US Army Corps of Engineers ®
Fort Worth District

# Joint Public Notice

**Number:** CESWF-15-PGP-2 (CESWF-2015-00473)

**Activity:** Activities Authorized by LCRA Lakewide Permits

**Date:** May 6, 2016

This public notice is to inform you of the issuance of a Programmatic General Permit for work that may occur in waters of the United States.

**Regulatory Program**

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

**Section 10**

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**Section 404**

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**Contact**

U.S. Army Engineer District
Regulatory Division
PO Box 1730
Fort Worth, TX 76102-0300
(817) 886-1736

# PROGRAMMATIC GENERAL PERMIT-2

## ACTIVITIES AUTHORIZED BY LOWER COLORADO RIVER AUTHORITY LAKEWIDE PERMITS

Work authorized by this PGP is limited to discharges of dredged and fill material into waters of the United States, excluding wetlands, associated with activities specifically authorized by the Lower Colorado River Authority (LCRA) in a lakewide permit during planned lake drawdowns and other events that result in lake levels 5 feet or more below the when-full elevation of the lake.

### SCOPE OF WORK

Lakewide permitted-activities eligible for authorization are:

1. **Dredging** of up to 2,000 cubic yards of material below the when-full elevation of the lake (currently 681 feet National Geodetic Vertical Datum (NGVD) at Lake Travis, 738 feet NGVD at Lake Marble Falls, 825 feet NGVD at Lake Lyndon B. Johnson, 888.22 feet NGVD at Inks Lake, and 1020.35 feet NGVD at Lake Buchanan) to maintain access, use, and navigability of lake waters provided:

   - No dredged material is placed permanently into a water of the United States other than as necessary to meet the terms and conditions of this permit;
   - Dredged areas are gradually sloped downward from the shoreline so as to blend the newly dredged area into the existing channel bottom contour and dredged areas must be smoothed to prevent any irregular surfaces or cuts that might collapse or erode;
   - Dredged areas are maintained so as not to allow water to become isolated from the remainder of the lake;
   - Dredged material obtained from areas near marine service stations, boat refinishing or repair operations must be disposed of at approved disposal sites for this type of material in accordance with all applicable local, state, and federal laws and regulations.
   - If dredged material is placed on land that drains into any water of the United States, temporary erosion controls, such as silt fences, must be used around the material until the material is stabilized by permanent vegetation.
   - No dredging is authorized that is either more than 10 feet below the normal or conservation pool elevation of the lake or below the original or previously dredged bottom elevations.

   **Note:** If the dredging activity does not result in the discharge of dredged or fill material into waters of the US there is no cubic yardage limitation since such activities are not regulated by the U.S. Army Corps of Engineers.

2. **Clearing of debris**, such as tree trunks and limbs and trash, from around boat docks or retaining walls provided:

   - No material removed is placed permanently in a water of the United States.

3. **Repair** of existing retaining walls and bulkheads, including the placement of up to 2 cubic yards of 6- to 12- inch diameter rock riprap per linear (running) foot at the base of the structure provided:

- The work otherwise complies with the requirements of USACE nationwide permit 3 for maintenance, USACE Nationwide permit 13 for bank stabilization, or USACE, Fort Worth and Albuquerque Districts Regional General Permit (RGP) 8 (CESWF-15-RGP-8) for boat ramps and minor facilities. (For copies of the nationwide permits or RGP 8, see http://www.swf.usace.army.mil/Missions/Regulatory.aspx or contact Highland Lakes Watershed Ordinance, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767-0220 or telephone (800) 776-5272, extension 3597.)

## CONDITIONS OF THE PGP

In addition to limitations discussed in the scope of work, projects authorized by this PGP are subject to the general conditions contained in Appendix A. References in the general conditions to "completion of construction" refer to completion of work within the permit area for the Department of the Army work in, and adjacent to, waters of the United States. Also, for projects requiring water quality certification, projects are subject to the conditions of the water quality certification that applies.

## LOCATION OF WORK

This PGP shall be applicable to work in areas regulated by LCRA at Lakes Travis, Marble Falls, Lyndon B. Johnson, Inks, and Buchanan in Travis, Burnet, Llano, and San Saba Counties in the State of Texas (see Appendix B).

