



Stormwater TPDES Construction General Permit (CGP, TXR150000) Overview and Renewal Changes

2023 Environmental Trade Fair & Conference – May 16, 2023

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TCEQ - Water Quality Division

Stormwater Team



Outline

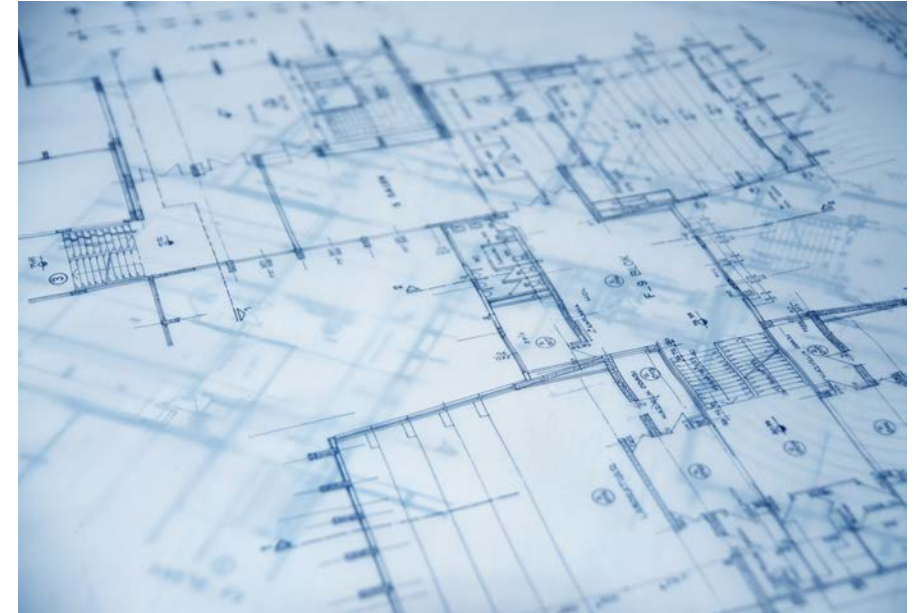
**Overview of the
Construction General Permit**

**Water Quality General
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90-Day Renewal Information

**2023 Renewal Updates and
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**Oil and Gas Regulated
Construction Activities**



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

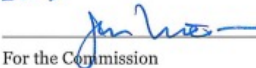
This permit supersedes and replaces
TPDES General Permit No. TXR150000,
effective March 5, 2018, and amended January 28, 2022

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.

