2. SITE OPERATORS:

BY DEFINITION A PRIMARY OPERATOR IS THE PERSON OR PERSONS ASSOCIATED WITH A LARGE OR SMALL CONSTRUCTION ACTIVITY THAT MEETS EITHER OF THE FOLLOWING 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 STORM WATER 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).

BY DEFINITION A SECONDARY OPERATOR IS 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 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.

(SIGNATURE)	(SIGNATURE)
OWNER	CONTRACTOR
OPERATOR IN CONTROL OF	OPERATOR IN CONTROL OF
PLANS & SITE SPECIFICATIONS	DAY-TO-DAY ACTIVITIES
NAME & TITLE	NAME & TITLE
COMPANY NAME	COMPANY NAME
ADDRESS	ADDRESS
	PHONE

THE SWP3 SHALL BE SIGNED BY ALL SITE OPERATORS IN COMPLIANCE WITH TXRI50000 PART III.A.I.ma

3. RESPONSIBILITIES OF ALL SITE OPERATORS:

EACH OPERATOR MUST

- A. SIGN THE SWP3 PLAN SHEETS IN THE LOCATIONS PROVIDED. SIGNATORIES MUST MEET THE REQUIREMENTS as set forth in 30 Texas Administrative Code §305.44.
- B. <u>FOR SMALL CONSTRUCTION SITES</u> WITH ONE TO LESS THAN FIVE ACRES OF DISTURBANCE, COMPLETE AND CERTIFY A CONSTRUCTION SITE NOTICE FOR SMALL CONSTRUCTION SITES. A COPY OF THE SIGNED AND CERTIFIED CONSTRUCTION SITE 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 PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES, AND MAINTAINED IN THAT LOCATION UNTIL COMPLETION OF THE CONSTRUCTION ACTIVITY (SEE ITEM 8 BELOW REGARDING LINEAR PROJECTS). A COPY OF THE SIGNED AND CERTIFIED CONSTRUCTION SITE NOTICE MUST ALSO BE PROVIDED TO THE OPERATOR OF ANY MS4 RECEIVING THE DISCHARGE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
- C. FOR LARGE CONSTRUCTION SITES WITH FIVE OR MORE ACRES OF DISTURBANCE. ALL OPERATORS SHALL COMPLETE AND CERTIFY A CONSTRUCTION SITE NOTICE FOR LARGE CONSTRUCTION SITES. EACH PRIMARY OPERATOR MUST SUBMIT A NOTICE OF INTENT (N.O.I.) TO THE TCEQ USING THE FORM PROVIDED BY THE EXECUTIVE DIRECTOR. AT LEAST SEVEN (7) DAYS PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES. OR IF UTILIZING ELECTRONIC SUBMITTAL, PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES. A COPY CONSTRUCTION SITE NOTICE MUST BE POSTED NEAR THE MAIN ENTRANCE TO THE CONSTRUCTION SITE IN A LOCATION WHERE IT IS SAFELY AND READILY AVAILABLE FOR VIEWING BY THE GENERAL PUBLIC, LOCAL, STATE, AND FEDERAL AUTHORITIES PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES, AND MAINTAIN THE NOTICE IN THAT LOCATION UNTIL COMPLETION OF THE CONSTRUCTION ACTIVITY (SEE ITEM 8 BELOW REGARDING LINEAR PROJECTS). ALL PRIMARY OPERATORS MUST PROVIDE A COPY OF THE SIGNED N.O.I. TO THE OPERATOR OF ANY MS4 RECEIVING THE DISCHARGE AND TO ANY SECONDARY OPERATOR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES. ALL PRIMARY OPERATORS MUST LIST IN THE SWP3 THE NAMES AND ADDRESSES OF ALL MS4 OPERATORS RECEIVING A COPY. IF AN ADDITIONAL PRIMARY OPERATOR IS ADDED AFTER THE INITIAL N.O.I. IS SUBMITTED, THE NEW PRIMARY OPERATOR MUST SUBMIT AN N.O.I. AT LEAST SEVEN (7) DAYS PRIOR TO ASSUMING OPERATIONAL CONTROL, OR IF UTILIZING ELECTRONIC SUBMITTAL, PRIOR TO ASSUMING OPERATIONAL CONTROL. IF THE PRIMARY OPERATOR CHANGES AFTER THE INITIAL N.O.I. IS SUBMITTED, THE NEW PRIMARY OPERATOR MUST SUBMIT A PAPER N.O.I. OR AND ELECTRONIC N.O.I. AT LEAST TEN (IO) DAYS PRIOR TO ASSUMING OPERATIONAL CONTROL. ALL SECONDARY OPERATORS ARE REGULATED UNDER THE GENERAL PERMIT, BUT ARE NOT REQUIRED TO SUBMIT AN N.O.I., PROVIDED THAT ANOTHER OPERATOR(S) AT THE SITE HAS SUBMITTED AN N.O.I., OR IS REQUIRED TO SUBMIT AND N.O.I. AND THE SECONDARY OPERATOR HAS PROVIDED NOTIFICATION TO THE

