI 376.62

EXISTING SAN MH 3298
RIM: 383.49 (RTK)
FL 12" to: 371.05
FL 12" SW: 370.91

EXISTING SAN MH 3277
RIM: 389.87
FL 10" PVC S: 380.77
FL 10" PVC NE: 380.69

EXISTING SAN MH 3300
RIM: 413.86
FL 6" PVC E: 405.73
FL 4" PVC W: 411.00
FL 6" PVC W: 405.64

TEMP ELEV. BENCHMARK
CHISELED SQUARE ON TOP NUT OF FIRE HYDRANT
ELEV=1,000

TEMP ELEV. BENCHMARK
CHISELED SQUARE ON TOP NUT OF FIRE HYDRANT
ELEV=1,000

TEMP ELEV. BENCHMARK
CHISELED SQUARE ON TOP NUT OF FIRE HYDRANT
ELEV=1,000

TEMP ELEV. BENCHMARK
CHISELED SQUARE ON TOP NUT OF FIRE HYDRANT
ELEV=1,000

PROPOSED UTILITY EASEMENT

S 02°47'43" E 889.21'

N 02°47'43" W 475.00'

N 61°39'34" E 200.00'

VEGETATIVE BUFFER ZONE

S 87°12'17" W 530.00'

PROPOSED CONCRETE DRIVE AISLE

CONCRETE SIDEWALK

COVERED CONCRETE ENTRYWAY

PROPOSED NACOGDOCHES NURSING AND REHABILITATION CENTER

PROPOSED RECREATION AREA WITH SIDEWALK

PROPOSED CONCRETE DRIVE AISLE

PROPOSED CONCRETE DRIVE AISLE

PROPOSED CONCRETE DRAINAGE SWALE

PROPOSED RETAINING WALL

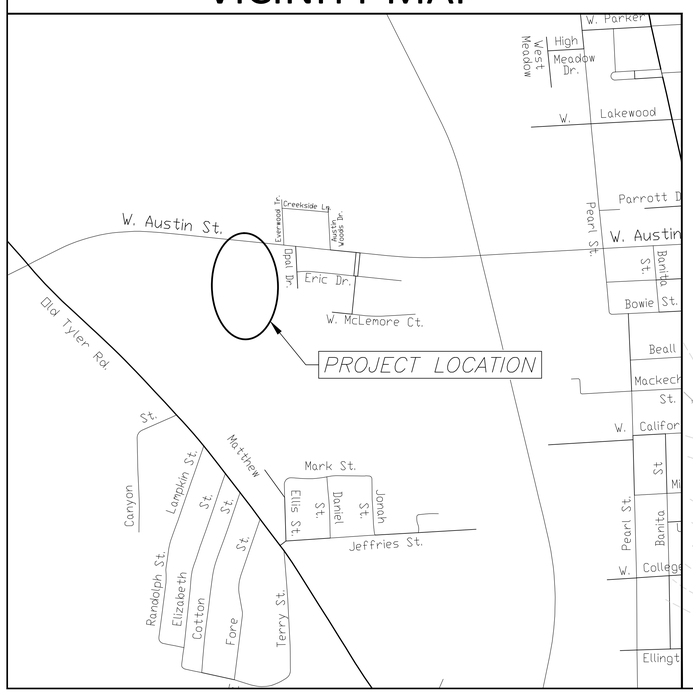
PROPOSED DUMPSTER PAD AND ENCLOSURE

PROPOSED CONCRETE TRANSFORMER PAD

PROPOSED SANITARY SEWER LIFT STATION

PROPOSED CONCRETE TRANSFORMER PAD

VICINITY MAP



NOTES:

1. THE PROPOSED PLANNED DEVELOPMENT DOES NOT LIE WITHIN THE 100 YEAR FLOOD BOUNDARY
2. TRAFFIC CIRCULATION IS 2-WAY THROUGH THE PARKING AREAS AND DRIVE.
3. PERMITTED USES FOR ADJACENT LANDS COMPLY WITH APPROVED PLANNED DEVELOPMENT RESTRICTIONS OR CURRENT LAND USE ORDINANCE.
4. COMPREHENSIVE PLAN FUTURE LAND USE MAP SHOWS THIS SITE AS FUTURE RESIDENTIAL. THIS DEVELOPMENT WILL BE SENIOR CARE/HOUSING ADJACENT TO AN EXISTING SENIOR LIVING PLANNED DEVELOPMENT, FULFILLING THE NEED FOR SENIOR CARE RESIDENCES.
5. THIS 9.5 ACRES TRACT EXCEEDS ALL CURRENT ZONING STANDARDS FOR LOT DIMENSIONS IN ALL CATEGORIES.
6. LANDSCAPE BUFFERS WILL BE COMPRISED OF NATURAL VEGETATION AND/OR PLANTED LANDSCAPING.