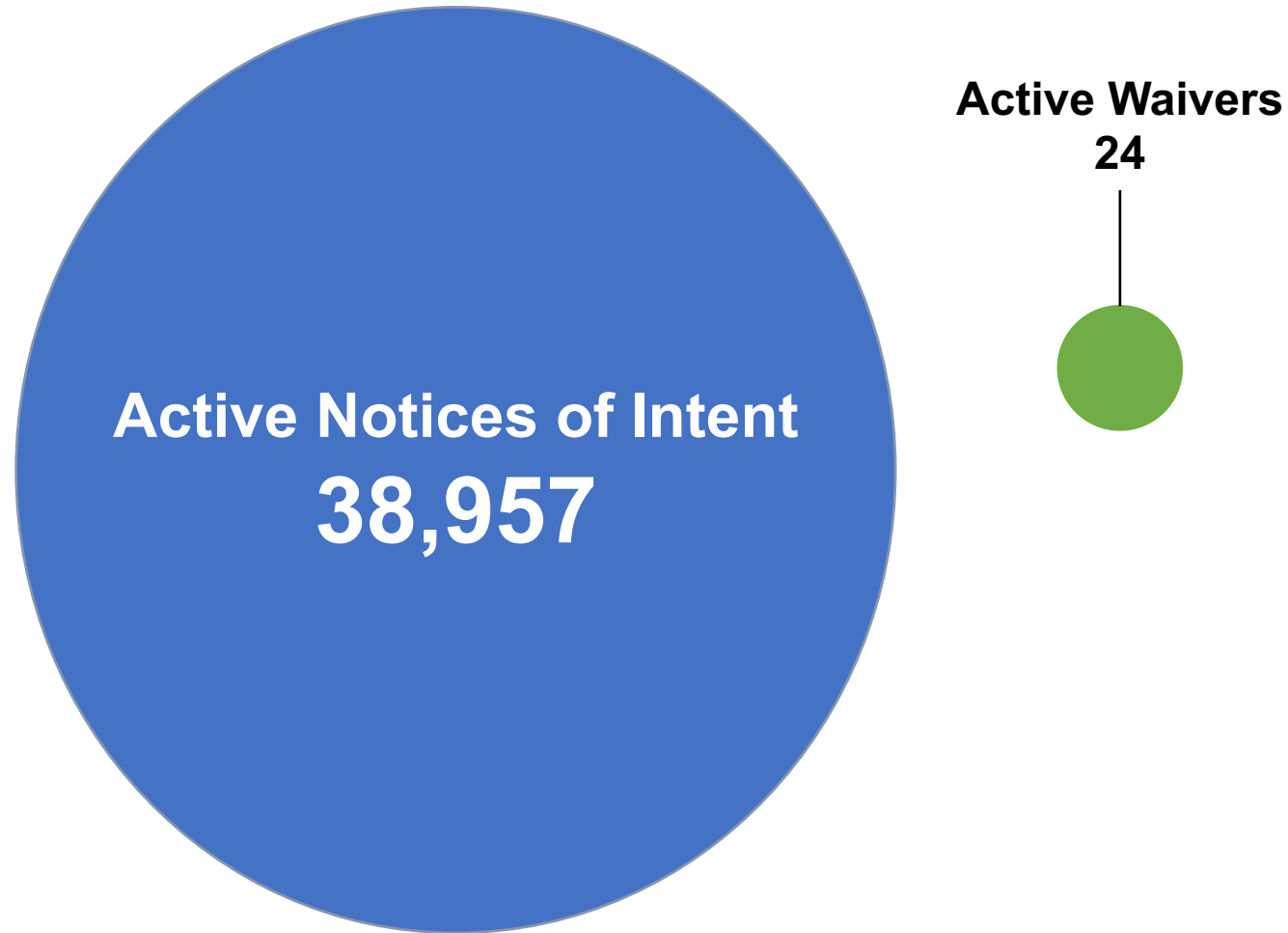
This general permit and the authorization contained herein shall expire at midnight, on March 5, 2028.

EFFECTIVE DATE: March 5, 2023

ISSUED DATE: February 27, 2023


For the Commission

Current CGP Authorizations



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



Construction Site: Area of Land Disturbance

Large Construction

Disturbing 5
acres or more

Small Construction

Disturbing
1-5 acres

< 1
acre



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

CGP Requirements

Develop and implement a Stormwater Pollution Prevention Plan (SWP3)

Develop and Implement Best Management Practices (BMPs)

Submit an NOI (Large sites only)

