



The Stormwater Construction General Permit TXR150000

2021 Lower Rio Grande Valley Water Management & Quality Conference

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Construction General Permit (CGP)

TPDES Permit No. TXR150000

- Current Permit Issued on March 5, 2018
- The CGP and all issued authorizations expire at midnight on March 4, 2023
- Authorizes discharges of stormwater associated with construction activities and construction support activities
- Authorizations:
 - 22,934 active NOIs
 - 10 Waivers



Construction Activity

What is Construction?

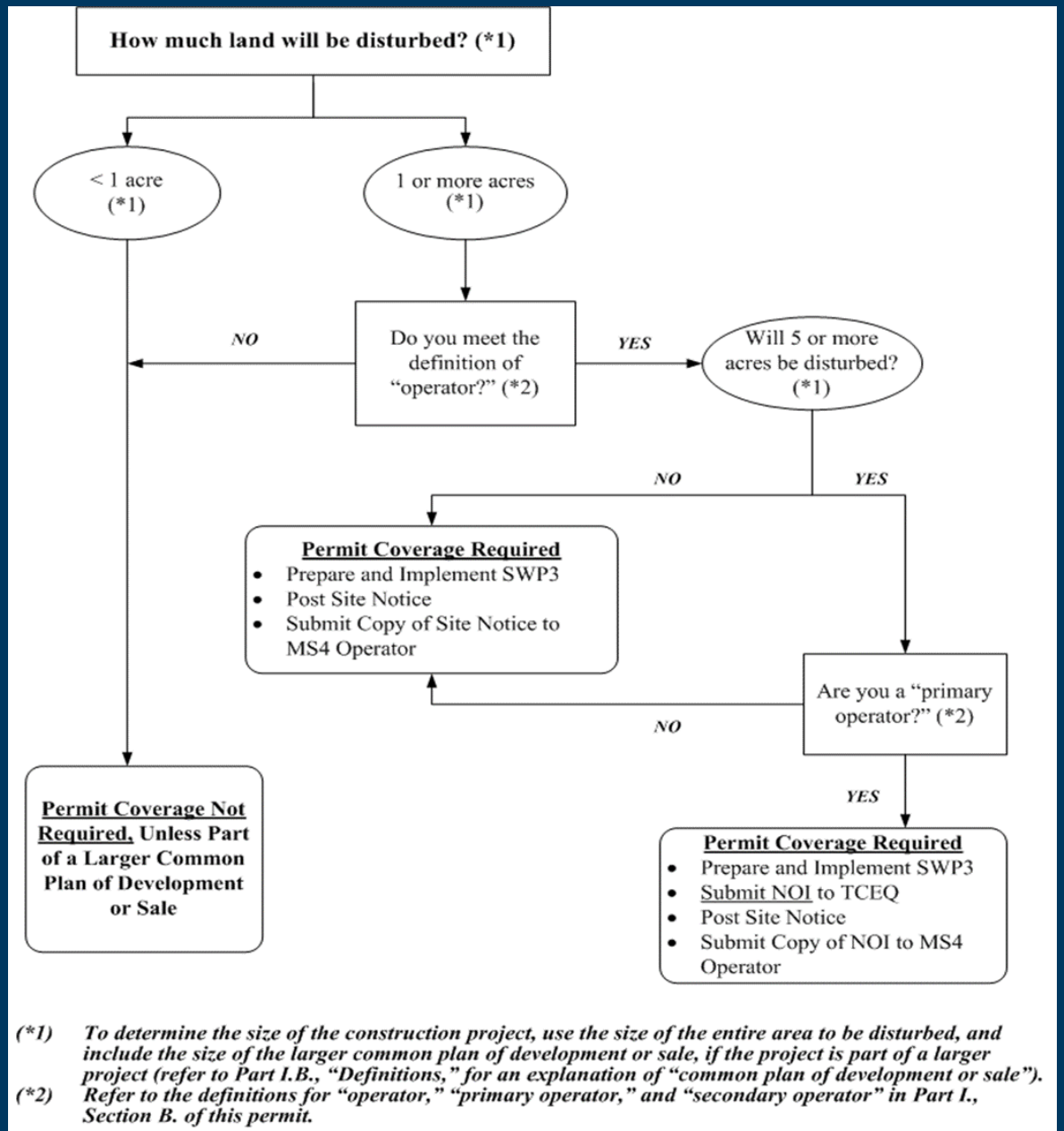
- ✓ Clearing
- ✓ Grading
- ✓ Excavating, or
- ✓ Similar activities that disturb/
expose soil
 - ✓ Demolition, infilling pits, and
stock piling soil for
construction