ISSUED ON:
FEBRUARY 11, 2026

PRELIMINARY
FOR REVIEW

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF MICHAEL P. DELANEY, P.E. 130405 ON 2/11/2026. IT IS NOT TO BE USED FOR BIDDING, PERMIT OR CONSTRUCTION PURPOSES.

ISSUED FOR:
PRELIMINARY REVIEW

General Notes

1. EXISTING UTILITY LOCATIONS AND/OR MATERIALS SHOWN ON THE PLANS ARE APPROXIMATE. THE CONTRACTOR IS HEREBY NOTIFIED THAT ALL EXISTING UTILITIES, WHETHER BURIED OR OVERHEAD, MAY OR MAY NOT BE SHOWN AND THAT THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR REPAIRING AND/OR REPLACING ANY AND ALL UTILITIES DAMAGED BY THE CONTRACTOR'S OPERATIONS AND THE COST(S) FOR WHICH SHALL BE BORNE BY THE CONTRACTOR.
2. THE CONTRACTOR IS HEREBY NOTIFIED THAT DANGEROUS UTILITIES MAY EXIST IN THE PROJECT AREA. THESE MAY INCLUDE BUT ARE NOT LIMITED TO: OVERHEAD OR UNDERGROUND ELECTRIC LINES, TELEPHONE LINES, FIBER-OPTIC LINES, AND GAS LINES.
3. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEERING DEPT. FOR INSPECTION PRIOR TO COVERING UNDERGROUND IMPROVEMENTS, BEFORE POURING BUILDING SLABS, OR MAKING ANY UTILITY TAPS OR CURB CUTS.
4. THIS IS NOT A BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN ARE FROM BOUNDARY SURVEY BY TWO FIFTEEN CONSULTING, DATING 03/27/2024
5. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING EROSION CONTROL (SILT FENCING) ON ALL DOWNHILL SLOPE AREAS OF THIS SITE.

DFD ARCHITECTS INC
305 WEST WILLIS STREET
SUITE 101
LEANDER, TEXAS 78641
PHONE: 512.259.4175
WWW.DFDARCH.COM

TWO FIFTEEN CONSULTING
ENGINEERS + SURVEYORS
TBPE: F-17451
TBPLS: 10194328
407 North St.
Nacogdoches, TX 75961
p. 936-560-6505