## POTENTIAL OTHER AUTHORIZATIONS

A listing of potential other federal, state, or local permits, approvals, or authorizations required by law is contained in Appendix C.

## WATER QUALITY CERTIFICATION

State water quality certification under Section 401 of the Clean Water Act for the PGP from the Texas Commission on Environmental Quality (TCEQ) is attached.

## EVALUATION, VERIFICATION, AND COMPLIANCE PROCEDURES

Permit applicants must possess a valid lakewide permit from LCRA prior to the start of work. LCRA will provide a copy of this PGP with each lakewide permit issued. It is the applicant's responsibility to ensure that the construction is in compliance with all terms and conditions set forth herein. Please pay particular attention to general conditions 11 and 14, which require approval from the USACE before work begins in certain cases involving potential effects to cultural resources and endangered species, respectively. Failure to abide by these conditions invalidates the authorization and constitutes a violation of the Clean Water Act. Provided all terms and conditions are met, work may begin without additional administrative procedures from the USACE except in those special situations discussed below. Projects beyond the scope of this PGP may be considered for authorization by individual permit. In order for this PGP to remain in effect, LCRA must:

1. Provide an annual report 10 working days after October 1 of the number of activities authorized under this PGP for the period October 1-September 30 for the preceding year. Annual reports must also address such matters as: who has been authorized to do work; the scope of the work accomplished; when work was accomplished; and compliance with the scope and conditions of this PGP, including particularly compliance with conditions on cultural resources and endangered species.

Address requests for, and inquiries concerning information about, LCRA lakewide permits to:

**Highland Lakes Watershed Ordinance, Lower Colorado River Authority, P. 0. Box 220, Austin, Texas 78767-0220 or telephone (800) 776-5272, extension 3597.**
Address inquiries about this PGP to:
**Regulatory Division, U.S. Army Corps of Engineers, Fort Worth District, ATTN: CESWF-PER-R, P.O. Box 17300, Fort Worth, TX 76102-0300, or telephone (817) 886-1731.**

It is the permit applicant's responsibility to ensure that all authorized structures and activities continue to meet the terms and conditions set forth herein; failure to abide by them will constitute a violation of the Clean Water Act. Projects outside the scope of this PGP can be considered for authorization by individual permit.

This PGP shall become effective on the date of the signature of the District Engineer, or his authorized representative, and will automatically expire five years from that date unless the permit is modified, revoked, or extended before that date. Activities that have commenced, i.e. are under construction, or are under contract to commence in reliance upon this permit will remain authorized provided the activity is completed within twelve months of the date of this PGP's expiration, modification, or revocation, unless discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:
FOR THE DISTRICT ENGINEER:

David P. Madden
for

Calvin C. Hudson II
Colonel, Corps of Engineers
District Engineer
Fort Worth District

Date: 6 May 2016

## APPENDIX A
## GENERAL CONDITIONS
## PROGRAMMATIC GENERAL PERMIT CESWF-15-PGP-2

1. In verifying authorization under this programmatic general permit (PGP), the Department of the Army has relied in part on the information provided by the permittee. If, subsequent to verifying authorization, such information proves to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part.
2. Structures and activities authorized by this PGP shall comply with all terms and conditions herein. Failure to abide by such conditions invalidates the authorization and may result in a violation of the law, requiring restoration of the site or other remedial action.
3. This PGP is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose: a Department of the Army permit merely expresses the consent of the federal government to conduct the proposed work insofar as public rights are concerned. This PGP does not grant any property rights or exclusive privileges; does not authorize any injury to the property or rights of others; and does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state or local laws or regulations. This PGP does not relieve the permittee from the requirement to obtain a local permit from the jurisdiction within which the project is located.
4. This PGP may be modified or suspended in whole or in part if it is determined that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. The authorization for individual projects may also be summarily modified, suspended, or revoked, in whole or in part, upon a finding by the District Engineer that such action would be in the public interest.
5. Modification, suspension or revocation of the District Engineer's authorization shall not be the basis for any claim for damages against the United States.
6. This PGP does not authorize interference with any existing or proposed federal project, and does not entitle the permittee to compensation for damage or injury to the structures or activities authorized herein that may result from existing or future operations undertaken by the United States in the public interest.
7. No attempt shall be made by permittees to prevent the full and free public use of any navigable water of the United States.
8. Permittees shall not cause any unreasonable interference with navigation.
9. Permittees shall make every reasonable effort to conduct the activities in a manner that will minimize any adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, and trees, particularly hard-mast producing trees such as oaks and hickories.
10. Permittees shall allow the District Engineer and his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the activity is being performed in accordance with the terms and conditions of this PGP.
11. Permittees must evaluate the effect that the proposed work would have on historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) prior to the initiation of work. Historic properties include prehistoric and historic archeological sites, and areas or structures of cultural interest that occur in the permit area. If a known historic property would be encountered, the permittee shall notify the USACE and shall not conduct any work in the permit area that would affect the property until the requirements of 33 CFR Part 325, Appendix C, have been satisfied. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately notify the USACE and avoid further impact to the site until the USACE has verified that the requirements of 33 CFR Part 325, Appendix C, have been satisfied.

