



## **Renewal of TPDES Stormwater Construction General Permit TXR150000**

### **Summary of Preliminary Proposed Changes**

#### **1. Part II. Section C. Limitations on Permit Coverage**

- a. In accordance with HB7, 87<sup>th</sup> Legislative Special Session, TCEQ may not issue a general construction permit, or approve a Stormwater Pollution Prevention Plan (SWP3) for the construction or operation of a facility that is licensed for the storage of high-level radioactivity waste.
- b. Include additional questions in the Notice of Intent (NOI) and Low Rainfall Erosivity Waiver (LREW) / ePermits to identify and not authorize projects related to sites mentioned above.

#### **2. Part II. Section E.1. Obtaining Authorization to Discharge**

Clarify that large construction site notices must be maintained until final stabilization is achieved.

*"The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and must be maintained in that location until final stabilization has been achieved."*

#### **3. Part II. Section F.3. Authorization for Large Construction Activities**

Clarify that compliance with the permit is required until termination of authorization.

*"Compliance with the conditions and requirements of this permit is required until the NOT is submitted to TCEQ."*

#### **4. Part III. Section F.1. Contents of SWP3**

Include additional requirements for site maps and descriptions to clearly identify property boundaries, soil disturbing activities must note phasing (including demolition activities).

#### **5. Part III. Section F.2. A description of the BMPs that will be used to minimize pollution in runoff**

Clarify that *existing* retention/detention ponds may not be appropriate for use as sedimentation basin.

*"Sedimentation basins must be designed for and appropriate for runoff at the site and existing detention or retention ponds at the site may not be appropriate."*

## 6. Part III. Section F.4. Other Required Controls and BMPs

Clarify the intent to minimize dust by using similar language from EPA CGP.

*“Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and ~~the generation of dust.~~ The SWP3 shall include a description of controls utilized to control the generation of pollutants that could be discharged in stormwater from the site ~~accomplish this requirement.~~”*

## 7. Part III. Section F.7.(c) Inspection frequencies

Clarify and simplify existing permit language which indicates that inspection frequency schedules can only be changed on the first of the month.

*“the inspection frequency schedule can only be changed on the first day of a calendar month; ~~a maximum of one time each month; the schedule change must be implemented at the beginning of a calendar month;~~”*

## 8. Part III. Section F.7.(f).ii. Inspection Reports

Add requirement to record the date(s) of actions taken, as a result of inspections.

*“Actions taken as a result of inspections, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3.”*

## 9. Part III. Section G.4. Pollution prevention measures

Add a requirement to minimize waste by implementing good housekeeping measures similar to EPA’s CGP.

*“Minimize exposure of wastes by implementing good housekeeping measures. Wastes must be cleaned up and disposed of in designated waste containers on days of operation at the site. Wastes must be cleaned up immediately if containers overflow.”*

## 10. Part III. Section G.6. Surface outlets

Include the requirement for permittees to provide documentation in the SWP3 if they determine it is infeasible to utilize outlet structures when discharging from basins and impoundments.

*“If infeasible, the permittee must provide documentation in the SWP3 to support the determination, including the specific conditions or time periods when this exception will apply.”*

## 11. Contents of the NOI

Add item to reflect existing NOI questions consistent with federal electronic reporting requirements.

*“estimated construction project start date and end date;”*

## 12. Miscellaneous and Editorial Changes.

- a. Add Parts and Sections to headers for improved readability and to be similar to all other stormwater general permits.
- b. Clarify electronic reporting requirements.
- c. Update provisional coverage time frames from seven (7) days to 48-hours for paper application submitted with an approved waiver for consistency with other general permits.
- d. Clarify intent for non-stormwater discharges related to fire fighting and for consistency between all stormwater general permits.

*“discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);”*

- e. Add to the NOI/LREW form the following types of activities for permittees to describe the type of construction activity occurring at the site

*“Highway/Road and Utility”*

### Other items that may trigger changes in the 2023 CGP

#### 1. EPA’s CGP expires on February 16, 2022.

Key proposed changes in the permit include new or clarified provisions related to erosion and pollution prevention controls, dewatering discharges, and permittee training.

#### 2. Amendment to TCEQ’s 2018 CGP for oil and gas activities.

- a. TCEQ is in the process of amending the CGP to cover stormwater discharges from oil and gas activities consistent with the transfer of federal and state authority from EPA to TCEQ as a result of HB2771, 86<sup>th</sup> Legislative Session.
- b. When amendment is issued, the resulting changes will be reflected in the 2023 CGP renewal as well.