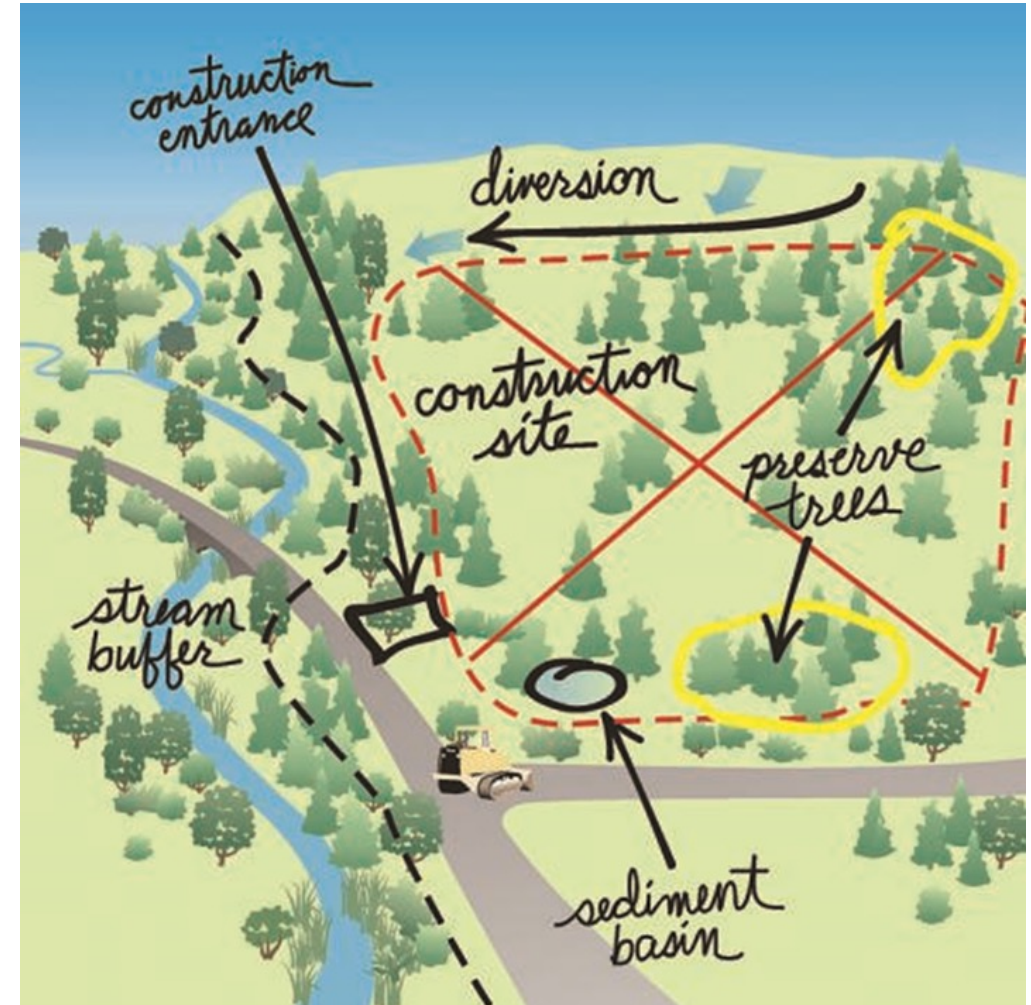
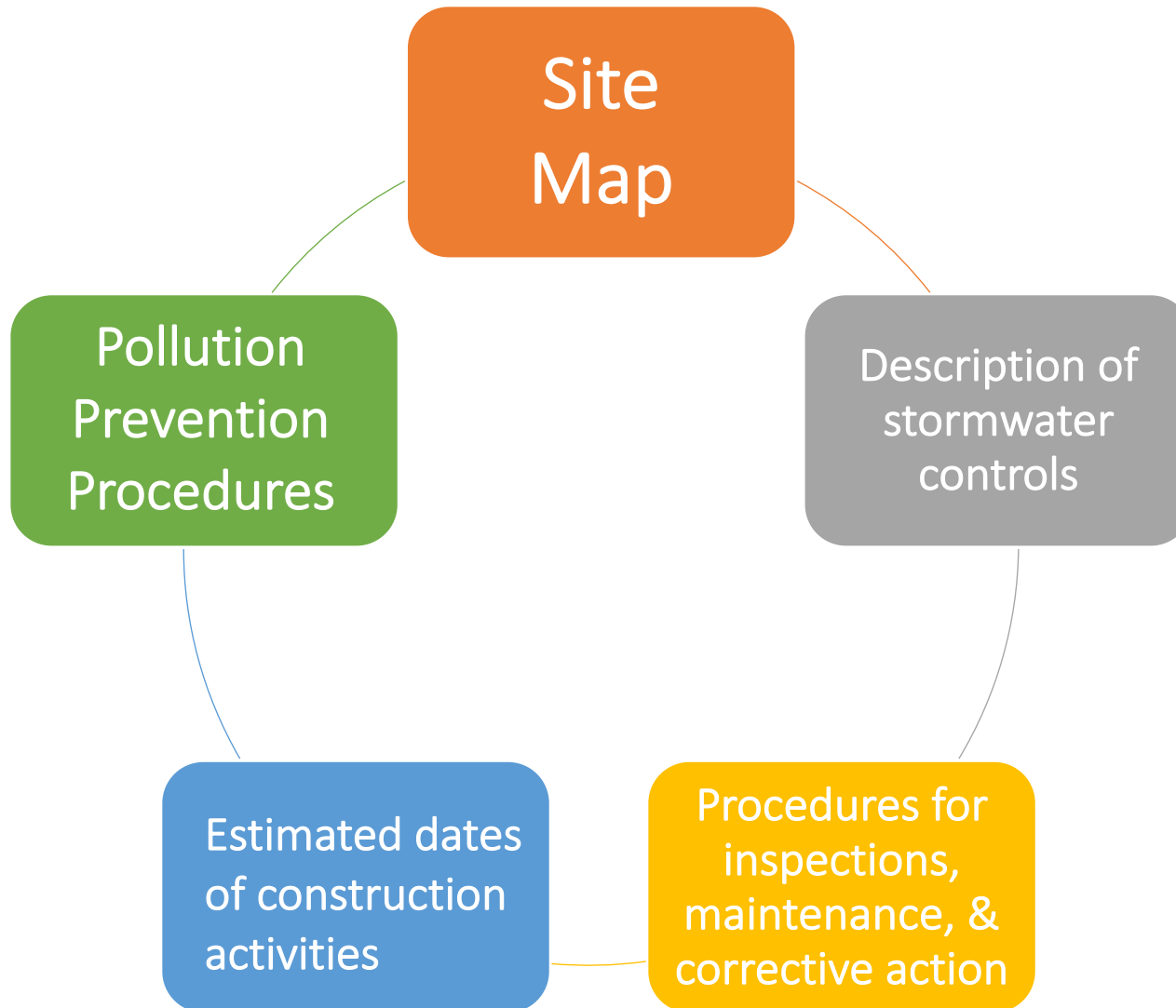
Post a site notice (Primary and Secondary Operators)