12. Materials to be placed into waters of the United States are restricted to clean native soils and concrete, sand, gravel, rock, other coarse aggregate, and other suitable material. All material used shall be free of toxic pollutants in toxic quantities.
13. Permittees shall coordinate all construction activities in federally maintained channels and/or waterways for required setback distances with the USACE prior to application for a permit.
14. Activities that are likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act, or that are likely to destroy or adversely modify the critical habitat of such species are not authorized. Permittees shall notify the District Engineer if any listed species or critical habitat might be affected by, or is in the vicinity of, the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.
15. Permittees shall not significantly disrupt the movement of those species of aquatic life indigenous to the water body or those species that normally migrate through the project area.
16. Permittees shall not permanently restrict or impede the passage of normal or expected high flows unless the primary purpose of the activity is to temporarily impound water.
17. Permittees shall properly maintain all structures and fills to ensure public safety.
18. Permittees shall insure that projects have no more than minimal adverse impacts on public water supply intakes.
19. Permittees shall design facilities to be stable against the forces of flowing water, wave action, and the wake of passing vessels.
20. Permittees shall remove all excess material and temporary fill and structures placed in waters of the United States to upland areas and stabilize all exposed slopes immediately upon completion of construction. Material may be temporarily sidecast into waters of the United States for up to 10 days provided that the material is placed in a manner that will not allow it to be dispersed by currents or other forces. Areas affected by temporary fills and/or structures shall be returned to preconstruction conditions or better, including revegetation with native vegetation. All material removed must be placed at least 50 feet from any water of the United States, including wetlands, and adequately contained to prevent the return to any water of the United States, including wetlands.
21. Permittees are not authorized to discharge dredged or fill material into waters of the United States for purposes of disposal into, or reclamation of, an aquatic area.
22. Permittees shall not use a jet barge or similar equipment for trench excavation.
23. Channel and boat lane construction and maintenance are not authorized.
24. This permit does not authorize work in a park, wildlife management area, refuge, sanctuary, or similar area administered by a federal, state or local agency without that agency's approval.
25. Permittees are responsible for compliance with all terms and conditions of this PGP for all activities within the Department of the Army permit area of a project authorized by this PGP, including those taken on behalf of the permittee by other entities such as contractors and subcontractors. Permittees assume all liabilities associated with fills and impacts that are incurred by individuals and/or organizations working on contracts with the permittee. Before beginning the work authorized herein or directing a contractor to perform such work, permittees shall ensure that all parties read, understand and comply with the terms and conditions of this permit. The USACE strongly encourages pre-construction meetings with all construction contractors detailing the terms and conditions of this PGP prior to commencing construction.
26. Permittees shall not construct facilities designed or used for human habitation nor those that include sewage or fuel handling facilities.
27. Permittees must comply with Federal Emergency Management Agency (FEMA), or FEMA-approved local floodplain development requirements in the placement of any permanent above-grade fills in waters of the United States within the 100-year floodplain. The 100-year floodplain will be identified through FEMA's Flood Insurance Rate Maps or FEMA-approved local floodplain maps. A permanent above-grade fill is a discharge of dredged or fill material into waters of the

United States that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land.