OPERATOR(S) OF THE NEED TO OBTAIN COVERAGE (WITH RECORDS OF NOTIFICATION AVAILABLE UPON REQUEST). ALL SECONDARY OPERATORS MUST PROVIDE A COPY OF THE SIGNED AND CERTIFIED CONSTRUCTION SITE NOTICE TO THE OPERATOR OF ANY MS4 RECEIVING THE DISCHARGE PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

- D. DELEGATE AUTHORITY TO the specifically described position or person PERFORMING INSPECTIONS, as provided by 30 TAC §305.128, as an authorized person for signing reports and performing certain activities requested by the Director or required by the TPDES General Permit. THIS DELEGATION OF AUTHORITY MUST BE PROVIDED TO THE DIRECTOR OF TCEQ IN WRITING AND A COPY SHALL BE KEPT ALONG WITH THE signed EFFECTIVE COPY OF THE SWP3.
- E. RETAIN THE FOLLOWING RECORDS FOR A MINIMUM OF THREE YEARS FROM THE DATE THAT AN N.O.T. IS SUBMITTED. ON SMALL PROJECT SITES WHERE AN N.O.T. IS NOT REQUIRED, RECORDS SHALL BE KEPT FOR A PERIOD OF LEAST THREE YEARS FROM THE DATE OF FINAL STABILIZATION OR CHANGE OF OPERATOR.
- A COPY OF THE SWP3 PLAN.
- 2) ALL REPORTS AND ACTIONS REQUIRED BY THE TPDES GENERAL PERMIT, INCLUDING A COPY OF THE CONSTRUCTION SITE NOTICE.
- 3) ALL DATA USED TO COMPLETE THE N.O.I., IF AN N.O.I. IS REQUIRED.
- 4) 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.
- 4. RESPONSIBILITIES OF THE OWNER (OPERATOR IN CONTROL OF PLANS & SITE SPECIFICATIONS):
 - A. ENSURE THE PROJECT SPECIFICATIONS ALLOW OR PROVIDE THAT ADEQUATE BMPs MAY BE DEVELOPED TO MEET THE REQUIREMENTS OF PART III OF THE TPDES GENERAL PERMIT.
 - B. ENSURE THAT THE SWP3 INDICATES THE AREAS OF THE PROJECT WHERE THEY HAVE OPERATIONAL CONTROL.
 - C. ENSURE ALL OTHER OPERATORS AFFECTED BY MODIFICATIONS IN PROJECT SPECIFICATIONS ARE NOTIFIED IN A TIMELY MANNER SUCH THAT THOSE OPERATORS MAY MODIFY BMPs AS ARE NECESSARY TO REMAIN COMPLIANT WITH THE CONDITIONS OF THE TPDES GENERAL PERMIT.
 - D. ENSURE THAT THE SWP3 FOR PORTIONS OF THE PROJECT WHERE THEY ARE OPERATORS INDICATES THE NAME AND TPDES PERMIT NUMBERS FOR OPERATORS WITH THE DAY-TO-DAY OPERATIONAL CONTROL OVER THOSE ACTIVITIES NECESSARY TO ENSURE COMPLIANCE WITH THE SWP3 AND OTHER PERMIT CONDITIONS. IN THE CASE THAT RESPONSIBLE PARTIES HAVE NOT BEEN IDENTIFIED, THE PERMITTEE WITH OPERATIONAL CONTROL OVER PROJECT SPECIFICATIONS MUST BE CONSIDERED TO BE THE RESPONSIBLE PARTY UNTIL SUCH TIME AS THE AUTHORITY IS TRANSFERRED TO ANOTHER PARTY AND THE PLAN IS UPDATED.