Notify the MS4 Operator (Send NOI and Site Notice)

Perform regular inspections of controls

Perform Benchmark Sampling for Concrete Batch Plant, if applicable

Stormwater Pollution Prevention Plan (SWP3)



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



Application via ePermits

- 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*



Outline

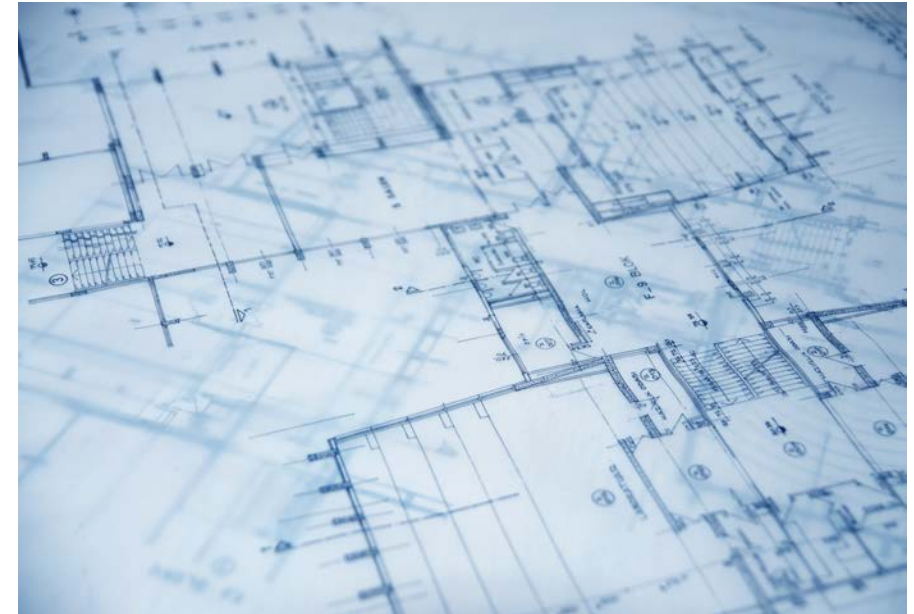
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Water Quality General Permits & Registration Search

Track the status of applications for general permits at:

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

TXR150000 - Construction (NOI & Waiver)

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

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):

Construction Notice of Intent (TXR15) ▼

Choose the Status (required) of this
Authorization:

ACTIVE
DENIED
EXPIRED

OR Application:

APPROVED
PENDING
DENIED

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:

ANDERSON
ANDREWS
ANGELINA
ARANSAS

OR TCEQ Region:

▼

SIC Code:

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

Segment Number:

0100 ▲
0101
0102 ▼
0103

Search

Clear



Advanced Search Options

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How Can I Renew My Authorization? Small Construction Sites & Secondary Operators

Operators must:

- Update the site's SWP3 to be compliant with the new requirements of the general permit;
- Remove the previous site notice;
- Complete, sign, and post a new site notice under the 2023 CGP
 - Form: **TCEQ-20963**



TCEQ Small Construction Site Notice

Small construction sites disturb at least one but less than five acres or are part of a larger common plan of development or sale that disturbs between one and five acres. Operators of small construction sites will fill out this notice. Operators will then post this notice at the construction site in a location where it is safely and readily available for viewing by the general public and local, state, and federal authorities. Additional information about the TCEQ Construction Stormwater General Permit may be found on TCEQ's webpage on [Assistance Tools for Construction Stormwater General Permits](#).

Note: You must also develop a Stormwater Pollution Prevention Plan prior to the commencement of construction.

Operator

Name: _____

Contact Name and Phone Number: _____

Project Description:

Physical Location/Description _____

Estimated Start Date _____

Projected End Date or Date Disturbed Soils Will Be

Stabilized _____

Location of Stormwater Pollution Prevention Plan (SWP3): _____

For Small Construction Activities Authorized Under Part II.E.2. (Obtaining Authorization to Discharge) the following certification must be completed:

I, _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A stormwater pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the Municipal Separate Storm Sewer Systems (MS4) if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title _____ Date _____

Name of MS4 Operator notified: _____ and Date notified (per Part II.F.3.): _____

Date Site Notice Removed _____

How Can I Renew My Authorization?

Large Construction Site

For large sites (5 acres or more of total soil disturbance), operators must:

- Update the site's SWP3 to be compliant with the new requirements of the general permit.
- Submit a CGP **renewal** application via STEERS by **June 5, 2023**
 - The authorization number will remain unchanged under the new general permit
 - Operators **will not** have to terminate the previous authorization prior to renewing their authorization
- Complete and post an updated site notice
 - Form: **TCEQ-20961**

If the authorization is no longer needed:

- Ensure the final stabilization criteria has been met
- Submit a Notice of Termination via STEERS



TCEQ Large Construction Site Notice

Primary Operator

Large construction sites disturb more than five acres or are part of a larger common plan of development that disturbs more than five acres. Primary operators of large construction sites will fill out this notice. Primary operators will then post this notice at the construction site in a location where it is safely and readily available for viewing by the general public and local, state, and federal authorities. Additional information about the TCEQ Construction Stormwater General Permit may be found on TCEQ's webpage on [Assistance Tools for Construction Stormwater General Permits](#).

Note: You must also develop a Stormwater Pollution Prevention Plan prior to the commencement of construction.

Site-Specific TPDES Authorization Number: TXR15

Primary Operator Name: _____

Contact Name and Phone Number: _____

Project Description:

Physical

Location/Description _____

Estimated Start Date _____

Projected End Date or Date Disturbed Soils Will Be Stabilized _____

Location of Stormwater Pollution Prevention Plan (SWP3): _____

How Do I Apply for a Renewal Application?

- All renewal applications must be submitted online to the ePermits system through STEERS
- ***Renewal applications must be submitted by June 5, 2023***
- 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



Renewal Postcards Mailed Out to Existing Operators

IT'S TIME TO RENEW

YOUR STORMWATER CONSTRUCTION GENERAL PERMIT AUTHORIZATION!

TCEQ has renewed the Construction General Permit (CGP, TXR150000), which authorizes the discharge of stormwater associated with construction activities into surface water in the state.

Our records indicate that you have an existing authorization under this general permit. Your authorization number is on the mailing label of this postcard.

To continue your authorization, you must reapply by **June 5, 2023**.


- You must complete and submit a **renewal** Notice of Intent (NOI) or Low Rainfall Erosivity Waiver (LREW) application, as applicable, online. Application fee - \$225 to submit.
- To apply, use STEERS to access ePermits at www.tceq.texas.gov/goto/steers and fill out your **renewal** NOI or LREW. To use STEERS, create an account or log into your existing account.

No longer need your authorization? Submit a Notice of Termination (NOT) using STEERS to access ePermits at www.tceq.texas.gov/goto/steers. NOT - No fee to submit.

Find the 2023 CGP and information on how to apply for coverage at: www.tceq.texas.gov/permitting/stormwater/construction.