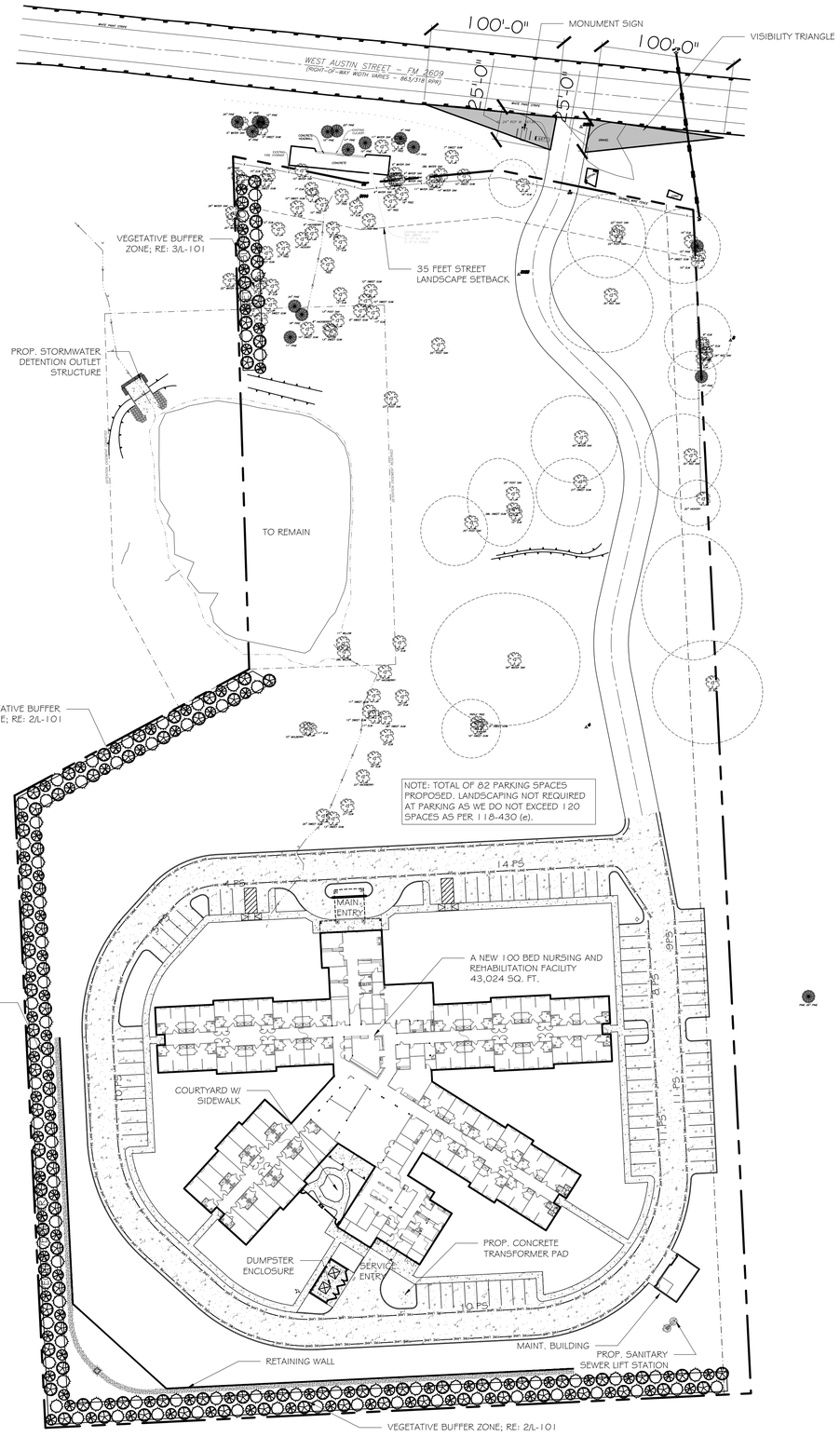
Nacogodoches Nursing and Rehabilitation

PROJECT LOCATION:
1703 West Austin St.
Nacogdoches, TX 75964

OWNER:
MUMMM Investments, LLC
6500 Honzon Circle
Waco, TX 76712

SHEET TITLE
PLANNED DEVELOPMENT SITE PLAN EXHIBIT

SHEET NUMBER
C-EXHIBIT



1 LANDSCAPE PLAN
SCALE: 1" = 50'-0"

TRUE NORTH

STREET LANDSCAPING REQUIRED:
STREET FRONTAGE: 350 FEET 8 INCHES (400 FT ROUNDED UP)
TOTAL TREE REQUIRED: 12 SMALL TREES OR 8 LARGE TREES

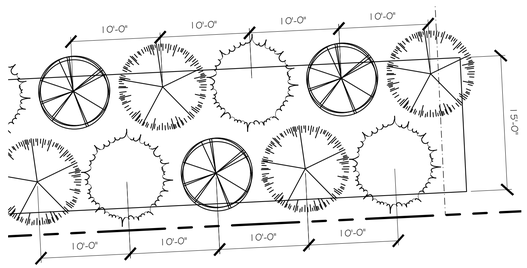
TREES REDUCTION:
TOTAL TREES REQUIRED: 12 SMALL TREES OR 8 LARGE TREES
TREE CREDIT AS PER SECTION 118-431 (c):

35" RED OAK = 6 TREE REDUCTION
22" POST OAK = 6 TREE REDUCTION

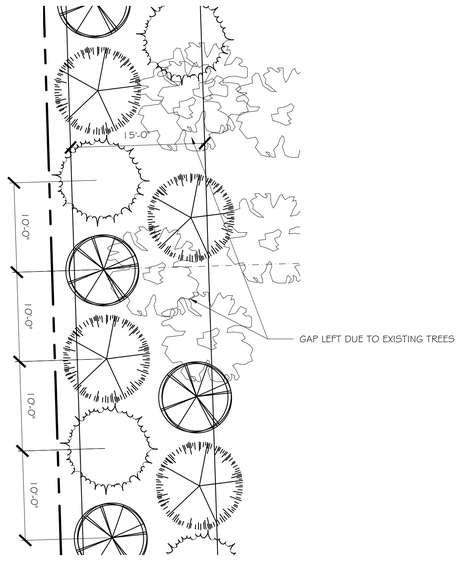
TOTAL NEW TREES REQUIRED: 0 TREES

NOTE: WHILE WE SELECTED THESE TWO TREES, A SIGNIFICANT NUMBER OF TREES LARGER THAN 4" WILL REMAIN WITHIN 35 FEET OF THE PROPERTY LINE AND DO NOT EXCEED 50% WIDTH OF THE FRONT PROPERTY LINE. THESE TREES GREATLY EXCEED THE REQUIREMENTS OF 118-430 (d) .

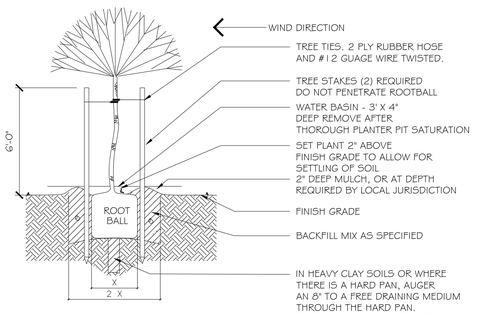
TREES				
TREES	COMMON NAME	BOTANICAL NAME	HEIGHT	QTY
	TEXAS MOUNTAIN LAUREL	DERMATOPHYLLUM SECUNDIFLORUM	6' FEET MIN.	87
	CHERRY LAUREL	PRUNUS LAUROCERASUS	6' FEET MIN.	85
	YAUPON	ILEX VOMITORIA	6' FEET MIN.	85
TOTAL				257



