



Stormwater TPDES Construction General Permit (CGP, TXR150000) Overview

2023 Water Quality Stormwater Seminar – October 19, 2023

Jesse Gress-Alamilla and Hannah Cobos
TCEQ - Water Quality Division
Stormwater Team



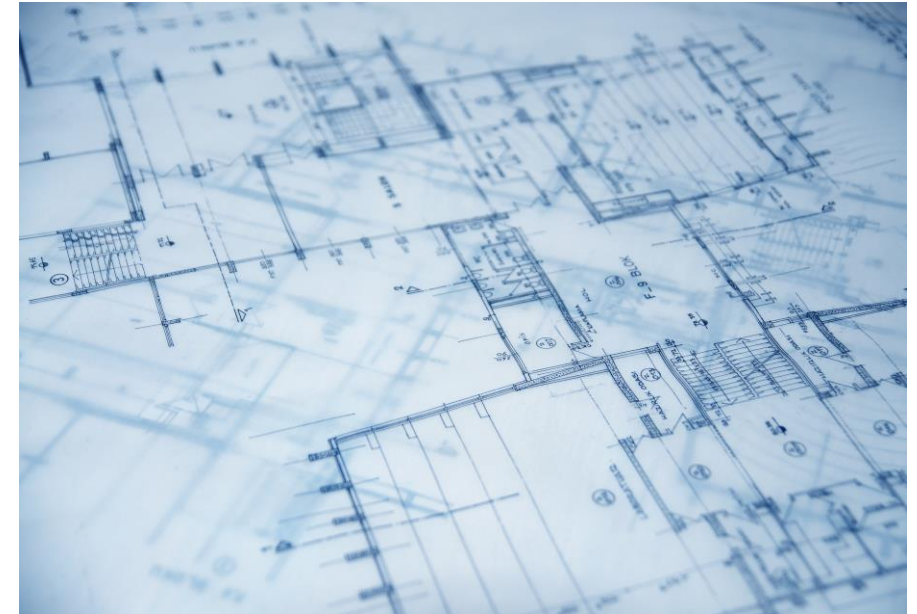
Outline

Overview of the
Construction General Permit

General Permit
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2023 Renewal Changes



2023 Construction General Permit (CGP, TXR150000)

- Effective March 5, 2023
- Expires March 5, 2028
- Authorizes discharges of stormwater associated with:
 - construction activities and
 - construction support activities

Texas Commission on Environmental Quality
P.O. Box 13087, Austin, Texas 78711-3087



GENERAL PERMIT TO DISCHARGE UNDER THE
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code


This permit supersedes and replaces
TPDES General Permit No. TXR150000,
effective March 5, 2018, and amended January 28, 2022

Construction sites that discharge stormwater associated with construction activity located in the state of Texas may discharge to surface water in the state only according to monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the Commission of the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, on March 5, 2028.

EFFECTIVE DATE: March 5, 2023

ISSUED DATE: *February 27, 2023*



For the Commission

Authorized Discharges

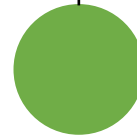
- Stormwater associated with construction activities
 - Small and large construction activities
- Stormwater associated with a construction *support* activities
 - Equipment and material storage areas, on site concrete batch plants, borrow areas
- Certain *non-stormwater discharges*
 - Discharges from emergency fire-fighting activities, uncontaminated fire hydrant flushing, dust control, etc.

Current CGP Authorizations



Active Waivers

6



Authorizations are effective from the approval date of the Notice of Intent (NOI) until:

- Expiration of the master statewide CGP; or
- Submittal of a Notice of Termination (NOT), whichever comes first.

