

Texas Pollutant Discharge Elimination System Stormwater Construction General Permit (CGP)

2014 Water Quality Seminar
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Stormwater & Pretreatment Team
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TPDES CGP TXR150000

- Construction General Permit (CGP)
TPDES Permit No. TXR150000
 - Effective March 5, 2013
 - CGP and all authorizations issued expire at midnight on March 4, 2018

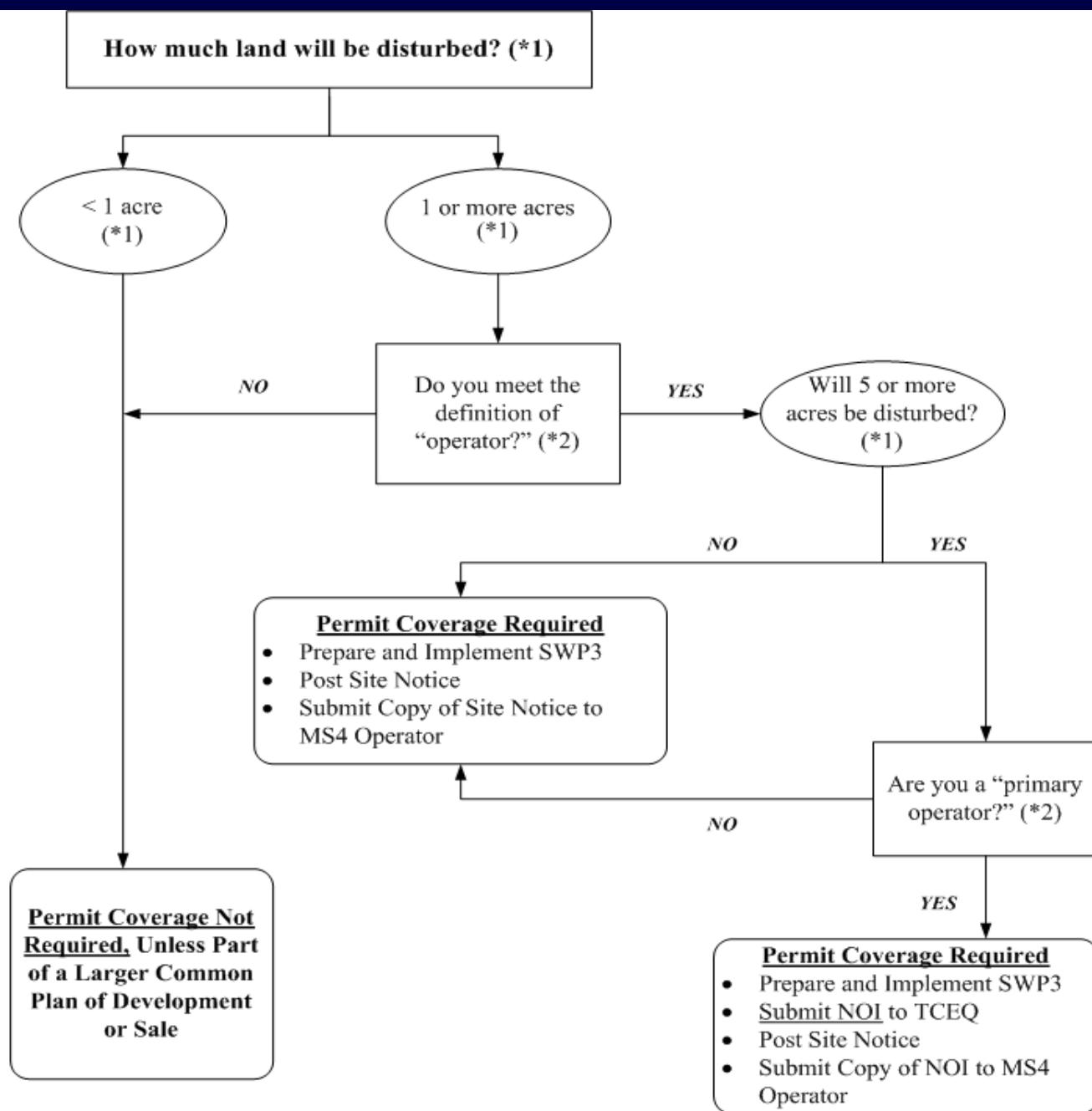


What Does the Permit Cover?

- Discharges of stormwater 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 are part of a larger common plan of development or sale
 - Sites less than 1 acre that are not part of a larger common plan of development or sale are exempt



Is Coverage Required?



(*1) To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., "Definitions," for an explanation of "common plan of development or sale").

(*2) Refer to the definitions for "operator," "primary operator," and "secondary operator" in Part I., Section B. of this permit.

Soil Disturbance Due to Construction Activity

Examples

- clearing
- grading
- excavation
- demolition
- similar activities that disturb or expose soil
- construction support activities



Activities not considered to be construction for the purposes of this permit

- routine grading of existing roads
- routine maintenance of stormwater conveyances
- land disturbance from non-point source agricultural activities



Larger Common Plan of Development or Sale

- 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.



A construction project is not part of 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



A construction project is no longer a part of a larger common plan of development if:

- there is less than 1 acre left to be built out in the larger common plan

AND

- there has been a clearly definable amount of time since the last construction activity



TXR150000 also covers...