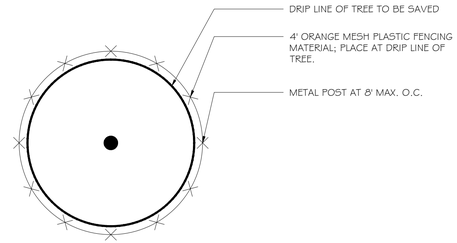
2 TYPICAL VEGATATIVE BUFFER ZONE
SCALE: 1/8" = 1'-0"



3 VEGATATIVE BUFFER ZONE
SCALE: 1/8" = 1'-0"



4 TREE PLANTING - STAKING DETAIL
NOT TO SCALE



5 TREE PRESERVATION
NOT TO SCALE

FIRST ISSUED ON:
FEBRUARY 13, 2026

REGISTERED ARCHITECT
WILLIAM A. DAVIS IV
15416
STATE OF TEXAS

FEBRUARY 13, 2026

REVISIONS:

DFD ARCHITECTS INC
305 WEST WILLIS STREET
SUITE 101
LEANDER, TEXAS 78641
PHONE: 512.259.4175
WWW.DFDARCH.COM

Nacogdoches Nursing and Rehabilitation

PROJECT LOCATION:
1703 West Austin St.
Nacogdoches, TX 75964

OWNER:

MUMMM Investments, LLC
6500 Honzon Circle
Waco, TX. 76712

LANDSCAPE PLAN

L-101

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Discuss and consider approval of Subdivision Case SD2026-03 regarding a Final Plat for Majestic Oaks Subdivision, consisting of approximately 25.35 acres located on the east side of U.S. Highway 259, approximately one mile north of U.S. Highway 59.

OVERVIEW:
The applicant, Eddie Aguilar, on behalf of Majestic Oaks Subdivision LLC, is requesting approval of a final plat for the Majestic Oaks Subdivision. The subject property is located within the City of Nacogdoches extraterritorial jurisdiction (ETJ) on the east side of US 259 in the Central Heights community. The proposed Final Plat for Majestic Oaks Subdivision consists of 37 residential lots on approximately 25.35 acres.

The Preliminary Plat was approved by the Planning & Zoning Commission in April 2025. Due to the rectangular configuration of the tract, variances were approved at that time to Section 90-216 (“Blocks”) regarding block length and Section 90-181 (“General Standards”) regarding street projections. A six-month extension of the Preliminary Plat approval was granted in October 2025. The Final Plat is consistent with the previously approved Preliminary Plat and associated variances.

The subdivision is located in the ETJ and includes private streets that will not be accepted or maintained by the City of Nacogdoches or by Nacogdoches County. According to the developer, the private streets will be maintained by a Homeowners Association (HOA) established for the subdivision. The City’s authority is limited to subdivision review and plat approval in accordance with Chapter 90 of the Subdivision Ordinance and applicable state law.

All required utility infrastructure improvements have been completed in accordance with the approved plans, as certified by the project engineer and surveyor. The private roadway base has been installed, with the final asphalt surface and curb and gutter improvements to be completed at a later date. The City’s review is based on submitted professional certifications, and no public acceptance of infrastructure is implied. The developer shall remain responsible for the completion and delegation of maintenance of all private infrastructure.

Water service to the subdivision will be provided by the Angelina & Neches River Authority (ANRA) pursuant to an executed Utility Commitment Agreement. The Final Plat has been reviewed by City staff for compliance with applicable subdivision regulations and is presented for consideration by the Planning & Zoning Commission.

STAFF REVIEW:
Pursuant to Section 90-122(j) of the Subdivision Ordinance, the Planning & Zoning Commission shall approve the Final Plat if it conforms to the standards and specifications set forth in Chapter 90 and if all conditions imposed at the time of Preliminary Plat approval have been satisfied. Staff has reviewed the Final Plat for compliance with these requirements. Please note: While the

roadway base for subdivision streets has been installed, final asphalt surface and curb and gutter improvements are proposed to be completed at a later date. The City's review is based on submitted professional certifications, and no public acceptance of infrastructure is implied.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:
1. Aerial Map
2. Final Plat
3. Request Letter
4. Confirmation Letter