- 5. RESPONSIBILITIES OF THE CONTRACTOR (OPERATOR IN CONTROL OF DAY-TO-DAY ACTIVITIES):
 - A. PREPARE A STANDARD THREE RING NOTEBOOK ENTITLED "SWP3 PLAN FOR PAVING, GRADING, WATER, & SEWER IMPROVEMENTS TO SERVE BIMBO BAKERIES U.S.A. EXPANSION, ROCKWALL, TEXAS" TO KEEP TOGETHER THE EFFECTIVE SIGNED COPY OF THE SWP3 AND ALL RELATED DOCUMENTS. THE NOTEBOOK SHALL CONTAIN THE FOLLOWING:
 - PLAN SHEETS INCLUDING, BUT NOT LIMITED TO, SIGNED COPY OF SWP3 EROSION CONTROL PLAN NOTES (E001-E004), SWP3 EROSION CONTROL PLAN (E101), SWP3 EROSION CONTROL PLAN DETAILS (E201-E202), AND GRADING PLANS
 - 2) COPY OF TPDES GENERAL PERMIT TXRI50000.
 - 3) COPY OF A SIGNED N.O.I. FOR EACH PRIMARY OPERATOR, IF AN N.O.I. IS REQUIRED.
 - 4) COPY OF A SIGNED CONSTRUCTION SITE NOTICE FOR EACH PRIMARY AND SECONDARY OPERATOR.
 - 5) INSPECTION REPORTS.
 - 6) COPY OF A SIGNED DELEGATION LETTER FROM EACH OPERATOR.
 - 7) VERIFICATION THAT THE PROJECT SITE DISCHARGES DO NOT ADVERSELY AFFECT LISTED ENDANGERED OR THREATENED AQUATIC OR AQUATIC-DEPENDENT SPECIES OR THE PROJECT SATISFIES THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.
 - 8) ALL UPDATES REQUIRED IN ITEM F. BELOW.
 - 9) ALL WORKSHEETS COMPLETED AND UPDATED AS REQUIRED IN ITEMS K THROUGH O BELOW.
 - B. AFTER AN N.O.T. IS SUBMITTED, OR ON SMALL PROJECT SITES WHERE AN N.O.T. IS NOT REQUIRED, THE SITE NOTICE IS REMOVED AND APPLICABLE PORTION OF THE SITE NOTICE RELATED TO REMOVAL COMPLETED, AFTER FINAL STABILIZATION OR CHANGE OF OPERATOR, THE CONTRACTOR SHALL FORWARD ALL ORIGINALS TO THE OWNER, BUT SHALL MAINTAIN A COPY FOR THEIR RECORDS AS STIPULATED IN 3.D. ABOVE.
 - C. IMPLEMENT THE SWP3 MEASURES PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES THAT RESULT IN SOIL DISTURBANCE AT ANY TIME DURING THE PROJECT DURATION UNTIL RE-VEGETATION HAS OCCURRED.
 - D. RETAIN THE SWP3 NOTEBOOK 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.
 - E. MAKE THE SWP3 NOTEBOOK READILY AVAILABLE AT THE TIME OF AN ON-SITE INSPECTION TO: THE EXECUTIVE DIRECTOR, A FEDERAL, STATE, OR LOCAL AGENCY APPROVING SEDIMENT AND EROSION PLANS, GRADING PLANS, OR STORM WATER MANAGEMENT PLANS, LOCAL GOVERNMENT OFFICIALS, AND THE OPERATOR OF A MS4 RECEIVING DISCHARGES FROM THE SITE. IF THE SWP3 IS RETAINED OFF-SITE, IT SHALL BE MADE AVAILABLE WITHIN 24 HOURS OF A REQUEST FOR INSPECTION.
 - F. KEEP CURRENT AND UPDATE THE SWP3 AS NECESSARY FOR THE FOLLOWING CONDITIONS:
 - 1) NEW OPERATORS OR AREAS OF RESPONSIBILITY.