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



TXR150000 Also Covers:

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



Construction Site: Area of Land Disturbance

Large Construction
Disturbing 5
acres or more

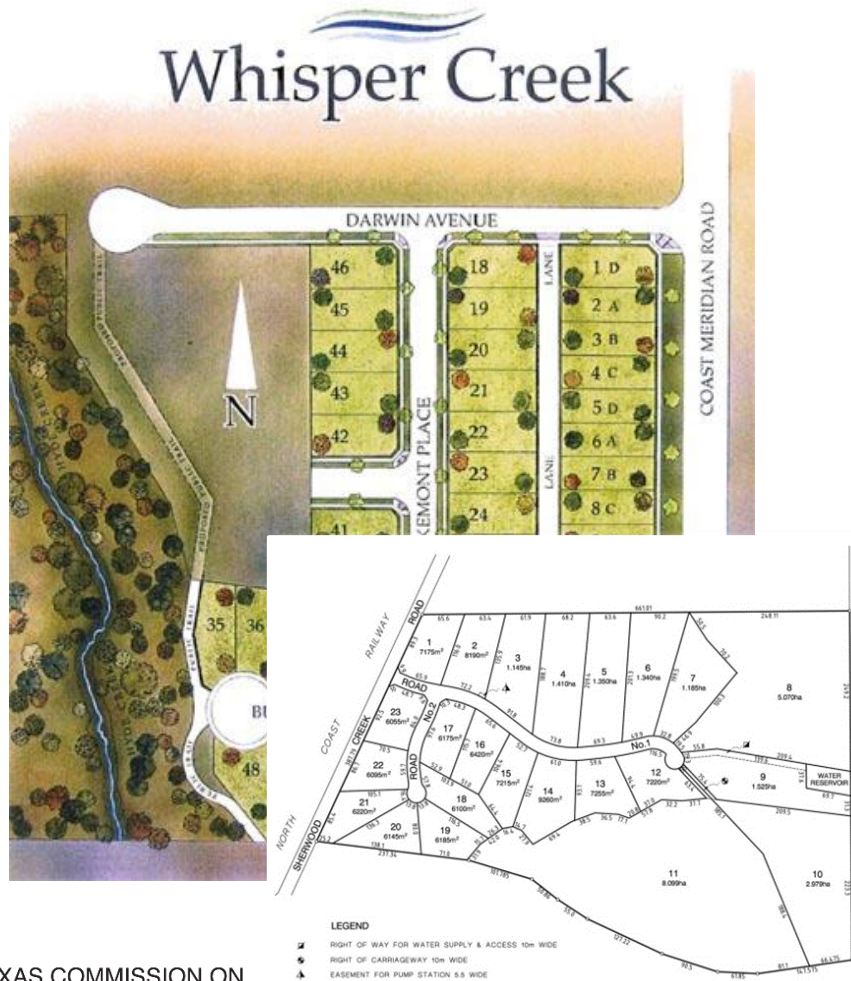
Small Construction

Disturbing
1 to <5
acres

< 1
acre



Larger 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.

Example

A subdivision is being built. You are grading 0.75 acres, another company is clearing 4 different acres, and a contractor is excavating another 0.5 acres.

→ Because the **total area** that would be disturbed under this common plan is 5.25 acres, each operator would fall under the requirements associated with disturbing 5 or more acres.