SD2026-03 Aerial Map

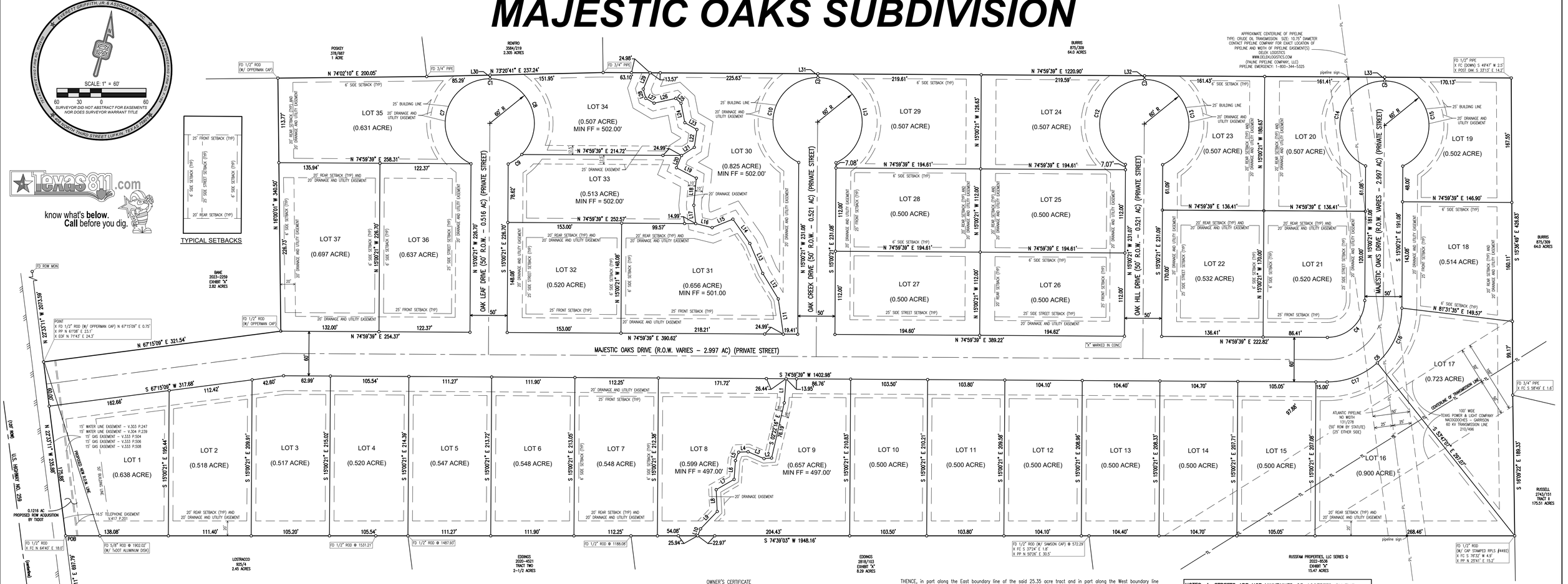


Date Created: 03/03/26 13:41 | ArcGIS Pro 3.2.2

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Nacogdoches
the oldest town in Texas
Engineering Department
GIS Division

MAJESTIC OAKS SUBDIVISION



LINE TABLE		
LINE	DIRECTION	DISTANCE
L18	N 10°01'23" W	36.68'
L19	N 7°44'20" W	30.16'
L20	N 07°04'11" E	17.83'
L21	N 42°10'34" E	20.31'
L22	N 07°03'23" W	24.27'
L23	N 75°40'39" W	18.60'
L24	N 26°21'58" W	26.55'
L25	N 62°36'14" W	9.81'
L26	S 62°07'11" W	29.77'
L27	N 75°02'43" W	12.92'
L28	N 30°36'39" W	12.95'
L29	N 07°20'34" E	23.70'
L30	S 15°00'21" E	5.01'
L31	S 15°00'21" E	5.00'
L32	S 15°00'21" E	5.00'
L33	S 15°00'21" E	5.00'

CURVE DATA TABLE				
CURVE	LONG CHORD	RADIUS	ARC LENGTH	DELTA
C1	N 74°59'39" E 50.00'	60.00'	325.42'	310°45'05"
C2	N 74°59'39" E 50.00'	60.00'	325.42'	310°45'05"
C3	N 74°58'15" E 50.00'	60.00'	325.42'	310°45'05"
C5	N 74°59'39" E 50.00'	60.00'	325.42'	310°45'05"
C4	N 29°59'39" E 70.71'	50.00'	78.54'	90°00'00"
C6	S 29°59'39" W 141.42'	100.00'	157.08'	90°00'00"
C7	N 02°41'37" W 117.24'	60.00'	162.71'	155°22'32"
C8	S 38°02'40" E 110.43'	60.00'	140.24'	133°55'21"
C9	S 39°38'36" W 22.33'	60.00'	22.47'	21°27'11"
C10	N 02°41'37" W 117.24'	60.00'	162.71'	155°22'32"
C11	S 27°19'04" E 117.24'	60.00'	162.71'	155°22'32"
C12	N 02°42'19" W 117.25'	60.00'	162.73'	155°23'57"
C13	S 27°19'47" E 117.23'	60.00'	162.68'	155°21'08"
C14	N 02°41'37" W 117.24'	60.00'	162.71'	155°22'32"
C15	S 27°19'04" E 117.24'	60.00'	162.71'	155°22'32"
C16	S 08°48'33" W 80.76'	100.00'	83.13'	47°37'47"
C17	S 53°48'33" W 72.28'	100.00'	73.95'	42°22'13"