What is not Construction?

- ✗ Certain routine maintenance
activities
 - ✗ Routine grading of roads
 - ✗ Asphalt overlay of roads
 - ✗ Routine clearing of ROW
- ✗ Agricultural land disturbance



Is Permit Coverage Required?



Construction Site: Area of Land Disturbance

Large Construction

Disturbing 5
acres or more

Small Construction

Disturbing
an acre or
more up to
5

< 1
acre

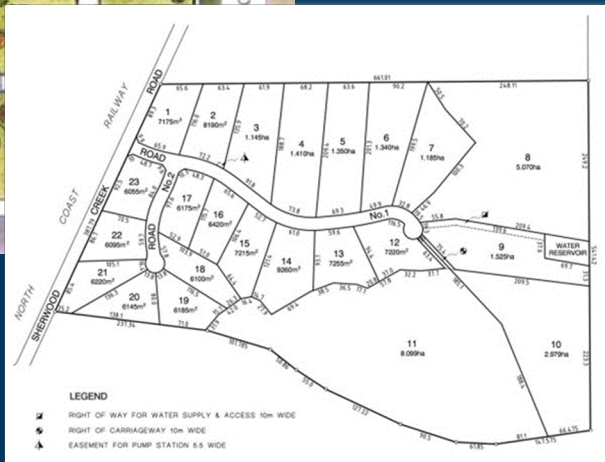
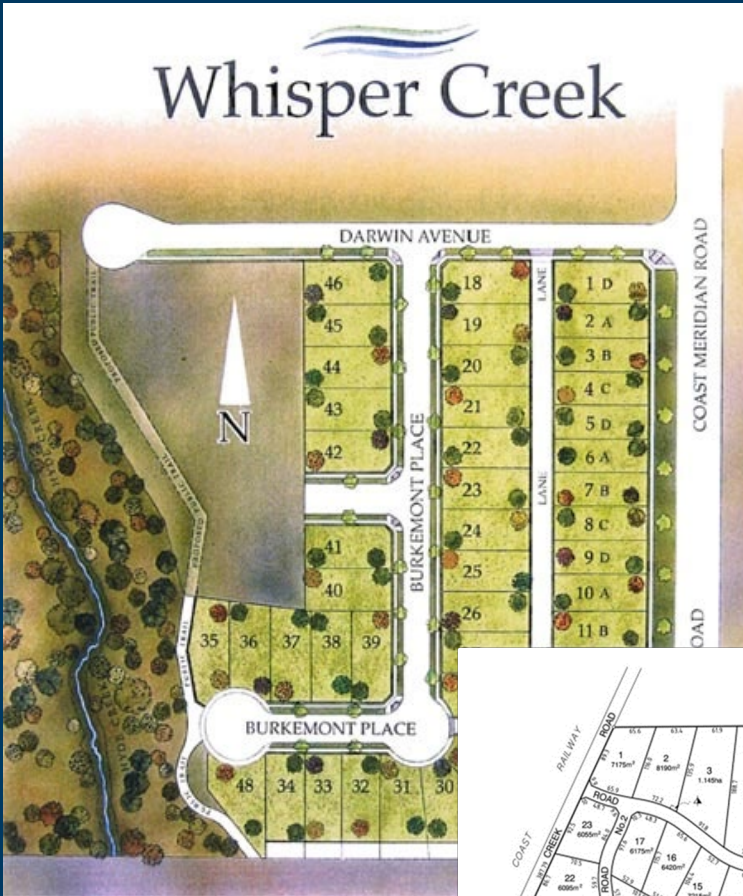