- 2) CHANGES IN SITE CONDITIONS BASED ON UPDATED PLANS AND SPECIFICATIONS OR BEST MANAGEMENT PRACTICES.
- 3) CHANGES IN THE DESIGN, CONSTRUCTION, OPERATION, OR MAINTENANCE THAT HAS A SIGNIFICANT EFFECT ON THE DISCHARGE OF POLLUTANTS AND THAT HAS NOT BEEN PREVIOUSLY ADDRESSED BY THE SWP3.
- 4) RESULTS OF INSPECTIONS OR INVESTIGATIONS BY SITE OPERATORS, OPERATORS OF A MS4 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 THE TPDES GENERAL PERMIT
- 5) CHANGES APPLICABLE TO PROTECTING SURFACE WATER RESOURCES IN SEDIMENT EROSION SITE PLANS OR SITE PERMITS, OR STORM WATER MANAGEMENT SITE PLANS OR SITE PERMITS APPROVED BY STATE OR LOCAL OFFICIAL FOR WHICH THE PERMITTEE RECEIVES WRITTEN NOTICE.
- G. ENSURE THAT THE SWP3 FOR PORTIONS OF THE PROJECT WHERE THEY ARE OPERATORS MEETS THE REQUIREMENTS OF THE TPDES GENERAL PERMIT AND ARE CONSISTENT WITH REQUIREMENTS SPECIFIED IN APPLICABLE SEDIMENT AND EROSION SITE PLANS OR SITE PERMITS, OR STORM WATER MANAGEMENT SITE PLANS OR SITE PERMITS APPROVED BY FEDERAL, STATE, OR LOCAL OFFICIALS.
- H. ENSURE THAT THE SWP3 IDENTIFIES THE PARTIES RESPONSIBLE FOR IMPLEMENTATION OF BMPs DESCRIBED IN THE PLAN.
- I. ENSURE THAT THE SWP3 INDICATES THE AREAS OF THE PROJECT WHERE THEY HAVE OPERATIONAL CONTROL.
- J. ENSURE THAT THE SWP3 FOR PORTIONS OF THE PROJECT WHERE THEY ARE OPERATORS INDICATES THE NAME AND TPDES PERMIT NUMBERS FOR PERMITTEES WITH THE DAY-TO-DAY OPERATIONAL CONTROL OVER THOSE ACTIVITIES NECESSARY TO ENSURE COMPLIANCE WITH THE SWP3 AND OTHER PERMIT CONDITIONS.
- K. MAINTAIN ALONG WITH THE EFFECTIVE COPY OF SWP3 DRAWINGS AN UPDATEABLE LIST OF ALL CONSTRUCTION AND WASTE MATERIALS TO BE STORED ON-SITE, AND A DESCRIPTION OF THE LOCATION. A WORKSHEET IS PROVIDED IN THESE NOTES.
- L. MAINTAIN ALONG WITH THE SIGNED EFFECTIVE COPY OF SWP3 DRAWINGS AN UPDATEABLE LIST IDENTIFYING ALL POTENTIAL SOURCES OF POLLUTION OTHER THAN CONSTRUCTION INCLUDING PORTA-POTTYS, FUEL TANKS, STAGING AREAS, WASTE CONTAINERS, CHEMICAL STORAGE AREAS (LOCATION TO BE SHOWN ON SWP3), CONCRETE CURE, PAINTS SOLVENTS, ETC., AND A DESCRIPTION OF THE LOCATION. A WORKSHEET IS PROVIDED IN THESE NOTES.
- M. MAINTAIN ALONG WITH THE SIGNED EFFECTIVE COPY OF SWP3 DRAWINGS AN UPDATEABLE LIST IDENTIFYING GOOD HOUSEKEEPING PRACTICES IMPLEMENTED TO LIMIT THE OFF-SITE TRANSPORT OF LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION MATERIALS, AND A DESCRIPTION OF THE LOCATION. A WORKSHEET IS PROVIDED IN THESE NOTES.
- N. MAINTAIN ALONG WITH THE SIGNED EFFECTIVE COPY OF SWP3 DRAWINGS AN UPDATEABLE LIST IDENTIFYING ALL ELIGIBLE NON-STORM WATER DISCHARGES AND ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES. A WORKSHEET IS PROVIDED IN THESE NOTES.
- O. MAINTAIN ALONG WITH THE SIGNED EFFECTIVE COPY OF THE SWP3 A RECORD OF THE DATES OF MAJOR GRADING ACTIVITIES, THE DATES CONSTRUCTION IS TEMPORARILY OR PERMANENTLY CEASED, AND THE DATES STABILIZATION MEASURES ARE INITIATED. A WORKSHEET IS PROVIDED IN THESE NOTES.