**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

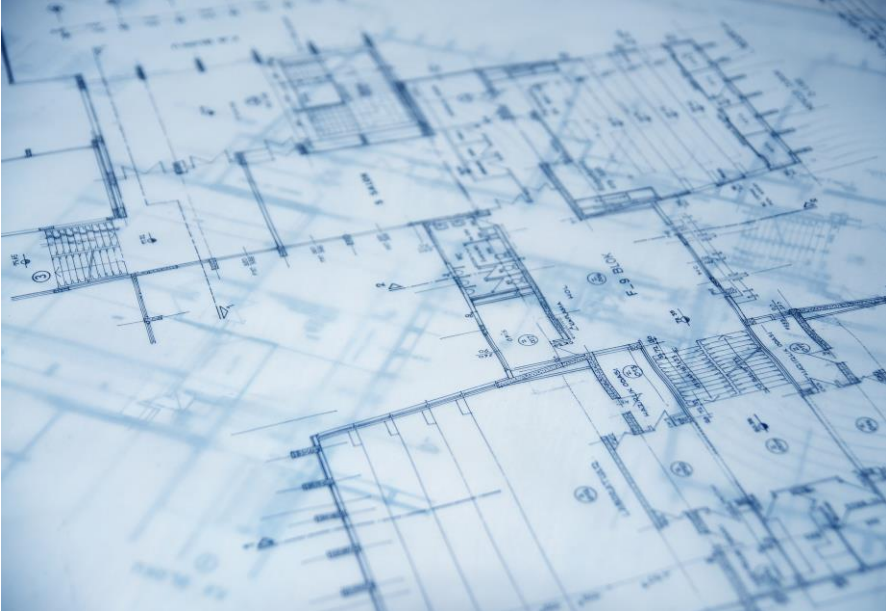
General Permit Requirements

Overview of the Construction General Permit

General Permit Requirements

Water Quality General Permit Search

2023 Renewal Changes



CGP Requirements

Develop and implement a Stormwater Pollution Prevention Plan (SWP3)

Develop and implement Best Management Practices (BMPs)

Submit an NOI (Large sites only)

Post a site notice (Primary and Secondary Operators)

Notify the MS4 Operator (Send NOI and Site Notice)

Perform regular inspections of controls

Perform Benchmark Sampling for Concrete Batch Plant, if applicable

Determining Coverage and Requirements

Requirement	< 1 acre	1 to < 5 acres	5 or more acres
Coverage	No	Yes	Yes
NOI	No	No <i>Yes - if part of a larger common plan of development</i>	Yes
SWP3	No, but sites need appropriate BMPs	Yes	Yes
Site Notice	No	Yes	<i>Yes - for primary and secondary operators</i>
Need to notify MS4	Yes	Yes	Yes
Local requirements may apply	Yes	Yes	Yes