Construction Site: Area of Land Disturbance

- Disturbing *Less than an acre*
 - If the project site disturbs less than 1 acre and is not part of a larger common plan of development, coverage under the general permit is not required.
 - Note: Still required to implement Best Management Practices (BMPs) and to notify the Municipal Separate Storm Sewer System (MS4)



Common Plan of Development



- A construction activity completed in separate stages, phases, or in combination with other construction activities
- Identified by documentation showing the scope of the construction project
- Documentation may include plats, blue prints, marketing plans, contracts, building permits, zoning requests, etc.

Not Considered a Larger Common Plan of Development If:

The project is considered to be discrete or stand alone and not part of any other construction project or larger common plan of development or sale, or

It is a discrete project within a common plan of development that is $\frac{1}{4}$ mile or more from the nearest site, and:

- all land disturbance between projects is completed (will not be further built out), and
- not connected by roads, pipelines, or utility construction projects that are included in the area to be disturbed



Operator Defined: Primary vs. Secondary

Primary Operator

Have on-site operational control over plans and specifications

Have the ability to make changes to plans and specifications

Have day-to-day operational control of activities on site to ensure compliance with SWP3

Secondary Operator

No day-to-day operational control over construction activities on site

Control limited to the employment of other operators **OR**

The ability to approve/disapprove changes to plans and specifications

Before a Site Discharges

Stormwater Pollution
Prevention Plan (SWP3)