- Stormwater discharges from concrete batch plants located at construction sites
- Concrete truck washout water from trucks associated with an on-site and off-site batch plants permitted under TXG110000
 - washout water must be discharged to areas where structural controls have been established as described in the general permit



Who Needs Authorization Under TXR150000?

Primary Operator

- Person(s) that have on-site operational control over construction plans and specifications, including the ability to make changes to those plans and specifications
- OR
- Person(s) that have day-to-day operational control of those activities at a site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) or other permit conditions



Who Needs Authorization Under TXR150000?

Secondary Operator

- A person whose operational control is limited only to all or part of the following:
 - Employment of other operators

OR

- Ability to approve or disapprove changes to the plans and specifications



Requirements of *Primary Operators* for Large Construction Activities

- SWP3: develop, implement, and maintain a copy on-site (update as necessary)
- Notice of Intent (NOI): complete, submit, and pay application fee
- Copy of signed NOI: send to MS4 operator prior to starting construction activity
- Primary Operator Site Notice: post at site entrance
- Final stabilization requirements: must be met prior to termination of authorization
- Notice of Termination (NOT): send to TCEQ and a copy to the MS4



Requirements of *Secondary Operators* for Large Construction Activities

- SWP3: participate in the development (according to the permit requirements) and sign
- Secondary Operator Site Notice: complete and post at site entrance
- Notification to the local MS4: submit a copy of the site notice or alternative notification
- No NOT required



Stormwater Pollution Prevention Plan

Basics

- The SWP3 must be:
 - developed before submitting the NOI
 - implemented before commencing construction activity
 - retained on site
 - consistent with other applicable regulations
 - continuously updated to reflect changes at the construction site



Effective Date of Authorization

- Authorization for coverage of **large construction**:
 - provisional coverage begins 7 days after a paper NOI is postmarked for delivery
- OR
- Coverage is immediate upon submitting a NOI using the e-Permits system
- Authorization for coverage of **small construction** is:
 - automatic on condition of complying with applicable permit requirements (no NOI)



Electronic e-NOI vs. Paper NOI

- Fee: \$225 for e-NOI vs. \$325 for paper NOI
- Submittal of e-NOI allows for immediate:
 - authorization of coverage
 - retrieval of approval letter and authorization certificate



Correcting or Updating Information in the NOI

- Submit a Notice of Change (NOC) form to make:
 - changes to incorrect information on the NOI (typographical errors, incorrect site address or acreage, etc.)
 - changes due to expansion of the project (additional acreage, starting a new phase)



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



Construction Site Inspections

- If snow or ice covers the site:
 - inspect at least once per month; and
 - 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



Termination Requirements for Large Construction Activities

- Primary Operators must:
 - meet final stabilization requirements
 - remove temporary best management practices (BMPs)
 - remove Primary Operator site notice
 - submit NOT to TCEQ
 - submit copy of NOT to MS4 operator (if applicable)



Termination Requirements for Large Construction Activities

- Secondary Operators must:
 - remove Secondary Operator site notice
 - send completed copy of the site notice to the MS4 (if applicable)
- No NOT required



Termination Requirements for Small Construction Activities

- Both primary and secondary operators must:
 - meet final stabilization requirements
 - remove temporary BMPs
 - remove their site notice
 - each operator must:
 - send a copy of their completed *Small Construction Site Notice* to the MS4 operator (if applicable) or
 - provide alternative notification as allowed by the MS4 operator



Final Stabilization Requirements

- All soil disturbing activities completed
- Even distribution of perennial cover to a density of 70% of native background
- Excludes areas that are:
 - paved,
 - covered by permanent structures, or
 - covered with equivalent permanent stabilization measures



Impaired Receiving Waters and Total Maximum Daily Load (TMDL)

- Requirements for Construction Sites
 - Discharges of pollutants of concern to impaired waters with an approved TMDL must have an SWP3 that is consistent with the:
 - applicable TMDL or
 - Implementation Plan (I-Plan)



Construction Effluent Limitations Guidelines 40 CFR Part 450

- December 1, 2009 – EPA published rule to control the discharge of pollutants from construction sites. Also known as the “C&D Rule.”
- February 1, 2010 – New rule was effective
- January 4, 2011 - Numeric turbidity limitation was stayed
- C&D Rule requirements were incorporated into the 2013 TPDES CGP



Changes to the 2009 C&D Rule

- March 6, 2014 – EPA adopted revisions
- Addition of a definition of “infeasible”
- Revisions to several of the non-numeric requirements
- Withdrawal of the numeric turbidity effluent limitation and associated monitoring requirements
- May 5, 2014 – Effective date of revised rule
- TCEQ will adopt rule revisions by reference
- Rule changes will not affect current CGP



Web Links for Resources

TCEQ Stormwater Home Page:

http://www.tceq.texas.gov/permitting/stormwater/sw_permits.html

TCEQ Construction Stormwater Web page

www.tceq.texas.gov/permitting/stormwater/wq_construction.html

Small Business and Local Government Assistance:

www.tceq.texas.gov/assistance

Status of Stormwater NOIs:

http://www2.tceq.texas.gov/wq_dpa/index.cfm

Link to “Water Quality General Permits Search” data base



Web Links for Resources

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”



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TCEQ Stormwater Program Contacts

- Questions regarding your STEERS account:
 - (512) 239-6925
- Questions about the application process, contact the Stormwater Processing Center
 - (512) 239-3700
- Other questions including Technical, contact the Small Business and Local Government (SBLGA) Hotline
 - 1-800-447-2827