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S 11°06'54" E	32.52'
L2	S 70°10'06" W	10.28'
L3	N 82°00'47" W	23.27'
L4	S 72°19'11" W	12.70'
L5	S 05°37'32" W	12.14'
L6	S 11°21'48" E	25.31'
L7	S 44°44'00" W	27.80'
L8	S 18°06'54" E	29.43'
L9	S 28°31'39" W	32.40'
L10	S 07°04'55" W	10.13'
L11	N 23°27'54" W	47.89'
L12	N 46°41'40" W	40.20'
L13	N 38°31'53" W	43.83'
L14	N 50°13'32" W	39.88'
L15	S 52°31'37" W	30.20'
L16	S 88°25'20" W	22.70'
L17	N 21°16'02" W	24.82'

NOTES: 1. STREETS ARE NOT MAINTAINED OR ACCEPTED BY THE CITY OF NACOGDOCHES OR NACOGDOCHES COUNTY.

2. WATER SERVICE TO THIS SUBDIVISION SHALL BE PROVIDED BY THE ANGELINA & NECHES RIVER AUTHORITY (ANRA)

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

This is to certify that the Planning Commission of the City of Nacogdoches, Texas, has approved this plat and subdivision of MAJESTIC OAKS SUBDIVISION as shown hereon.

IN TESTIMONY WHEREOF, witness the official signature of the Chairman and the City Secretary of the City Planning Commission of the City of Nacogdoches, Texas, this _____ day of _____, 2026.

_____ Secretary

_____ Chairman

This Subdivision lies within the Extra Territorial Jurisdiction of the City of Nacogdoches, Texas and must be signed (approved) by the City of Nacogdoches, Texas per agreement between the City of Nacogdoches, Texas and the County of Nacogdoches.

CERTIFICATE OF REGISTRATION

STATE OF TEXAS
KNOWN ALL MEN BY THESE PRESENTS
COUNTY OF NACOGDOCHES

I, Sandra "Sandy" Yates, County Clerk of Nacogdoches County, Texas, do hereby certify that this forgoing instrument in writing, with its certificate of authentication, was filed and duly recorded in my office on this_____day of_____, 2026 A.D., at _____o'clock____M, in Clerks Document Number_____ of the Real Property Records for said County.

WITNESS my hand and seal of office, at Nacogdoches, Texas, the day and date last above written.

_____
Sandra "Sandy" Yates, County Clerk,
Nacogdoches County, Texas

By:_____Deputy Clerk

That MAJESTIC OAKS SUBDIVISION LLC, is the owner of the property subdivided in the above and foregoing map of MAJESTIC OAKS SUBDIVISION does hereby make subdivision of said property according to the lines, lots, and easements thereon shown, and designate said subdivision as MAJESTIC OAKS SUBDIVISION in the JOHN KIRBY SURVEY, ABSTRACT NO. 36, Nacogdoches County, Texas, and dedicate to public use, as such, the parks and easements shown thereon forever, and do hereby bind ourselves, our successors and assigns, to warranty and forever defend the title to the land so dedicated.

Witness my hand in Nacogdoches, Nacogdoches County, Texas, this _____day of_____2026.

_____
Authorized Representative for
MAJESTIC OAKS SUBDIVISION, LLC

STATE OF TEXAS
COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority, on this day personally appeared_____
Authorized Representative for MAJESTIC OAKS SUBDIVISION LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2026.

_____
Notary Public, in and for
Nacogdoches County, Texas

I, Errol A. Collins, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the above plat and field note description of the MAJESTIC OAKS SUBDIVISION in the JOHN KIRBY SURVEY, ABSTRACT NO. 36, are true and correct, and were prepared from a survey made by me, on the ground, on the 24th day of April 2024.

_____
Errol A. Collins
Registered Professional Land Surveyor No. 5412

STATE OF TEXAS
COUNTY OF ANGELINA

BEFORE ME, the undersigned authority, on this day personally appeared Errol A. Collins, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2026.

_____
Notary Public, in and for
Angelina County, Texas

OWNER'S CERTIFICATE

THE STATE OF TEXAS:
COUNTY OF NACOGDOCHES:

BEING all that certain tract of land lying and situated in the Extra Territorial Jurisdiction of the City of Nacogdoches, Nacogdoches County, Texas, out of the JOHN KIRBY SURVEY, ABSTRACT NO. 36 and being all of that certain 25.35 acre tract described in a deed conveyed from Sandra Renee Bane, et al to Majestic Oaks Subdivision, LLC dated May 10, 2024 and recorded in Document # 2024–3183 of the Official Public Records of Nacogdoches County, Texas, to which reference is hereby made for any and all purposes, and the said tract or parcel being described by metes and bounds as follows, to wit:

BEGINNING at a ½" iron rod, on the East Right–Of–Way line of U. S. Highway No. 259 (120 feet wide ROW), for the Southwest corner of the aforesaid referred to 25.35 acre tract and the Northwest corner of that certain 2.45 acre tract described in a deed conveyed from Mary Jo Stoker, et al to Thomas G. Lostracco dated July 20, 1995 and recorded in Volume 925 on Page 4 of the Real Property Records of the said County, from which a fence corner post bears N 64° 40' E at 18.0 feet and a concrete ROW monument found for reference bears S 22° 33' 11" E at 697.79 feet;