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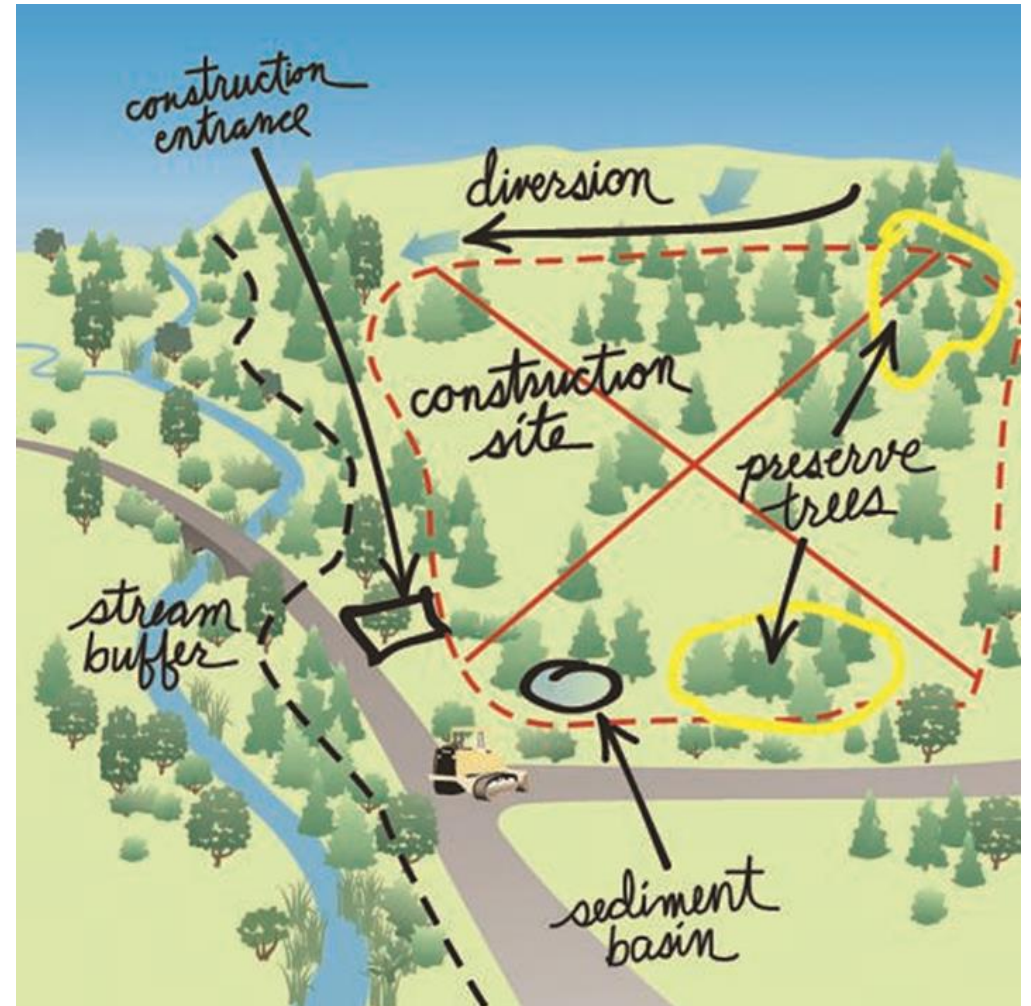
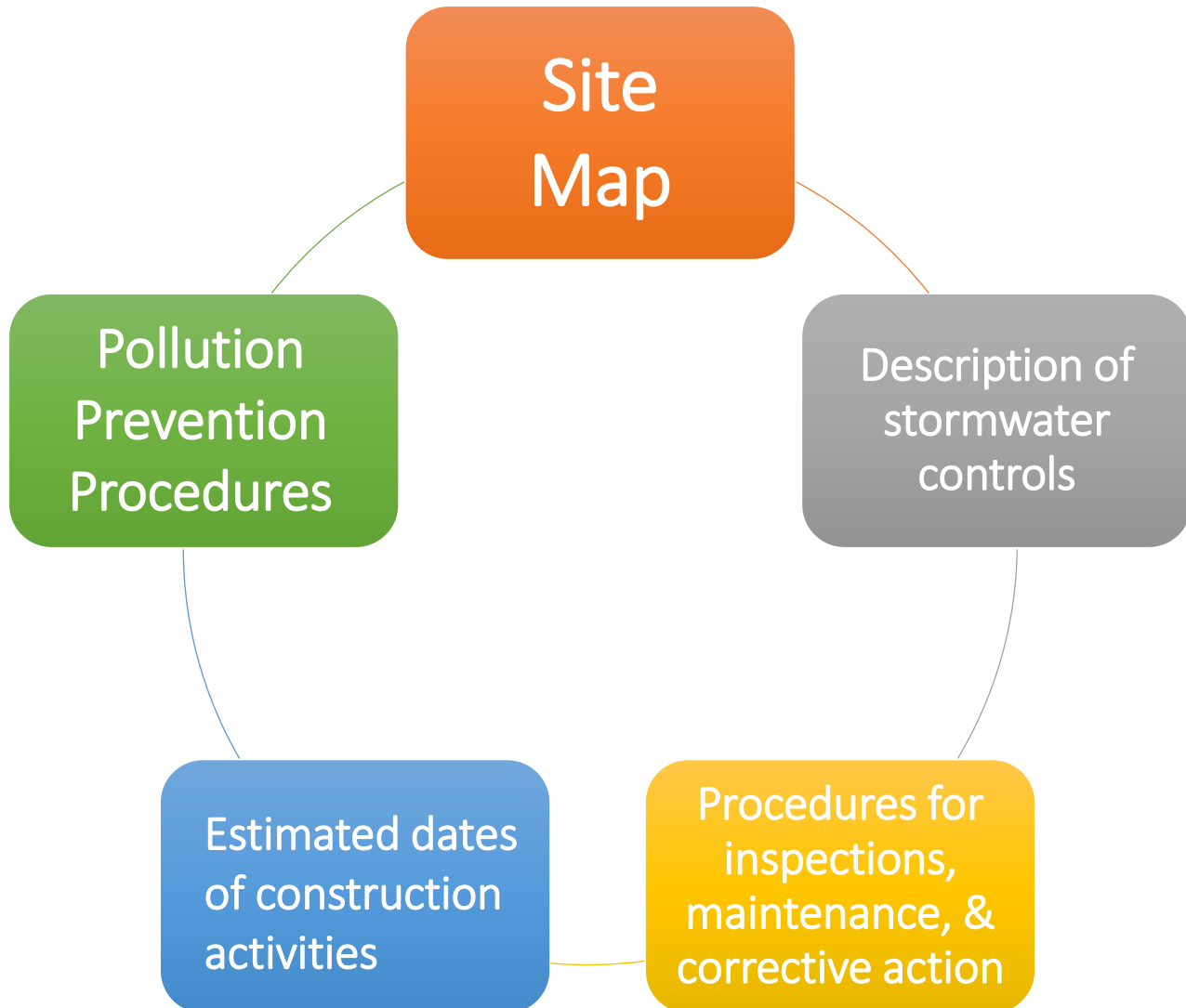
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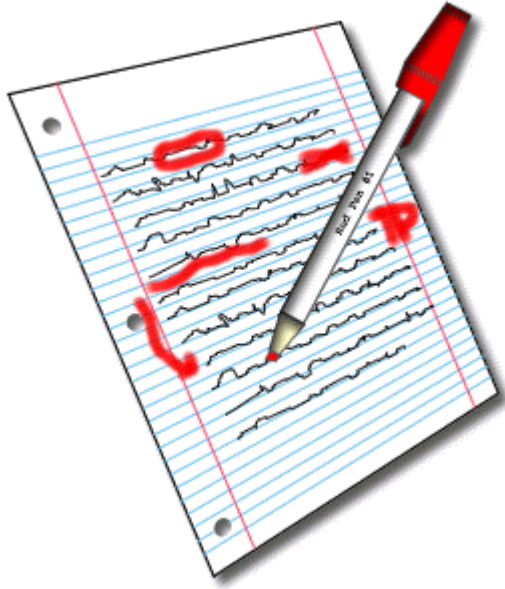
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Stormwater Pollution Prevention Plan (SWP3)



