Texas Pollutant Discharge Elimination System Storm Water Construction General Permit

TCEQ Storm Water Stakeholder Meeting
February 21, 2012

Storm Water & Pretreatment Team
(512) 239-4671

Renewal of TPDES Storm Water Construction General Permit TXR150000

TXR150000 Renewal

- Existing permit:
  - effective March 5, 2008
  - expires March 5, 2013
- Renewal process began September 2011
- Stakeholder meeting - February 21, 2012
- Prepare draft permit
- Briefings
  - Director, Deputy Director, Executive Director, Commissioners

TXR150000 Renewal (con't.)

- EPA Review
- Public Notice
- Public Meeting
- Agenda for adoption – February 2013

What the Permit Covers?

- Discharges of storm water from soil disturbances due to construction activity
  - small construction = 1 acre to less than 5 acres
  - large construction = 5 acres or more
  - *includes* sites less than 1 acre that <u>are</u> part of a larger common plan of development or sale
  - *excludes* sites less than 1 acre that <u>are not</u> part of a larger common plan of development or sale

Who needs a permit?

- Primary Operator - Person(s) with operational control over construction plans and specifications, including the ability to make changes to those plans and specifications

OR

- Person(s) with day-to-day operational control of those activities at a site that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3)

Proposed Changes from Existing Permit

- *Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements*
  - Expanding the language in this section
  - Construction sites discharging to a water quality impaired water body, where the impairment is caused by storm water, will be required to:
    - comply with controls required in the TMDL or Implementation Plan (IP) plan.
  - If no TMDL – requiring to address pollutants of concern to

Proposed Changes from Existing Permit (con't.)

- Allowing construction sites in drought-stricken areas to inspect erosion controls at least once per month.
- Definition of Final Stabilization
  - Revising to include the requirement for the homebuilder to retain documentation of site stabilization in the SWP3.

Proposed Changes from Existing Permit (con't.)

- Extending the allowance for land disposal of concrete truck washout water to concrete batch plants located at the construction site
  - Consistent with the EPA CGP.
- Removing the requirement for the primary operator to post a copy of the signed Notice of Intent (NOI) at the construction site entrance.

Proposed Changes from Existing Permit (con't.)

- Small construction site waiver effective date
  - Revising so that coverage begins seven (7) days from the date a completed certification form is postmarked for delivery to TCEQ, *or*
  - immediately upon receipt of confirmation of approval of an electronic submittal, if electronic form submittals are available.
- Removing the construction site notices templates from the CGP, so that changes to the forms may be made without amending the permit.

Changes to the Existing Permit

- Added narrative best management practices (BMPs) for regulated construction sites based on the federal Effluent Limitation Guidelines (ELGs) at 40 CFR Part 450.
- BMPs required for all sites
- Best conventional technology (BCT) standard
- Best practicable technology (BPT) standard

Federal Regulations

- December 2009 - EPA issued new ELGs for construction activities in 40 CFR Part 450.
  - Included was a turbidity limit of 280 NTU (Nephelometric Turbidity Units)
- August 2010 - due to a court case protesting the turbidity limit, the EPA decided to vacate the numeric limit and proposed to revise it at a later date
- November 2010 - TCEQ adopted this rule by reference in 30 TAC 305.541

Federal Regulations (con't.)

- January 2011 – EPA stayed the effluent limit of 280 NTU that was published in the December 2009 Construction and Development ELG.
- January 2012 - EPA published a *Federal Register* notice requesting additional data on the performance of technologies in controlling turbidity in storm water discharges from construction sites.

40 CFR Part 450 – Construction ELGs

- Turbidity limit for certain large sites
- Best available technology (BAT) standard
  - 20+ acres by August 2011
  - 10+ acres by February 2014
- Applies to all disturbed areas of a site
- Turbidity numerical limit has been stayed

EPA's National CGP

- February 16, 2012 – EPA issued their 2012 CGP
- CGP includes the new Construction and Development ELGs
- Numeric turbidity limitation is not included in the permit
- EPA and authorized states are currently not required to incorporate the numeric turbidity limitation and monitoring requirements into their permits.

Stakeholder Meeting

- Any issues with existing permit?
- Any suggestions for the new permit?
- Any questions for staff?

TXR150000 Renewal

- Stakeholder Comments and Input?
  - Please e-mail: SWGP@tceq.texas.gov

Web Links

Storm Water Home Page:
http://www.tceq.texas.gov/permitting/stormwater/sw_permits.html

Storm Water Stakeholders Group (SWSG) Web Page:
http://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html#construction

EPA 2012 Construction General Permit Web Page:
http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

EPA SWP3 Guidance:
http://cfpub.epa.gov/npdes/stormwater/swppp.cfm

EPA National Menu of BMPs:
http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm

- Link to “Construction” and “Post-Construction”

TPDES Storm Water Program Contacts

- Rebecca L. Villalba, Team Leader
- Hanne Lehman Nielsen
- Hal Bailey
- Dan Siebeneicher
- Graham Webb

- Austin office (512) 239-4671
- SWGP@tceq.texas.gov