28. Note: Proposed by Texas Commission on Environmental Quality (TCEQ) to satisfy water quality certification requirements for all projects to which Section 401 water quality certification by the TCEQ would apply, the permittee would use at least one best management practice (BMP) from each of the first three categories of on-site water quality management and comply with item d. concerning contaminated dredged material below to satisfy TCEQ water quality certification requirements. Descriptions of the BMPs may be obtained from the TCEQ Standards Implementation Team by calling (512) 239-4671, from the USACE by calling the Regulatory Division, Fort Worth District, at (817) 886-1731, or by visiting the USACE, Fort Worth District, web site at http://www.swf.usace.army.mil/Missions/Regulatory.aspx. The TCEQ-proposed BMPs are as follows:

a. Erosion Control

Disturbed areas must be stabilized to prevent the introduction of sediment to adjacent wetlands or water bodies during wet weather conditions (erosion). At least one of the following best management practices (BMPs) must be maintained and remain in place until the area has been stabilized.

- Temporary Vegetation
- Blankets/Matting
- Mulch
- Sod

b. Post-Construction TSS Control

After construction has been completed and the site is stabilized, total suspended solids (TSS) loadings shall be controlled by at least one of the following BMPs.

- Retention/Irrigation
- Extended Detention Basin
- Vegetative Filter Strips
- Constructed Wetlands
- Wet Basins

c. Sedimentation Control

The project area must be isolated from adjacent wetlands and water bodies by the use of BMPs to confine sediment. At least one of the following BMPs must be maintained and remain in place until project completion.

- Sand Bag Berm
- Silt Fence
- Triangular Filter Dike
- Rock Berm
- Hay Bale Dike

Dredged material shall be placed in such a manner that prevents sediment runoff into water in the state, including wetlands. Water bodies can be isolated by the use of one or more of the required BMPs identified for sedimentation control. These BMPs must be maintained and remain in place until the dredged material is stabilized.

Hydraulically dredged material shall be disposed of in contained disposal areas. Effluent from contained disposal areas shall not exceed a TSS concentration of 300 mg/l.