Developed,
implemented &
maintain copy on-site



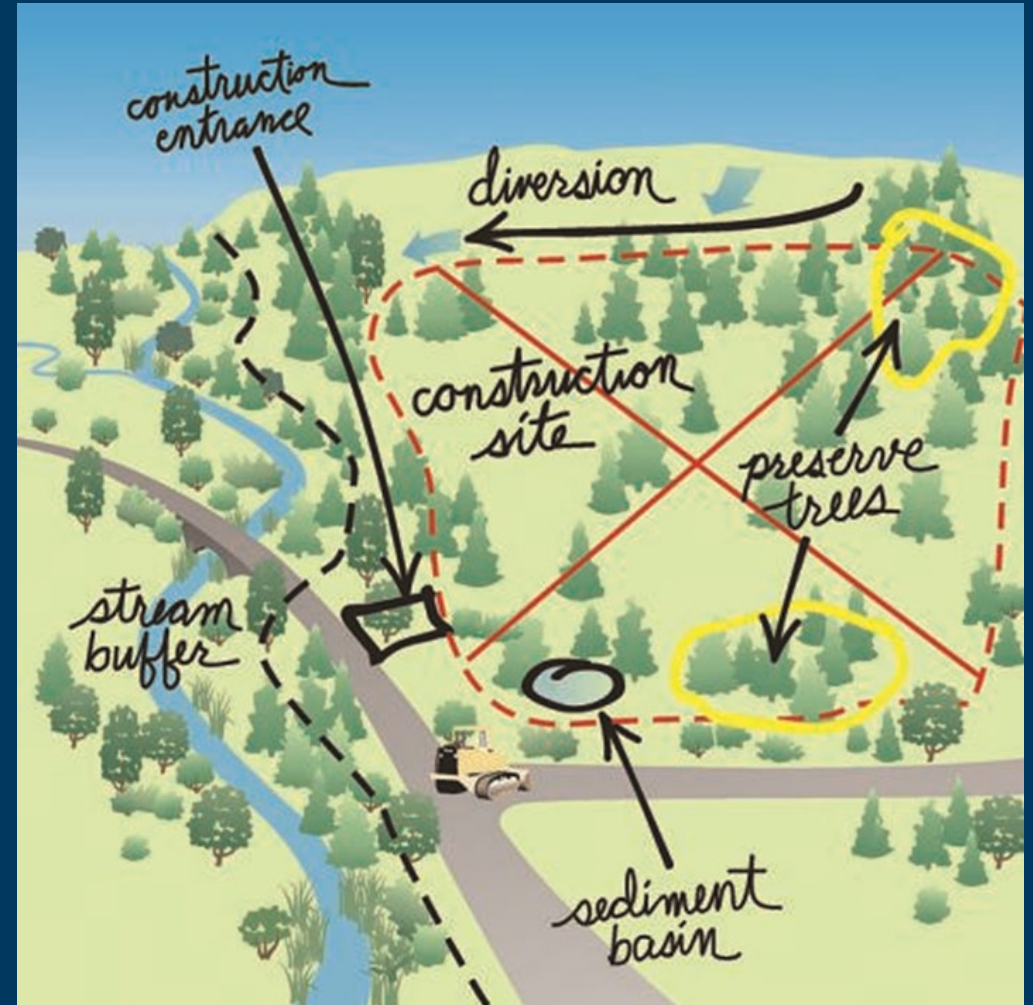
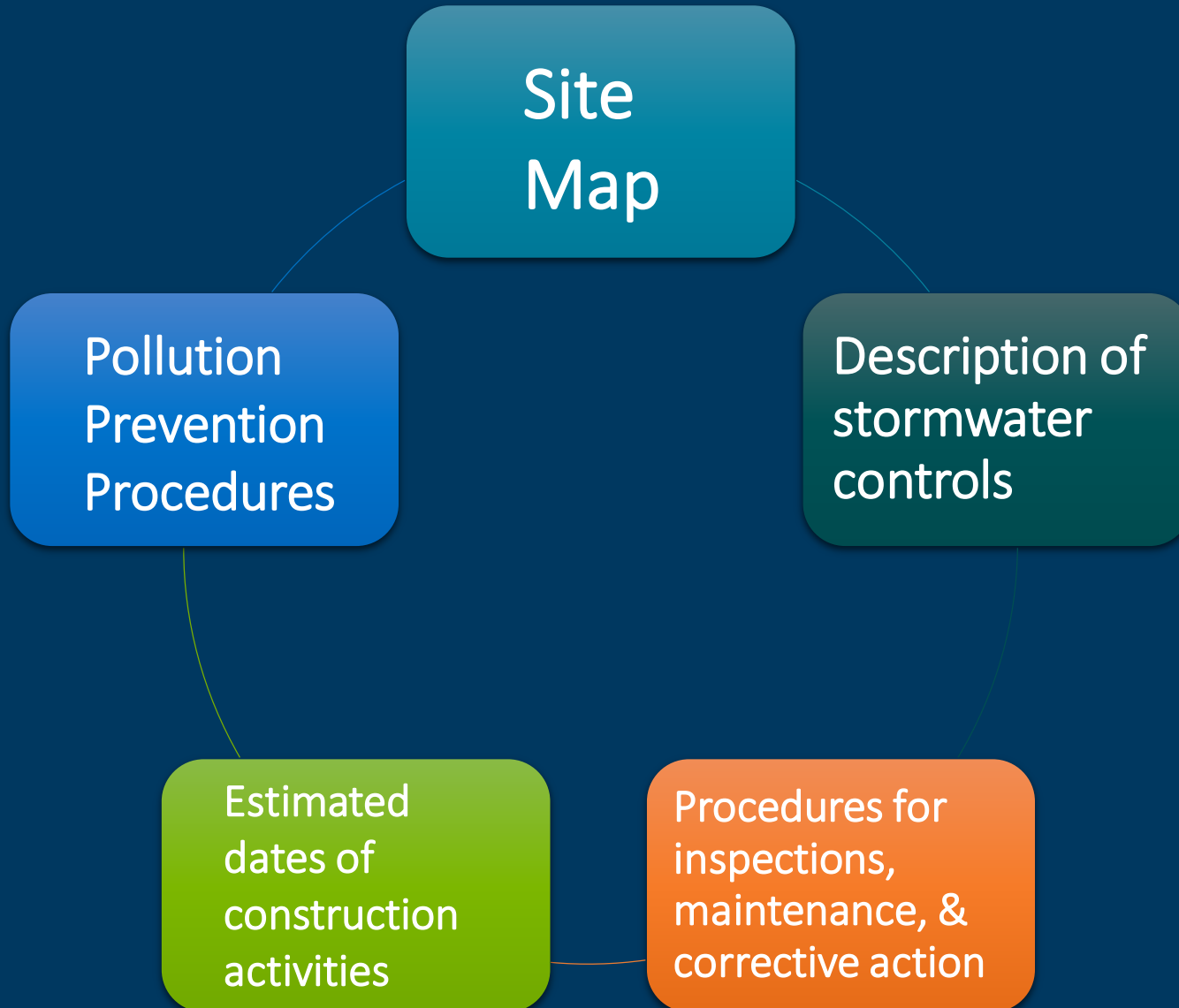
Notice of Intent (NOI)