THENCE, along the most Southerly West boundary line of the said 25.35 acre tract and along the said East ROW line of US 259, N 22° 33' 11" W at 235.88 feet a point for the most Southerly Northwest corner of the said 25.35 acre tract and the Southwest corner of the said 2.82 acre tract–EXHIBIT A described in a deed conveyed from Patsy B. Bane, Independent Executrix of the Estate of Victor C. Bane, Deceased to Patsy B. Bane dated March 29, 2023 and recorded in Document # 2023–2259 of the said Official Public Records, from which a power pole bears N 61° 08' E at 23.1 feet, an end–of–fence post bears N 71° 43' E at 24.3 feet and a concrete ROW monument found (broken) for reference bears N 22° 33' 11" W at 2073.59 feet;

THENCE, along the common boundary lines of the said 25.35 acre tract and the said 2.82 acre tract, the following two courses:

1) N 67° 15' 09" E, at 0.75 feet pass on line a ½" iron rod found (w/ Opperman cap) found for the Northeast corner of a proposed 0.1216 acre tract–Parcel ID: P00086821 (to be severed from this 25.35 acre tract – for additional Right–of–Way of U. S. Highway No. 259 per TxDot letter, addressed to Majestic Oaks Subdivision, LLC, dated December 18, 2024), at a total distance of 321.54 feet a ½" iron rod found (w/ Opperman cap) for an interior angle corner of the said 25.35 acre tract and the Southeast corner of the said 2.82 acre tract;

2) N 16° 00' 01" W at 340.50 feet a ½" iron rod found (w/Opperman cap) for the most Northerly Northwest corner of the said 25.35 acre tract and the Northeast corner of the said 2.82 acre tract, on the South boundary line of that certain 1 acre tract described in a deed conveyed from Sam Harvey, et ux to Franklin Poskey, et ux dated October 31, 1972 and recorded in Volume 378 on Page 687 of the Deed Records of the said County;

THENCE, in part along the most Easterly North boundary line of the said 25.35 acre tract and in part along the South boundary line of the said 1 acre tract, N 74° 02' 10" E at 200.05 feet a 3/4" iron pipe found for the Southeast corner of the said 1 acre tract and the most Easterly Southwest corner of that certain 2.305 acre tract described in a deed conveyed from Thomas N. Wiggins, et ux to Arlan Renfro, et ux dated August 19, 2011 and recorded in Volume 3584 on Page 219 of the said Official Public Records;

THENCE, in part along the most Easterly North boundary line of the said 25.35 acre tract and along the most Easterly South boundary line of the said 2.305 acre tract, N 73° 20' 41" E at 237.24 feet a 3/4" iron pipe found for the Southeast corner of the said 2.305 acre tract and the most Northerly Southwest corner of that certain 64.0 acre tract described in a deed conveyed from Gerald W. Robinson, et ux to Robert P. Burris, et ux dated March 2, 1994 and recorded in Volume 875 on Page 309 of the said Real Property Records;

THENCE, in part along the most Easterly North boundary line of the said 25.35 acre tract and along the most Westerly South boundary line of the said 64.0 acre tract, N 74° 59' 39" E at 1220.90 feet a ½" iron pipe found for the recognized Northeast corner of the said 25.35 acre tract and an interior ell corner of the said 64.0 acre tract, from which a fence corner (down) bears S 49° 47' W at 2.5 feet and a Post Oak for witness bears S 33° 13' E at 14.2 feet;

THENCE, in part along the East boundary line of the said 25.35 acre tract and along the most Southerly West boundary line of the said 64.0 acre tract, S 15° 36' 49" E at 426.83 feet a 3/4" iron pipe found for the most Southerly Southwest corner of the said 64.0 acre tract and the Northwest corner of that certain 175.51 acre tract–TRACT II described in a deed conveyed from Robert M. Cummings, et ux to Marion Clemet Russell, et ux dated October 26, 2007 and recorded in Volume 2743 on Page 151 of the said Official Public Records, from which a fence corner post bears S 58° 49' E at 1.6 feet;

THENCE, in part along the East boundary line of the said 25.35 acre tract and in part along the West boundary line of the said 175.51 acre tract, S 16° 09' 22" E at 189.33 feet a ½" iron rod found (w/ cap stamped RPLS # 4492) for the recognized Southeast corner of the said 25.35 acre tract and the Northwest corner of that certain 15.47 acre tract–Exhibit A described in a deed conveyed from William Boyer, et ux to Russfam Properties, L.L.C. Series Q dated September 30, 2022 and recorded in Document # 2022–8536 of the said Official Public Records, from which a fence corner post bears S 76° 32' W at 4.9 feet and a power pole bears N 25° 41' E at 15.2 feet;

