



**US Army Corps
of Engineers**
Fort Worth District

Joint Public Notice

Number: CESWF-10-PGP-2
Activities Authorized by Lower Colorado River

Activity: Authority Lakewide Permits

Date: May 24, 2010

U.S. ARMY CORPS OF ENGINEERS

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Evaluation of a proposed U. S. Army Corps of Engineers (USACE) Programmatic General Permit (PGP) under Section 404 of the Clean Water Act (CWA) for discharges of dredged or fill material into waters of the United States and Section 10 of the Rivers and Harbors Act of 1899 for work in, or affecting, navigable waters of the United States and application for water quality certification under Section 401 of the CWA for Section 404 discharges associated with the construction and maintenance of activities authorized by Lower Colorado River Authority (LCRA) Lakewide Permits. A PGP may not be used to authorize work subject to regulation under Section 404 of the CWA until water quality certification has been issued or waived.

APPLICATION NUMBER: The "Proposed Programmatic General Permit, Activities Authorized by Lower Colorado River Authority Lakewide Permits" has been designated CESWF-10-PGP-2. This PGP would replace State Program General Permit CESWF-05-SPGP-2.

DATE ISSUED: May 24, 2010

LOCATION: Lakes Travis, Marble Falls, Lyndon B. Johnson, Inks, and Buchanan, in the Fort Worth District of the USACE, in the state of Texas (see "Location of Work" in the enclosed proposed PGP).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification from the State of Texas, LCRA Lakewide Permit.

PROJECT DESCRIPTION: This proposed PGP, if issued, would provide Department of the Army authorization for recurring work that causes no more than minimal individual and cumulative adverse environmental impacts. A PGP serves to reduce administrative procedures and expedite decisions for routine permit actions. The enclosed "Proposed Programmatic General Permit, Activities Authorized by Lower Colorado River Authority Lakewide Permits" details the scope, location, terms and conditions, and application procedures of the proposed

permit. Only minor changes of the CESWF-05-PGP-2 have been made to clarify the use of the PGP and to update contacts and references.

PUBLIC INTEREST REVIEW FACTORS: The proposed PGP will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U.S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to authorize this PGP will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposal. Any comments received will be considered by the USACE in determining whether to adopt the proposed PGP. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposal.

STATE WATER QUALITY CERTIFICATION: Texas Commission on Environmental Quality (TCEQ) certification is required for work within the state of Texas that is subject to Section 404 of the Clean Water Act. Concurrently with the processing of this Department of the Army proposal, the TCEQ is reviewing this proposal under Section 401 of the Clean Water Act, and Title 31, Texas Administrative Code Section 279.1-13 to determine if the work authorized by this PGP would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning the application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with the proposed PGP is made available for review in the TCEQ's Austin Office. The complete application must be reviewed in the USACE's office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by

the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

THREATENED AND ENDANGERED SPECIES: No authorization would be granted under this PGP for an activity that is likely to jeopardize the continued existence of an endangered or threatened species or a species proposed for such designation, as identified under the Endangered Species Act, or for an activity that is likely to destroy or adversely modify the critical habitat of such species. Any activity that may affect an endangered or threatened species would require review by the USACE and consultation with the U. S. Fish and Wildlife Service.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE will take into account the impact of activities authorized by this PGP on cultural resources listed, or eligible for listing, in the National Register of Historic Places (NRHP). If known or previously unknown cultural resources are encountered during work authorized by this permit, the permittee shall notify the appropriate USACE district and the resources shall be avoided until the USACE can assess their eligibility for listing in the NRHP. Sites determined to be eligible for listing in the NRHP shall be mitigated in consultation with the USACE. Cultural resources include prehistoric and historic archeological sites, and areas or structures of cultural interest that occur in the permit area.

SOLICITATION OF COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location of the hearing.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before June 23, 2010, the closing date of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the closing date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mr. David Madden, Regulatory Branch, CESWF-PER-R, U.S. Army Corps of Engineers, P.O. Box 17300, Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room

3A37 of the Federal Building at 819 Taylor Street in Fort Worth during regular business hours, Monday through Friday. Telephone inquiries may be directed to Mr. Madden at (817) 886-1741.

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS

PROPOSED-TO-BE-REISSUED PROGRAMMATIC GENERAL PERMIT-2
ACTIVITIES AUTHORIZED BY LOWER COLORADO RIVER AUTHORITY
LAKEWIDE PERMITS

Interested parties are hereby notified that, in accordance with 33 CFR 322.2(f), 323.2(h), and 325.2(e)(2) published in the Federal Register November 13, 1986, the Fort Worth District of the U. S. Army Corps of Engineers (USACE) proposes to authorize the work described herein by programmatic general permit (PGP) pursuant to Section 404 of the Clean Water Act.

The purpose of this PGP is to expedite authorization of recurring work that would have minimal adverse impact on the aquatic environment. This PGP contains provisions intended to protect the environment, including natural and cultural resources. Work that does not comply with these provisions may require an individual permit. However, compliance with the conditions contained in this PGP does not guarantee authorization of the work under this PGP. Work or structures that would have unacceptable impacts on the public interest are not authorized. Activities requiring Department of the Army authorization that are not specifically covered by this permit are prohibited unless authorized by a separate permit.

The proposed PGP has been designated CESWF-10-PGP-2 and replaces State Program General Permit CESWF-05-SPGP-2 for “Activities Authorized by Lower Colorado River Authority Lakewide Permits.”

SCOPE OF WORK

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. 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.

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-09-RGP-8) for boat ramps and minor facilities. (For copies of the nationwide permits or RGP 8, reference the Internet at <http://www.swf.usace.army.mil/regulatory> 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, including wetlands. 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).

WATER QUALITY CERTIFICATION

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

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-owned 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. O. 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 permit 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,

http://www.tpwd.state.tx.us/publications/pwdforms/media/pwd_1059_w7000_coordination_and_review.doc

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 a report of the number of verifications of authorization of activities under this PGP for the periods January 1 - March 31, April 1 - June 30, July 1 - September 30, and October 1 - December 31 of each year within ten days of the end of the period and
2. provide an annual report by March 1 of each year for the period from January 1 to December 31 of the previous year, beginning in 2011, summarizing the issuance of, and compliance with, lakewide permits and the PGP during that period. 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. O. Box 220, Austin, Texas 78767-0220 or telephone (800)776-5272, extension 3597.

Address inquiries about this PGP to:

Regulatory Branch, 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 and/or the Rivers and Harbors Act of 1899. 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:

Richard J. Muraski, Jr.
Colonel, Corps of Engineers
District Engineer
Fort Worth District

APPENDIX A

GENERAL CONDITIONS

PROGRAMMATIC GENERAL PERMIT CESWF-10-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, including wetlands, 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, such as a wetland.

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 activities of the project.

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, including wetlands, 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, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by nationwide permits 3, 25, 36, etc., are not included.

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 by calling (512) 239-5366, from the USACE by calling the Regulatory Branch, Fort Worth District, USACE, at (817) 886-1731, or by visiting the USACE, Fort Worth District, web site at <http://www.swf.usace.army.mil/regulatory>. 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