6. BATCH PLANT PERMITS:

THIS SWP3 DOES NOT ADDRESS PERMITTING OF ON-SITE OR OFF-SITE BATCH PLANTS. THE SWP3 MAY INDICATE LOCATIONS WHERE BATCH PLANTS CAN BE SET UP ON THE SITE APPROVED BY THE OWNER, BUT THE CONTRACTOR SHALL OBTAIN HIS OWN SEPARATE PERMITS THROUGH THE TCEQ. CONSTRUCTION SITE OPERATORS SHOULD ALSO BE AWARE OF TEXAS 40I CERTIFICATION SPECIAL PERMIT CONDITIONS CONTAINED IN THE EPA REGION 6 CGP. THESE SPECIAL PERMIT CONDITIONS ADDRESS SPECIAL NUMERIC LIMITATIONS FOR DISCHARGES FROM READY-MIXED CONCRETE PLANTS (ALSO FOUND IN VOLUME 63 OF THE FEDERAL REGISTER ON PAGE 36511). THE CONTRACTOR SHALL FORWARD A COPY OF THE PERMIT, SWP3 PLANS, AND ANY REVISIONS OF SAME TO THE OWNER'S ENGINEER OR PROJECT MANAGER WITHIN 48 HOURS OF RECEIPT OF PERMITS OR REVISIONS TO SWP3 PLANS. PERMITTING FOR BATCH PLANT SITES SHALL BE INCIDENTAL WORK AT NO EXTRA COST TO THE OWNER. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ACT AS OPERATOR AND ASSURE FULL COMPLIANCE WITH THE BATCH PLANT SITE.

7. RELATED OFF-SITE ACTIVITIES:

IF THE CONTRACTOR ELECTS TO CREATE NEW OFF-SITE MATERIAL STORAGE AREAS, STOCKPILES OF DIRT/TOPSOIL, BORROW AREAS, VEHICLE REPAIR AREAS, FUELING AREAS, ETC. CREATED SOLELY FOR OR BY THE PERMITTED PROJECT, THESE SITES SHALL COMPLY WITH TCEQ REGULATIONS FOR STORM WATER POLLUTION PREVENTION. THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER SHALL PROVIDE DOCUMENTATION TO THE OWNER OR THE OWNER'S PROJECT REPRESENTATIVE THAT THE OFF-SITE ACTIVITIES ARE PERMITTED IF REQUIRED BY TCEQ REGULATIONS. VERIFICATION OF PROPER OFF-SITE PERMITTING BY THE CONTRACTOR MUST BE PROVIDED AT LEAST 48 HOURS IN ADVANCE OF THE CONTRACTOR INCORPORATING THE SITE INTO SERVICE FOR THE SUBJECT PROJECT.

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PROJECT INFORMATION:

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PHASE II
BIMBO BAKERI
EXPANSIO
ROCKWALL, T

CLIENT INFORMATION:

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