THENCE, along the South boundary line of the said 25.35 acre tract, along the most Westerly North boundary line of the said 15.47 acre tract, along the most Westerly North boundary line of that certain 8.29 acre tract–EXHIBIT "A" described in a deed conveyed from James Alford Eddings, et ux to Nash Eddings, et ux dated March 4, 2008 and recorded in Volume 2818 on Page 103, along the most Westerly North boundary line of that certain 2–1/2 acre tract–TRACT TWO described in a deed conveyed from James A. Eddings, et ux to Nash Michael Eddings dated July 21, 2020 and recorded in Document # 2020–4521, both of the said Official Public Records and along the North boundary line of the said 2.45 acre tract, S 74° 39' 03" W, at 572.29 feet pass on line a ½" iron rod found (w/ SAMSON cap) for the most Easterly Northwest corner of the said 15.47 acre tract and the Northeast corner of the said 8.29 acre tract (from said ½" iron rod, a fence corner post bears S 37° 24' E at 1.8 feet and a power pole bears N 50° 26' E at 30.5 feet), at 1188.08 feet pass on line a ½" iron rod found for the most Easterly Northwest corner of the said 8.29 acre tract and the Northeast corner of the said 2–1/2 acre tract, at 1487.93 feet pass on line a ½" iron rod found for the most Easterly Northwest corner of the said 2–1/2 acre tract and the Northeast corner of the said 2.45 acre tract, at 1531.21 feet pass on line a ½" iron rod found for reference, at 1902.02 feet pass on line a 5/8" iron rod found (w/ TxDot aluminum disk) found for the Southeast corner of a proposed 0.1216 acre tract–Parcel ID: P00086821 (to be severed from this 25.35 acre tract – for additional Right–of–Way of U. S. Highway No. 259 per TxDot letter, addressed to Majestic Oaks Subdivision, LLC, dated December 18, 2024), at a total distance of 1948.16 feet the POINT AND PLACE OF BEGINNING and containing 25.35 acres of land, more or less.

Basis of Bearings: The Texas State Plane Coordinate System, Central Zone (4203), NAD 83, International Survey Foot.

ENGINEERS - SURVEYORS
Everett Griffith, Jr. & Associates Inc.
408 NORTH THIRD STREET
LUFKIN, TEXAS, 75901
TEXAS ENGINEERING FIRM NO. F-1156
936-634-5528
TEXAS SURVEYING FIRM NO. 10009100

FINAL PLAT
MAJESTIC OAKS SUBDIVISION
A SUBDIVISION OF 25.35 ACRE
OWNERS: MAJESTIC OAKS SUBDIVISION, LLC
MARIO WESLEY
JOHN KIRBY SURVEY, ABSTRACT NO. 36
NACOGDOCHES COUNTY, TEXAS

Sheet 1 of 1

EGA CONSULTANTS, LLC
ENGINEERS • SURVEYORS

February 4, 2025

Juan Pollette
City Planner
202 E Pilar Street Rm 239
P.O. Box 635030
Nacogdoches, Texas 75963-5030
(936) 559-2559 ph
(936) 559-2910 fax
pollettej@nactx.us

Re: Majestic Oaks Subdivision
P. & Z. Request For Final Plat Approval

Dear Juan,

I, on behalf of the owners, Majestic Oaks Subdivision, LLC and Mario Wesley, would like to be on the next available meeting of the Planning and Zoning Commission for approval of the final plat of Majestic Oaks Subdivision.

This proposed subdivision of 25.35 acres has thirty seven lots and four private streets.

The preliminary was approved last year. To my understanding, all construction has been completed.

See the attached plat and engineer's letter.

I believe all of the other items on your email dated January 28, 2026 have been taken care of and submitted to you - let me know if any additional items are needed.

Please call if you have any questions, and confirm when it is scheduled.

Sincerely,

Michael G. Parker, R.P.L.S.

EGA CONSULTANTS, LLC
ENGINEERS • SURVEYORS

February 3, 2026

Mr. Juan Pollette
City Planner
City of Nacogdoches
202 East Pilar Street
Nacogdoches, Texas 75963

Re: Majestic Oaks Subdivision – Confirmation Letter of Public Infrastructure

Dear Mr. Pollette:

This letter serves as confirmation that the public infrastructure improvements associated with Majestic Oaks Subdivision Project have been constructed in accordance with the approved construction plans, specifications, and all applicable City standards for local streets and related public improvements, except for the 2-inches of finished asphalt pavement. The street is considered private, and the developer is requesting a paving bond guarantee. Based on field observations, inspections, and review of record documentation, the other installed infrastructure is in general conformance with the City's adopted design criteria and construction requirements. Please note that this letter is provided solely to certify compliance with approved plans and applicable standards, expect for the finished asphalt pavement.

Should you have any questions or require additional information, please do not hesitate to contact me at (936) 634-5528 or via email at eaguilar@ega-llc.com.

Sincerely,

Eddie Aguilar

Eddie Aguilar, P.E.