When to Revise and Update the SWP3



- Changes in design, construction, operation, or maintenance that have a significant effect on the discharge of pollutants and are not previously addressed in the SWP3
- Changes in site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs
- Results of inspections or investigations by construction site personnel authorized by the permittee, operators of an MS4, authorized TCEQ personnel, or a federal, state, or local agency approving sediment and erosion plans indicates the SWP3 is ineffective

Application via ePermits – *Large Construction Activities*

- 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 (NOI)
 - Notice of Change (NOC)
 - Notice of Termination (NOT)
 - Low Rainfall Erosivity Waiver (LREW)
 - Delegation of Signatory Forms*

**For Primary operators of Large Sites Only*



How Do I Apply for an Application? - *Large Construction Activities*

All applications must be submitted online to the ePermits system through STEERS

- Complete all stages of the application in STEERS in this order:
 1. **Fill-out** application
 2. **Sign** application
 3. **Pay** application fee (\$225)
 4. **Submit** application



Inspections of Stormwater Controls

Inspections of construction sites must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, unless as otherwise provided



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- *if a storm event produces 0.5 inches or more of rain within a 24-hour period (including multiple, smaller storms that alone produce less than 0.5 inches) you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen*
- *if a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches*

Inspections of Stormwater Controls - *Continued*

- As an alternative, inspections can be conducted once every 7 days regardless of whether there has been a rain fall event since the previous inspection.
- Inspection frequencies must be conducted at least once every month in areas of the construction site that meet final stabilization or have been temporarily stabilized.
- The inspection frequency schedule can only be changed a maximum of once per calendar month and implemented within the first 5 business days of a calendar month.



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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.



