

## **2018 TPDES Construction General Permit (TXR150000) Renewal**

### **Preliminary Proposed Changes**

1. Inclusion of requirements for the EPA Electronic Reporting rule, effective December 21, 2015.
  - Starting December 21, 2020 (Phase 2 of the rule), all Notices of Intent (NOIs), Notices of Termination (NOTs), and Low Rainfall Erosivity Waivers (LREWs) must be filed electronically.
    - TCEQ will require electronic submittal of all NOIs, NOTs, and LREWs as of March 5, 2018.
  - Waiver Option from electronic reporting (permanent or temporary) will be available for certain reasons, such as; religious beliefs, no internet access, and others.
2. Inclusion of the 2014 and 2015 amendments to the Federal Effluent Limitation Guidelines (40 CFR Part 450 - Construction and Development Point Source Category) in the requirements for erosion and sediment controls section of the permit.
  - §450.11 (b) - Definition of “infeasible.” (Not technologically possible or economically achievable in light of best industry practices.)
  - §450.21 (a)(1) - Minimize pollutants in discharges.
  - §450.21 (a)(2) - Minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
  - §450.21 (a)(6) - Replace “surface waters” with “Waters of the U.S.; Maximize stormwater infiltration to reduce pollutant discharges, unless infeasible.
  - §450.21 (a)(7) – Minimizing soil compaction not required where the intended function of a specific area dictates that it is compacted.
  - §450.21 (a)(8) – Preserve topsoil, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of a site dictates that the topsoil will be disturbed or removed.
  - §450.21 (b) – (Stabilization in arid, semi-arid, and drought-stricken areas) Stabilization must be completed within a period of time as specified by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
3. Add new numbering system for the master Construction General Permit – TXR160000.
4. Revise the benchmark monitoring level for Total Suspended Solids (TSS) from 100 milligrams per Liter (mg/L) to 50 mg/l to be consistent with the 2016 Multi-Sector General Permit (TXR050000) and the 2016 Ready Mixed Concrete General Permit (TXG110000).
5. Revise the definition of Construction Activity to clearly capture “other construction-related activities” (i.e., soil disturbance that can occur from stockpiling of fill material and demolition).

6. Add clarification that person performing inspections required by the permit are not required to have signatory authority under 30 Texas Administrative Code (TAC) §305.128. (All other permit requirements for those conducting inspections still apply.)
7. Revise to clarify the limitations for permit coverage of construction activities related to oil and gas production to be consistent with the language in the Multi-Sector General Permit (TXR050000) to clarify when facilities qualify to obtain coverage under the TCEQ's Multi-Sector General Permit and when they are under EPA jurisdiction and revise the title of the paragraph.
8. Add clarification that operators of small construction activities must post a copy of a signed and certified Small Construction site notice and how it must be posted.
9. Add clarification that secondary operators of large construction activities must post a copy of a signed and certified Large Construction site notice and how it must be posted.
10. Add clarification that posted small construction site notices may have a redacted signature as long as there is an original copy of a signed and certified site notice with a viewable signature located in a secure location at the site.
11. Reorganize the Waivers section and provide clarity regarding the requirements for discharge and disposal of non-stormwater when under a Low Rainfall Erosivity Waiver.
12. Add footnote to the benchmark monitoring table for Concrete Batch plants to clarify that that analytical results for certain pollutants must to be obtained from a NELAP certified laboratory [30 TAC §25.4 (a)].
13. Add requirements for implementing controls to minimize the exposure of building materials containing polychlorinated biphenyls (PCBs) to precipitation and stormwater during demolition.
14. Add requirements for minimizing the exposure of waste materials by keeping waste container lids closed when not in use.
15. Add definition of Low Rainfall Erosivity Waiver form.
16. Revise to clarify that an applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the Commission prior to denial or suspension of authorization (pursuant to the October 23, 2013 Commissioner's Order on the Livestock Manure Composting General Permit, WQG200000).
17. Add clarification language in the permit to reference not only the 303 (d) List of Impaired Waterbodies, but also the Texas Integrated Report Index of Water Quality Standards for CWA Sections 305(b) and 303(d).