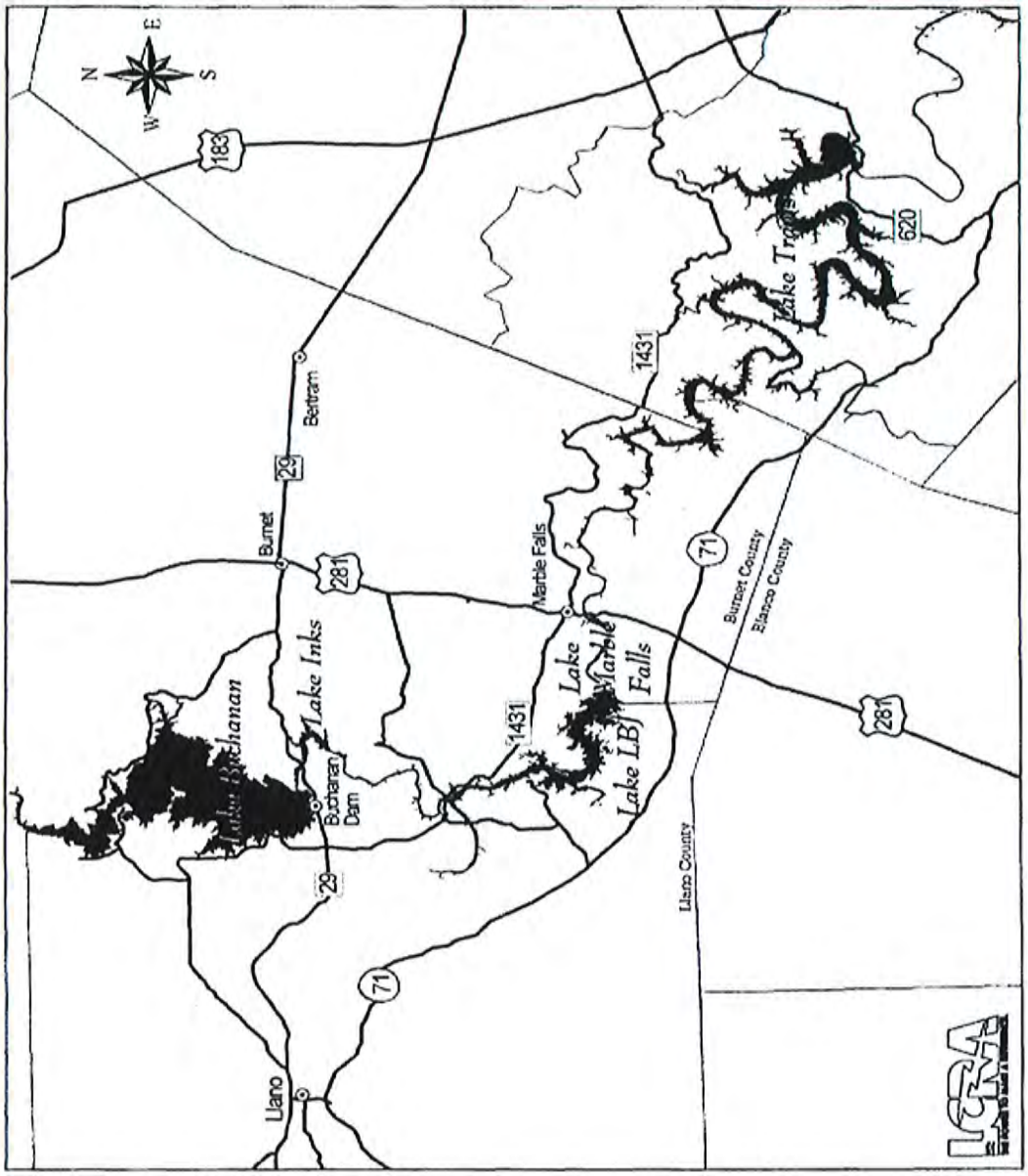
d. Contaminated Dredged Material

If contaminated dredge material that was not anticipated or provided for in the permit application is encountered during dredging, operations shall cease immediately. Pursuant to 26.039 (b) of the Texas Water Code, the individual operating or responsible for the dredging operations shall notify the commission's emergency response team at (512) 463-7727 as soon as possible, and not later than 24 hours after the discovery of the material. The applicant shall also notify the Corps that activities have been temporarily halted. Contaminated dredge material shall be remediated or disposed of in accordance with TCEQ rules. Dredging activities shall not be resumed until authorized in writing by the Commission.

Contaminated dredge material is defined as dredge material which has been chemically, physically, or biologically altered by man-made or man-induced contaminants which include, but are not limited to solid waste, hazardous waste and hazardous waste constituent as those terms are defined by 30 TAC Chapter 335, Pollutants as defined by Texas Water Code 26.001 and Hazardous Substances as defined in the Texas Health and Safety Code, 361.003.

**APPENDIX B**

**LOCATION OF WORK**

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## APPENDIX C
## POTENTIAL AUTHORIZATION FROM OTHER AGENCIES

This PGP does not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. The permittee is responsible for obtaining any additional federal, state, or local permits or approvals that may be required, including, but not limited to:

1. When streambed materials such as sand, shell, gravel and marl would be disturbed or removed from state-designated navigable waters, state-owned waters, or certain perennial waters in Texas, the permittee may be required to obtain a permit from the Texas Parks and Wildlife Department (TPWD), 4200 Smith School Road, Austin, Texas 78744. All activities occurring on lands owned or managed by the TPWD require a signed agreement from that agency prior to commencing operations.
2. All activities in Texas located on lands under the jurisdiction of the Texas General Land Office (GLO), 1700 North Congress Avenue, Austin, Texas 78701-1495, must have prior approval from that office. The placement of structures onto state-owned streambeds, state-owned uplands, or coastal state-owned lands in Texas may require the issuance of a lease or easement from the GLO.
3. Activities within a 100-year floodplain may require a floodplain development permit from the local floodplain administrator or, in Texas, the TCEQ Flood Management Unit, (512) 239-4771 (see also general condition 27). In addition, evidence that the project meets non-encroachment restrictions in regulatory floodways may be required.
4. In accordance with the federal Clean Water Act and Texas statute, a point source discharge of pollutants from an outfall structure associated with activities other than oil and gas exploration, development, and production must be authorized, conditionally authorized, or specifically exempted from regulation under the terms of the Texas Pollutant Discharge Elimination System (TPDES) program through the TCEQ, Water Quality Division (MC-150), P.O. Box 13087, Austin, Texas 78711-3087. In accordance with the federal Clean Water Act and Texas Statute, a point source discharge of pollutants from an outfall structure associated with oil and gas exploration, development, and production must be authorized, conditionally authorized, or specifically exempted from regulation by the U. S. Environmental Protection Agency (EPA), Region 6, Water Quality Protection Division (6WQ), 1445 Ross Avenue, Dallas, Texas 75202, and the Railroad Commission of Texas, Oil and Gas Division, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711-2967, respectively.
5. Activities such as clearing, grading, and excavation that would disturb one or more acres of land may require a National Pollutant Discharge Elimination System (NPDES) storm water management permit from the U.S. Environmental Protection Agency (EPA), Region 6, Water Quality Protection Division (6WQ), 1445 Ross Avenue, Dallas Texas 75202 or a TPDES storm water management permit from the TCEQ, Water Quality Division (MC-150), P. 0. Box 13087, Austin, Texas 78711-3087.
6. The use of scrap tires for bank stabilization and erosion control requires notification of the TCEQ Waste Tire Recycling Program, P.O. Box 13087, Austin, Texas 78711-3087.
7. Activities outside the USACE action area that may affect a federally-listed endangered or threatened species or its critical habitat could require permits from the U.S. Fish and Wildlife Service (FWS) to prevent a violation of the Endangered Species Act under Section 9. For further information, contact the FWS in Austin: Compass Bank Building, 10711 Burnet Road, Suite 200, Austin, Texas 78758, (512) 490-0057, http://www.fws.gov/southwest/es/austintexas/.
8. Activities may affect state-listed rare, threatened, or endangered species. For a rare, threatened, and endangered species review in the State of Texas, submit projects to: Texas Parks and Wildlife Department, Wildlife Division, Wildlife Habitat Assessment Program, 4200 Smith School Road, Austin, Texas 78704, www.tpwd.state.tx.us/publications/pwdforms/media/pwd_1059_w7000_coordination_and_review.doc

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 2, 2016

Mr. Stephen Brooks, Division Chief
U.S. Army Corps of Engineers
Regulatory Division CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Mr. Chandler Peter

Re: USACE Permit Application No. CESWF-15-PGP-2

Dear Mr. Brooks:

This letter is in response to the Statement of Findings (SOF) dated April 20, 2016 for the Joint Public Notice dated December 28, 2015, on the U.S. Army Corps of Engineers (USACE) proposed re-issuance of Programmatic General Permit (PGP) CESWF-15-PGP-2 to provide authorization for recurring work involving the discharge of dredged or fill material into waters of the U.S. excluding wetlands under Section 404, and work in or affecting navigable waters of the U.S. under Section 10. Work under this PGP would cause no more than minimal individual and cumulative adverse environmental impacts. The provisions of this PGP would apply to construction and maintenance activities authorized by the Lower Colorado River Authority (LCRA) Lakewide Permits during planned lake drawdowns and other events that result in lake levels 5 feet or more below the when-full elevation of the lake. This PGP shall be applicable to work in areas regulated by LCRA at Lakes Travis, Marbles Falls, Lyndon B. Johnson, Inks, and Buchanan in Travis, Burnet, Llano, and San Saba Counties in the State of Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including standard provisions of the certification, is included as an attachment to this letter.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Mr. Jeff Paull, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-1649 or by email at jeff.paull@tceq.texas.gov.

Sincerely,

David W. Galindo
Water Quality Division Director
Texas Commission on Environmental Quality

DWG/JP/tc

**WORK DESCRIPTION:** As described in the public notice dated December 28, 2015, and the April 20, 2016, Environmental Assessment and Statement of Findings.

**SPECIAL CONDITIONS:** None

**GENERAL: This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the April 20, 2016, Environmental Assessment and Statement of Findings and shall be concurrent with the Corps of Engineers (COE) permit.** This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. If this application is a modification of an original permit or any modification thereof for which a special condition was cited by the Commission or a predecessor agency, such conditions shall remain valid. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.

2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.

3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.

4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.

5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.

6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.

7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.

8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.

9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.

10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.

11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:
http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4671.

12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.

13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.

14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.

15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.

16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.

17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.

18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.

19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.