Final Stabilization - *In arid, semi-arid, and drought-stricken areas*

All soil disturbing activities at the site have been completed and both of the following criteria have been met

- temporary erosion control measures are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and;
- the temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years

Retention of Records

- Permittee must retain the following records for a minimum period of **3 years** from the date that an NOT is submitted or from the date that the operator terminates coverage according to small site requirements

Copy of
SWP3

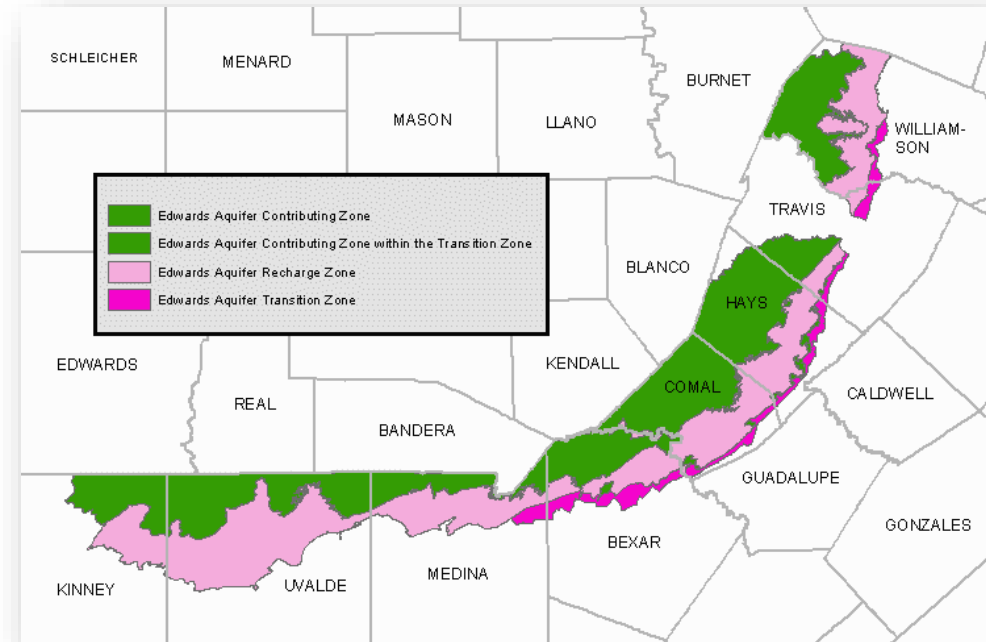
All data used
to complete
NOI (if
applicable)

All reports &
actions
(including
site notice)

All records of
submittal to MS4
operators &
secondary
operators

Limitations on Coverage

- Discharges to the Edwards Aquifer Recharge or Contributing Zone (CZ)
 - Construction at a site regulated by 30 TAC 213 (Edwards Aquifer Rule) may not begin until the Edwards Aquifer Protection Plan (EAPP) has been approved by the TCEQ's Edwards Aquifer Program
 - New discharges in the CZ, meet all requirements of 30 TAC 213 in additions to the provisions and requirements of the CGP



Limitations on Coverage

- Discharges to the Edwards Aquifer Recharge or Contributing Zone (CZ), continued:
 - Existing discharges in the Edwards Aquifer recharge zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) is required in addition to the provisions and requirements of the CGP
 - Discharges located within 10 miles upstream of the recharge zone, applicants shall submit a copy of the NOI to the appropriate regional office

Edwards Aquifer Protection Program Contractor's Guide

Building on the Edwards Aquifer?

Added responsibilities and requirements apply.

512-339-2929 (Austin)

210-490-3096 (San Antonio)