Contacts for questions about the following:

- Your application, existing authorization, or electronic reporting waivers: Stormwater Processing Center at SWPERMIT@tceq.texas.gov or 512-239-3700.
- Your STEERS account: STEERS at STEERS@tceq.texas.gov or 512-239-6925.
- Technical questions about the CGP requirements: Stormwater Team at SWGP@tceq.texas.gov or 512-239-4671.
- ePermits or technical questions: Small Business and Local Government Assistance at TexasEnviroHelp@tceq.texas.gov or 800-447-2827.

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Outline

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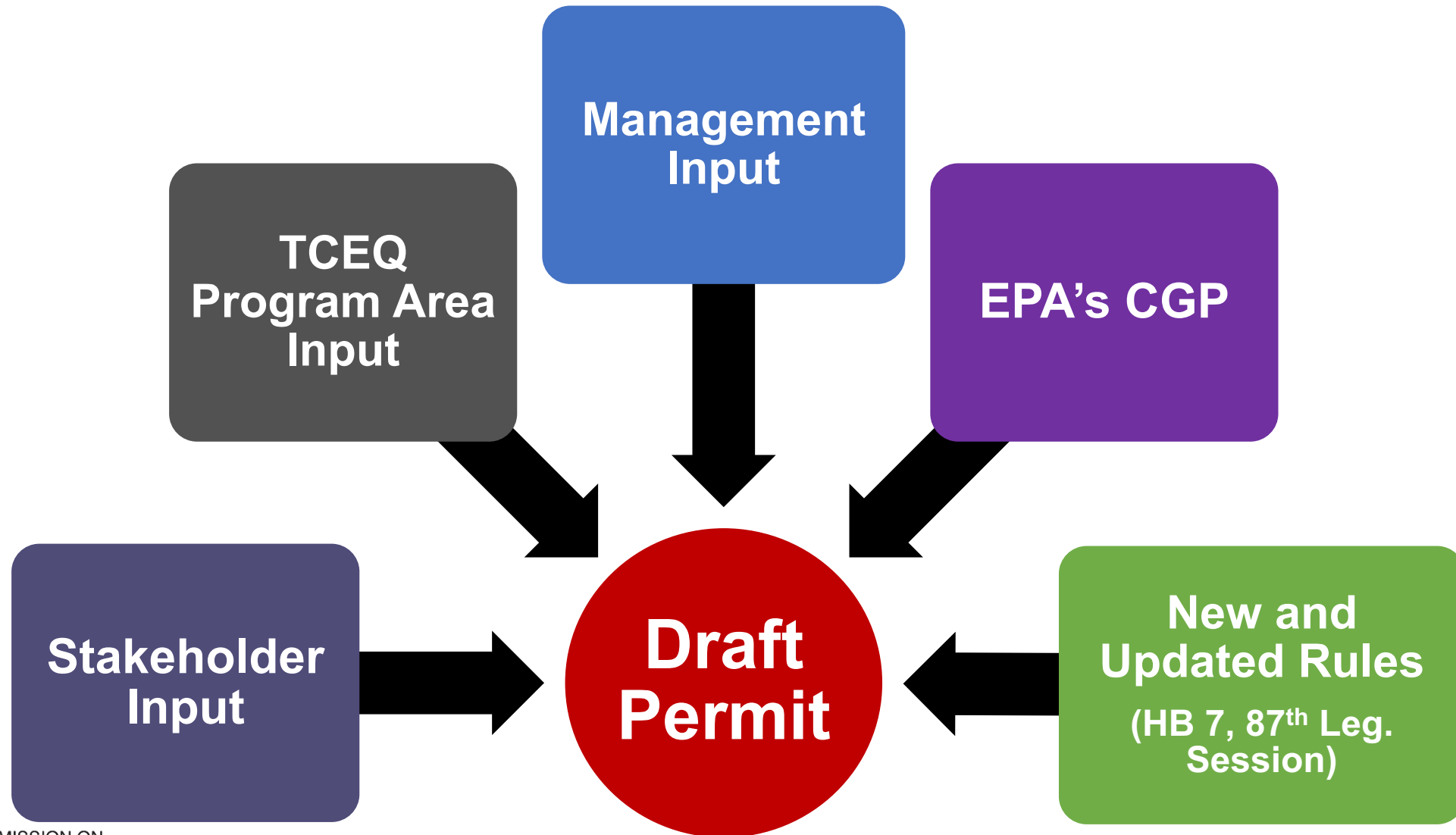
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How Renewal Permit Changes are Determined