Completed &
submitted

Site Notice(s)

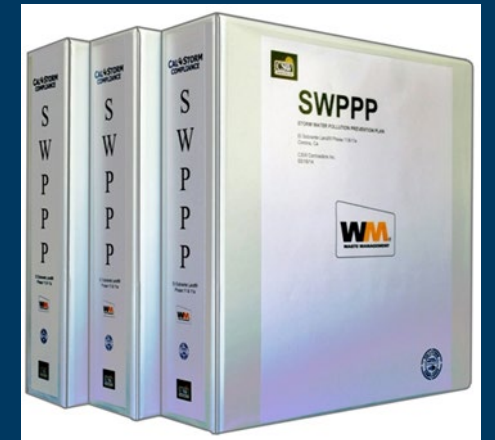
Post primary/secondary operator site notice. Submit to
municipality at least 2 days prior

Stormwater Pollution Prevention Plan (SWP3)



Shared SWP3

- Cost sharing and coordination of BMPs
- Must include the name and signature of participating operators
- Include the authorization numbers and dates that the NOI was submitted to TCEQ by each operator
- Indicate what each operator is responsible for
 - if it is not specified, each participating operator is responsible
- Can indicate that one operator develops the SWP3 while another implements it at the project site



Inspection Frequencies

- For most sites:
 - Once every 14 calendar days; and
 - within 24 hours after a storm event of 0.5 inches or greater
- OR
- At least once every 7 calendar days
- For sites in an arid or semi-arid or drought stricken area:
 - Inspect at least once every month; and
 - Within 24 hours after a storm event of 0.5 inches or greater



Inspections

- Linear construction (Utility lines, Pipeline, etc...)
 - perform representative inspections 1/4 mile on either side of each access point per permit requirements
- Where some final or temporary stabilization has occurred at the site
 - inspect those areas at least once per month or until NOT has been submitted



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Inspections



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- If snow or ice covers the site:
 - inspect at least once per month;
 - return to previous inspection frequency once snow and ice start melting, causing stormwater runoff from the site
- If flooding prevents access to the site:
 - inspect as soon as access is practicable