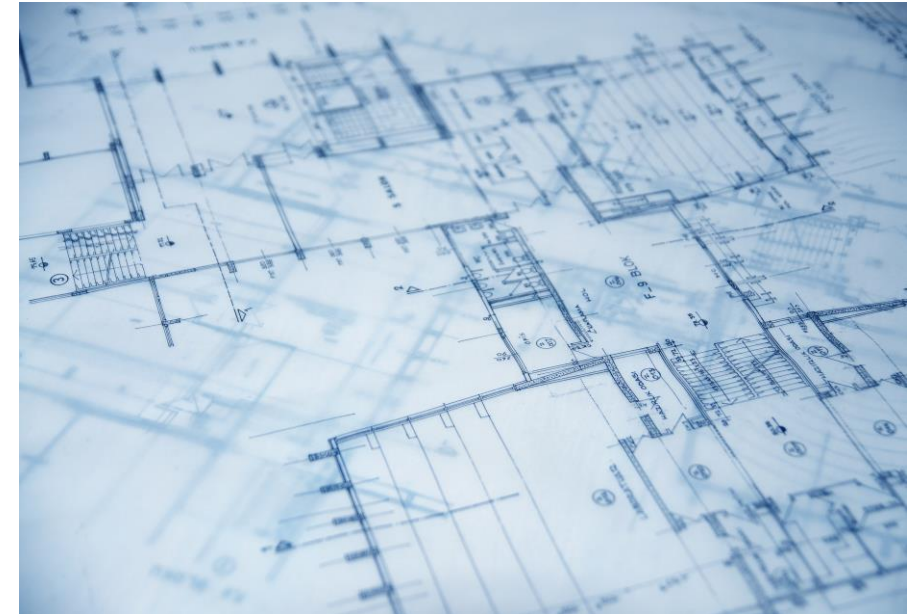
Water Quality General Permit Search

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Water Quality General Permits Search

- Track the status of applications for general permits at:
https://www2.tceq.texas.gov/wq_dpa/index.cfm
- Search for authorizations or applications under a specific stormwater or wastewater general permit.
- For TXR150000:
 - Construction NOI and
 - Construction Low Rainfall Erosivity Waiver

Water Quality General Permit Search

Water Quality General Permits 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 number.

Enter Permit Number:

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

Enter RN:

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

Enter CN:

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

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
- TXG310000 - TPDES Oil and Gas Extraction

Water Quality General Permits & Registration Search - Advanced Search

Choose the Type of Authorization (required):

Choose the Status (required) of this Authorization: OR Application:

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: OR TCEQ Region:

SIC Code:

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

Segment Number:

Search

Clear

Advanced Search Options

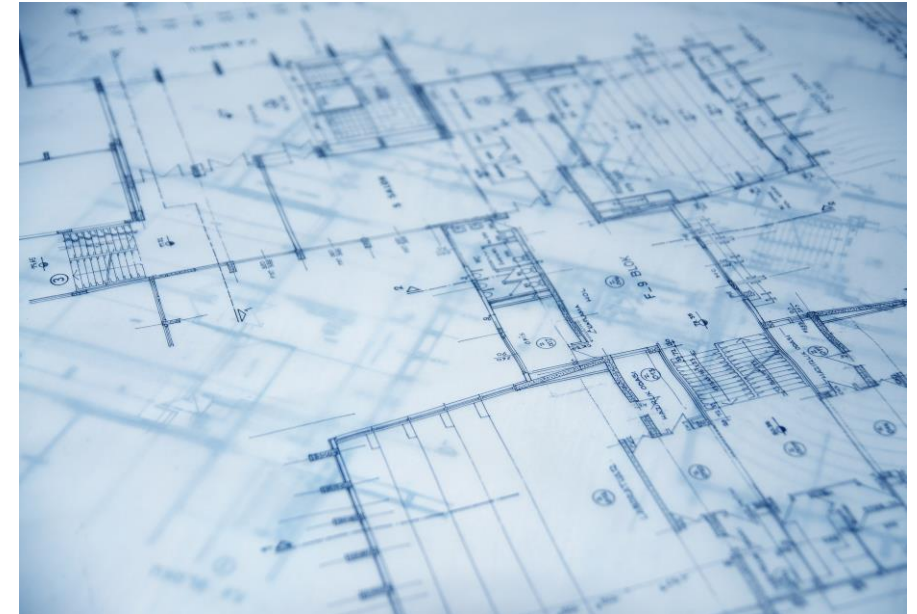
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Changes in the 2023 CGP

Permit Requirements

- Site Notice for Large Sites (>5 acres) Clarification
 - **“Sign must be maintained onsite until final stabilization has been achieved” instead of when construction is complete**
 - Language already used in Part II. E.2.(c)
 - Updated for consistency
- Map requirement update:
 - Under Part III. Section F.1.(g)
 - Maps must **include property boundaries** which includes phasing and demolition activities.
 - Consistent with the 2022 EPA CGP
- Clarified the requirement for operators to “continue to comply with the conditions” of the CGP until coverage termination
 - Consistent with the 2022 EPA CGP