Changes for 2023 CGP

Broad Updates

- Added a header throughout document which identifies part and section of the CGP
 - Improves readability
- Added a prohibition of stormwater discharges from construction and operation at sites designed to store high-level nuclear/radioactive waste
 - Mandated by the passage of House Bill 7 in the 87th Legislative Session



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Changes for 2023 CGP

Contents of the Notice of Intent

- Updated permit language for contents of the NOI to reflect existing NOI and federal electronic reporting requirements
 - Added item “estimated construction project start date and end date”
- Updated NOI/LREW forms in ePermits for construction activity types
 - Added options for specifying “Highway/Road” or “Utility”



Changes for 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 for 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 for 2023 CGP

Inspections –Storm Events

Clarified how to conduct inspections within 24-hours of a storm event

- Consistent with the 2022 EPA CGP



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2018 CGP :

“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 below in Part III.F.7.(c).ii – v below.”

2023 CGP:

“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 below in Part III.F.8.(c)ii. – v. below.

- (A) if a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen.*
- (B) 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 or more of rain (i.e., only two inspections would be required for such a storm event).*

Changes for 2023 CGP

Inspections – Corrective Action, Frequency, and Temporary Suspension

- 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 for 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
 - Consistent with the 2022 EPA CGP



Changes for 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 for 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 for 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
- 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 regulator agency



Changes for 2023 CGP

Federal Rule Requirement Revisions

- Part IV - Clarified that the effluent limitations in the permit include New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT) in addition to the Best Practicable Control Technology (BPT).
- Part IV, Section A.(f) - Removed additional language about determining when buffers are necessary and clarified the federal effluent limitations guideline (ELG) requirement by quoting the federal rule.
- Part IV, Section D.(e) - Added language referring to federal response requirements for spills and leaks.



Changes for 2023 CGP

Other Miscellaneous Changes

- For a complete list of changes, see Part V of the CGP Fact Sheet
 - 51 changes are detailed
 - Pages 13-15

Outline

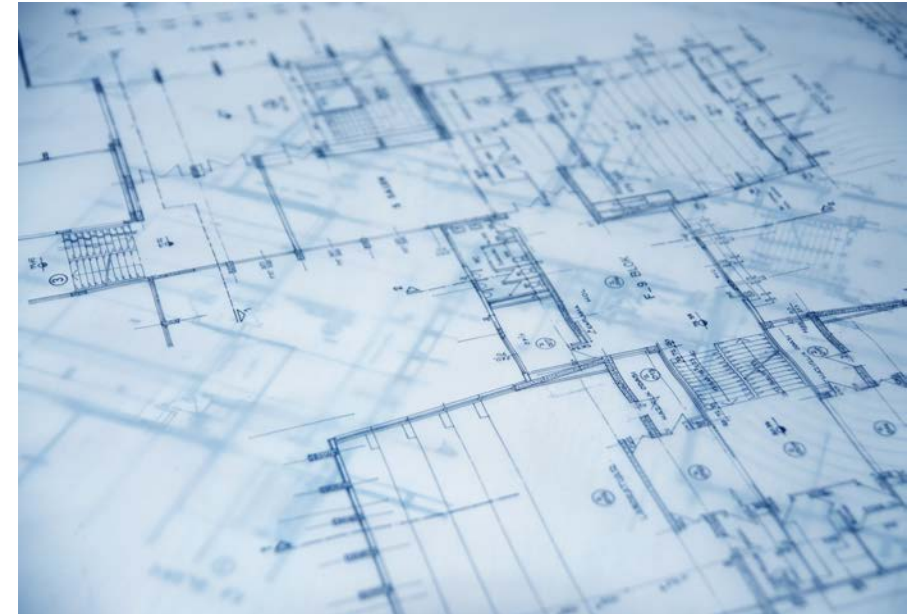
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CGP Amendment – Oil & Gas Delegation