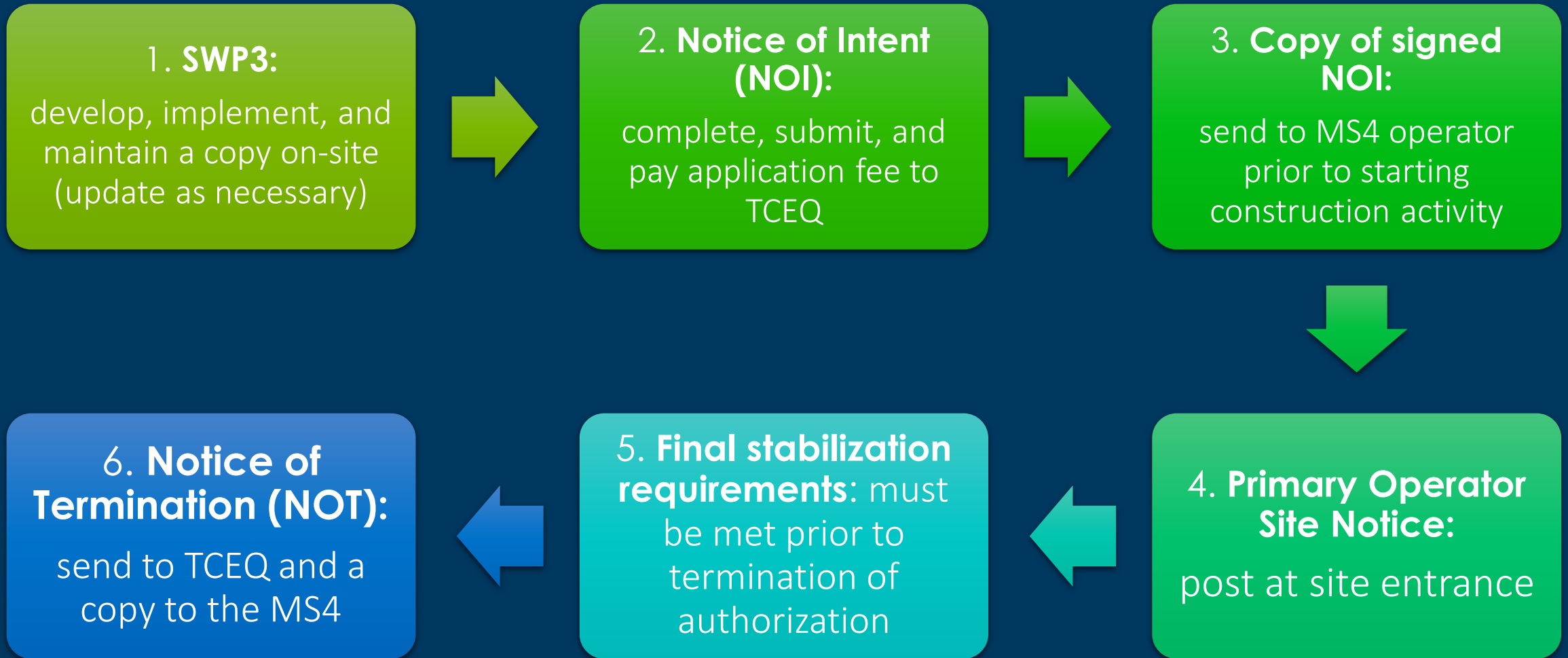
TXR150000 Also Covers:

- Concrete Batch Plants
 - Stormwater discharges from concrete batch plants located at construction sites must comply with Part IV of CGP
- Concrete Truck Washout
 - Concrete truck washout water must be discharged to areas where structural controls are established as required by Part V of the CGP



Primary Operator Requirements

Large Site Construction Activities



Secondary Operator Requirements

Large Construction Activities

1. **SWP3:** participate in the development (according to the permit requirements) and sign