Changes in the 2023 CGP

Allowable Non-Stormwater Discharges

- Added the word “emergency” before fire-fighting activities.
 - Clarified intent and establish consistency across all TCEQ and EPA stormwater general permits



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Changes in the 2023 CGP

Inspections – Corrective Action, Frequency, and Temporary Suspension

- Clarified how to conduct inspections within 24-hours of a storm event
 - Consistent with the 2022 EPA CGP
- Inspection reports will need to include the **date of corrective actions taken**, if any
 - Part III. Section F. (7).(f)
 - Consistent with 2022 EPA CGP
- Revised wording on the changing of inspection frequency schedule
 - Part III. Section F.7.(c).vi.
 - Clarified that inspection frequency schedule can only be changed a **maximum of once per month and implemented within the first 5 business days of a calendar month**
- Included provision for inspections to be temporarily suspended for **adverse conditions**

Changes in the 2023 CGP

Sediment Control Practices

- Revised permit language regarding the control of dust and pollutants that could be mobilized in stormwater
 - “On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.”
 - Language updated to be consistent with the 2019 EPA CGP Amendment and 2022 EPA CGP
- Updated dewatering requirements applicable to all sites
 - Appropriate controls required to address sediment and control erosion (e.g., sediment trap or basin, pumped water filter bag)
 - Daily observation and evaluation of controls when discharge is occurring
 - More consistent with the 2022 EPA CGP



Changes in the 2023 CGP

Sedimentation Basin Requirements

- Require the documentation of infeasibility criteria for sedimentation basin or outlet structure
 - The circumstance for which it is infeasible must be documented within the SWP3
 - Consistent with the 2022 EPA CGP
- Clarified the use of detention ponds as sedimentation basins
 - Part III. Section F.(c).i.
 - “Sedimentation basins must be designed for and appropriate for runoff at the site and existing detention or retention ponds may not be suitable”



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Changes in the 2023 CGP

Good Housekeeping Practices

- Pollution prevention measures – added requirements:
 - Clean up trash and debris which could contaminate or be carried by stormwater
 - Manage Waste containers appropriately and not overflowing
 - Locate portable toilets away from outfalls and storm drain inlet structures



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Changes in the 2023 CGP

Electronic Forms and SWP3s

- Delegation of Signatory Forms
 - **Primary Operators of Large Sites** – Now submitted electronically through STEERS
 - **Small site and secondary operators** – continued to be submitted on paper (TCEQ Form 20403)
- Electronic SWP3
 - CGP now allows that it *can* be created and maintained electronically rather than on paper
 - Still required to be readily accessible to regulatory personnel in the same manner that a paper form would be
 - Signature requirements still apply when provided to TCEQ or other regulatory agency



CGP Resources

- 2023 CGP, Fact Sheet, and ED's Response to Comments
- TCEQ Construction General Permit Webpage:
<https://www.tceq.texas.gov/permitting/stormwater/construction>
- “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

CGP Resources - *Continued*

- EPA SWP3 Guidance

<https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>

- EPA National Menu of BMPs for Stormwater


<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-construction>

- Surface Water Quality (segments) & Edwards Aquifer Map Viewers

<https://www.tceq.texas.gov/gis/tceq-geographic-data-viewers>


Stormwater Team Contacts

Stormwater Team

 512-239-4671

 SWGP@tceq.texas.gov

Stormwater Processing Center

 512-239-3700

 SWPermit@tceq.texas.gov

Rebecca L. Villalba- Team Leader

- Macayla Coleman
- Dante Fekete
- Leland Moore
- Jesse Gress-Alamilla
- Monica Alba Garcia
- Hannah Cobos
- Carol Lee Trucksess, SWPC
- Jeneane Toliver, SWPC
- Mary Huseman, SWPC

TCEQ Stormwater Team



Team Leader

Rebecca L. Villalba



Permit Writer

Macayla Coleman



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Questions?