- January 15, 2021, TCEQ received the transfer of state and federal regulatory authority for stormwater discharges from non-exempt oil and gas activities into surface water in the state
- January 28, 2022, TCEQ issued amendment without renewal to the CGP to expand the applicability for non-exempt oil and gas construction activities.
 - Permit now regulates stormwater from construction activities associated with oil and gas exploration, production, processing, or treatment, or transmission facilities



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Federal Exemption from Stormwater Permitting for Certain Oil and Gas Activities

- 1987 Water Quality Act: added 402(l)(2) to the Clean Water Act (CWA) forbidding EPA and the states from requiring permits for uncontaminated stormwater discharges from oil and gas exploration, production, processing or treatment operations, or transmission facilities.
- Energy Policy Act of 2005: defined in 502 of the CWA the term “oil and gas exploration, production, processing or treatment operations or transmission facilities” to mean:
 - “... all field activities or operations associated with exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered construction activity”

2006 NPDES Final Rule Amendments for Stormwater Discharges Associated with Oil and Gas Activities

- Portions of this final rule were vacated
 - The regulatory amendment to 40 Code of Federal Regulations (CFR) §122.26(a)(2)(ii) that specifically waived stormwater permit coverage for oil and gas activities which had discharges of sediment from construction activities associated with oil and gas exploration, production...
 - ***Regulations prior to 2006 are still in effect***
- EPA's interpretation of the terms "Field Activities or Operations," "Processing," "Treatment," and "Transmission," for the purposes of determining exemption eligibility were not vacated

Oil and Gas (O&G) Activities Exemptions FAQs

Which O&G activities are eligible for the exemption from stormwater permit coverage?

- Construction activities at O&G sites that are generally defined in the following North American Industrial Classification System (NAICS) codes and titles
- A general, non-exhaustive, list of exempt sites/activities and non-exempt sites/activities can be found at <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting>

NAICS Code	Title
211	Oil and Gas Extraction
213111	Drilling Oil and Gas Wells
213112	Support Activities for Oil and Gas Operations
486110	Pipeline Transportation of Crude Oil
486210	Pipeline Transportation of Natural Gas

Can O&G sites/activities that are exempt from stormwater permit coverage lose their exemption?

- **Yes.** O&G sites/activities will lose their waiver if the site:
 - *Has a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR §117.21 or 40 CFR §302.6 at any time since November 16, 1987; or*
 - *Has a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR §110.6 at any time since November 16, 1987; or*
 - *Contributes to a violation of water quality standards*
- Operators must obtain coverage before the next stormwater discharge

Is the O&G exemption a blanket waiver for all stormwater discharges from any O&G site/activity?

- **No.** Not all O&G construction activity discharges are exempt.
 - Only O&G sites/activities which fall under “exploration, production, processing or treatment operations, or transmission facilities” (CWA section 401(l)(2))
 - Discharges from these facilities must be “*comprised entirely of stormwater...which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located at the site of such operations*” (40 CFR §122.26(a)(2))

If an O&G construction project includes some exempt activities and some non-exempt activities are all activities exempt since they occur on an O&G site?

- **No.** Only activities associated with “exploration, production, processing or treatment operations, or transmission facilities” as interpreted in the *2006 NPDES regulations for Stormwater Discharges Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations, or Transmission Facilities* are exempt
- Permit coverage is required for the project’s construction activities that do not fall under the terminology above

Oil and Gas Exemption Resources


- View documents about the Oil and Gas Rules and Exemptions at <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting-documents>
- View examples of exempt and non-exempt sites/activities at <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting>

CGP Resources

- 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
- EPA SWP3 Guidance
- EPA National Menu of BMPs for Stormwater
- Surface Water Quality (segments) and Edwards Aquifer Map Viewers


Stormwater Team Contacts

Stormwater Team

 512-239-4671

 SWGP@tceq.texas.gov

Stormwater Processing Center

 512-239-3700

 SWPermit@tceq.texas.gov

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Permit Writer

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Permit Writer

Madison Taylor



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Leland Moore



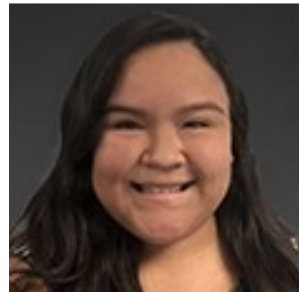
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Questions?