2. **Secondary Operator Site Notice:** complete and post at site entrance

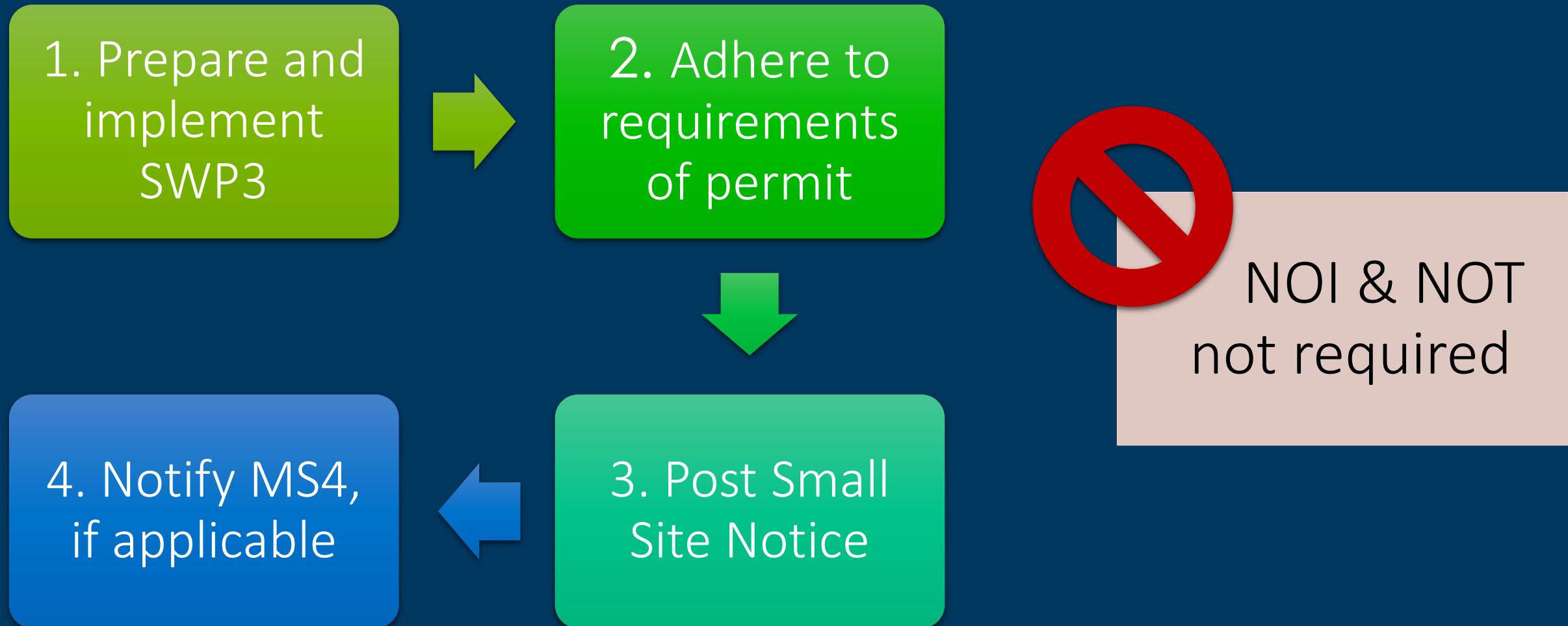


3. **Notify the local MS4:** submit a copy of the signed site notice



NOI & NOT
not required

Requirements for Small Site Construction Activities



Requirements for Construction Activities for Sites *Less than 1 Acre*

1. Implement
and maintain
BMPs



2. Notify MS4,
if applicable

NOTE: Poor management of unpermitted sites may result in a violation or citation for unauthorized discharges or nuisance conditions



SWP3, NOI &
NOT not
required

Application via ePermits

- Applications must be submitted using the State of Texas Environmental Electronic Reporting System (STEERS) at: <https://www3.tceq.texas.gov/steers/>
- Electronic reporting is available for
 - Notice of Intent
 - Notice of Change
 - Notice of Termination
 - Low Rainfall Erosivity Waiver



Operator Certification Signature Requirements

- 30 Texas Administrative Code (TAC) Subpart C §305.44
 - Outlines who can legally sign the application
- Certification statement found in 30 TAC §305.44
- By signing the “certification statement” you are authenticating the NOI as being true and accurate
- This is not a signature that can be delegated



Terminating Coverage

- A **Notice of Termination (NOT)** must be submitted to TCEQ, and a copy of the NOT provided to the operator of any MS4 receiving the discharge , 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; or
 - c) the operator has obtained alternative authorization under an individual TPDES permit.



Terminating Coverage

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

All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% of the native background vegetative cover

- This does not include areas with permanent structures

Large & Small Construction Operators must :

- ☐ Remove temporary Best Management Practices
- ☐ Remove site Notice(s)

Note: Small Construction sites do not need an NOT.



CGP Amendment – Oil and Gas Delegation

- On January 15, 2021, TCEQ obtained authority for discharges of stormwater from select non-exempt oil and gas activities from Texas Railroad Commission (RRC) and EPA
- TCEQ initiated an amendment without renewal to the CGP to expand the applicability for non-exempt oil and gas construction activities
 - The expiration date will not change.
 - The amendment will not have any impact on existing permittees. Permittees continue to operate under the 2018 CGP.
 - Anticipate issuing this amendment without renewal prior to the expiration of the EPA-issued NPDES Construction General Permit in February of 2022.



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Water Quality General Permits & Registration Search

- Track the status of applications for general permits at:
https://www2.tceq.texas.gov/wq_dpa/index.cfm
- TXR150000 - Construction (NOI & Waiver)
- Search for authorizations or applications under a specific general permit or for a specific registration type.



Water Quality General Permits & Registration Search

This system will allow you to search for information related to a general permit authorization or application.

[Permit types you can find here](#)

Search by permit or registration number.

Enter Permit or Registration Number:

Find this Authorization

Search by regulated entity number (RN). [Don't know?](#)

Enter RN:

List All For This RN

Search by customer number (CN). [Don't know?](#)

Enter CN:

List All For This CN

Search for authorizations or applications under a specific general permit or for a specific registration type.

Advanced Search

Authorization Types

Storm Water General Permits:

- TXR040000 - MS4 Phase II (NOI & Waiver)
- TXR050000 - Multi-Sector (NOI & NEC)
- TXR150000 - Construction (NOI & Waiver)

Wastewater General Permits:

- TXG110000 - Concrete Production Facilities
- TXG130000 - Aquaculture Production
- TXG340000 - Petroleum Bulk Stations and Terminals
- TXG500000 - Quarries in John Graves Scenic Riverway
- TXG670000 - Hydrostatic Test Water
- TXG830000 - Petroleum Fuel or Petroleum Substances
- TXG870000 - Pesticides
- TXG920000 - Concentrated Animal Feeding Operation
- WQG100000 - Wastewater Evaporation
- WQG200000 - Livestock Manure Compost Operations

Registrations:

- Aggregate Production Operations Registration

Water Quality General Permit Search

Water Quality General Permit Search



Water Quality General Permits & Registration Search - Advanced Search

Choose the Type of Authorization
(required):

Construction Notice of Intent (TXR15) ▼

Choose the Status (required) of this
Authorization:

ACTIVE
DENIED
EXPIRED

OR Application:

APPROVED
PENDING
DENIED

Enter any other relevant information (optional):

Authorization or Application Time
Frame:

(MM/DD/YYYY) to (MM/DD/YYYY)

Permittee/Registrant Name:

(All or part of permittee name)

Site Name on Authorization:

(All or part of site name)

Street Name:

(All or part of street name)

City:

(All or part of city name)

County:

ANDERSON
ANDREWS
ANGELINA
ARANSAS

OR TCEQ Region:

▼

SIC Code:

(SIC code(s) must be valid 4-digit SIC code(s))

Segment Number:

0100 ▲
0101
0102 ▼
0103

Search

Clear

CGP Resources

“Assistance Tools for Construction Stormwater General Permits”

<https://www.tceq.texas.gov/assistance/water/stormwater/sw-construction.html>

- TCEQ SWP3 Template
 - Worksheet and instructions available
- EPA SWP3 Guidance
- EPA National Menu of BMPs for Stormwater
- Surface Water Quality (segments) and Edwards Aquifer Map Viewers

TCEQ Stormwater Program Contacts

For Questions about:

STEERS

(512) 239-6925

Application Process- Stormwater
Processing Center

(512) 239-3700

Other questions- Small Business and
Local Government Assistance
(SBLGA) Hotline

1-800-447-2827



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