



Stormwater TPDES Construction General Permit (CGP, TXR150000) Overview

2022 Environmental Trade Fair & Conference – May 11, 2022

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Stormwater Team

TCEQ - Water Quality Division



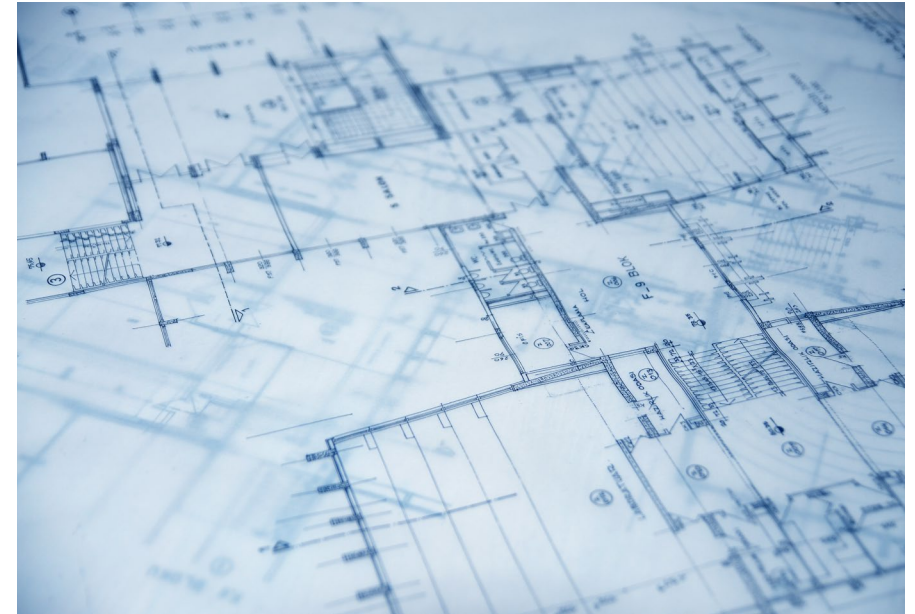
Outline

Overview of the
Construction General Permit

Water Quality General
Permit Search

Renewal Timeline

2023 Renewal - Preliminary
Proposed Changes



2018 Construction General Permit Facts

- Effective March 5, 2018
- *Amended* January 28, 2022
- Expires March 5, 2023
- 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

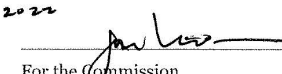
EPA-issued 2017 NPDES General Permit No. TXR10F000, modified June 27, 2019

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.

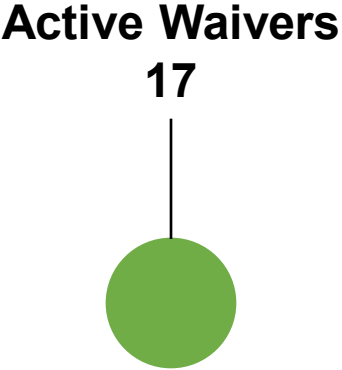
This general permit and the authorization contained herein shall expire at midnight, on March 5, 2023.

EFFECTIVE DATE: January 28, 2022

ISSUED DATE: *January 28, 2022*


For the Commission

Current Construction General Permit Authorizations



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
an acre or
more up to
5

< 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)

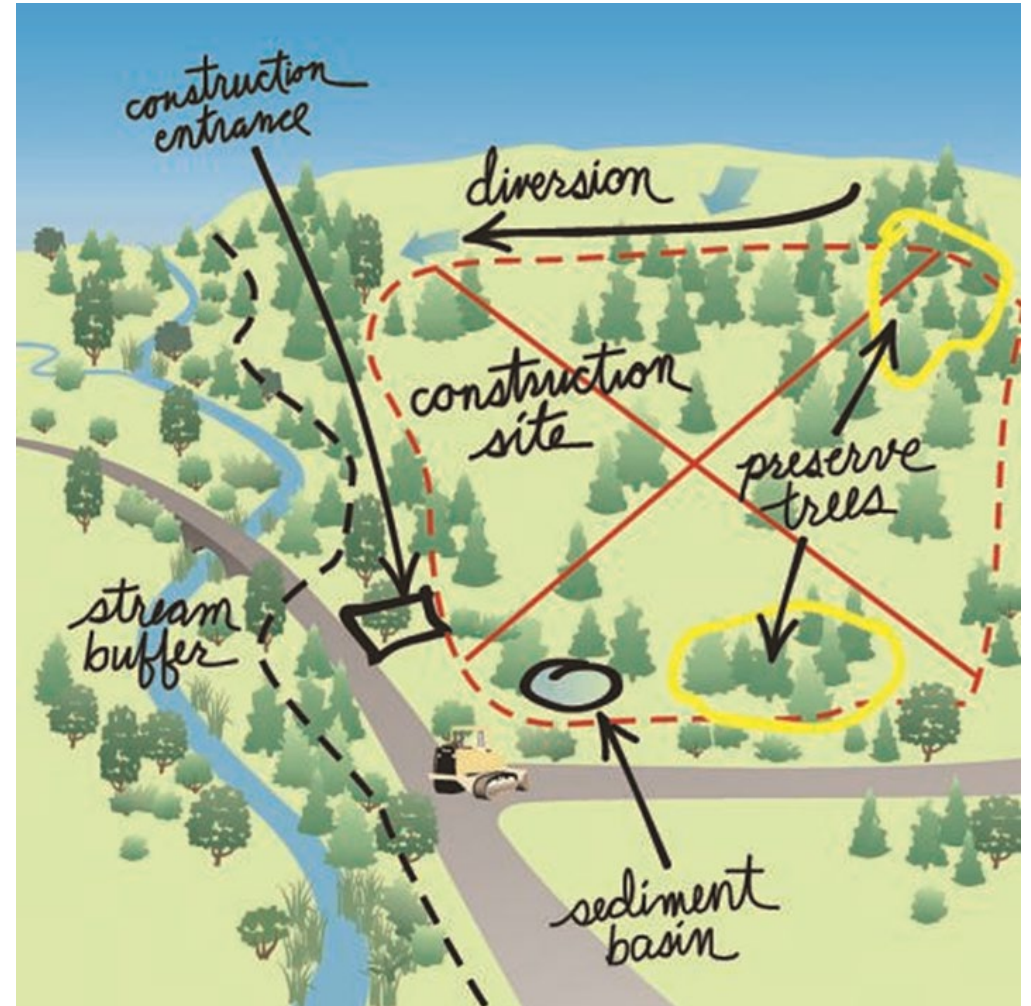
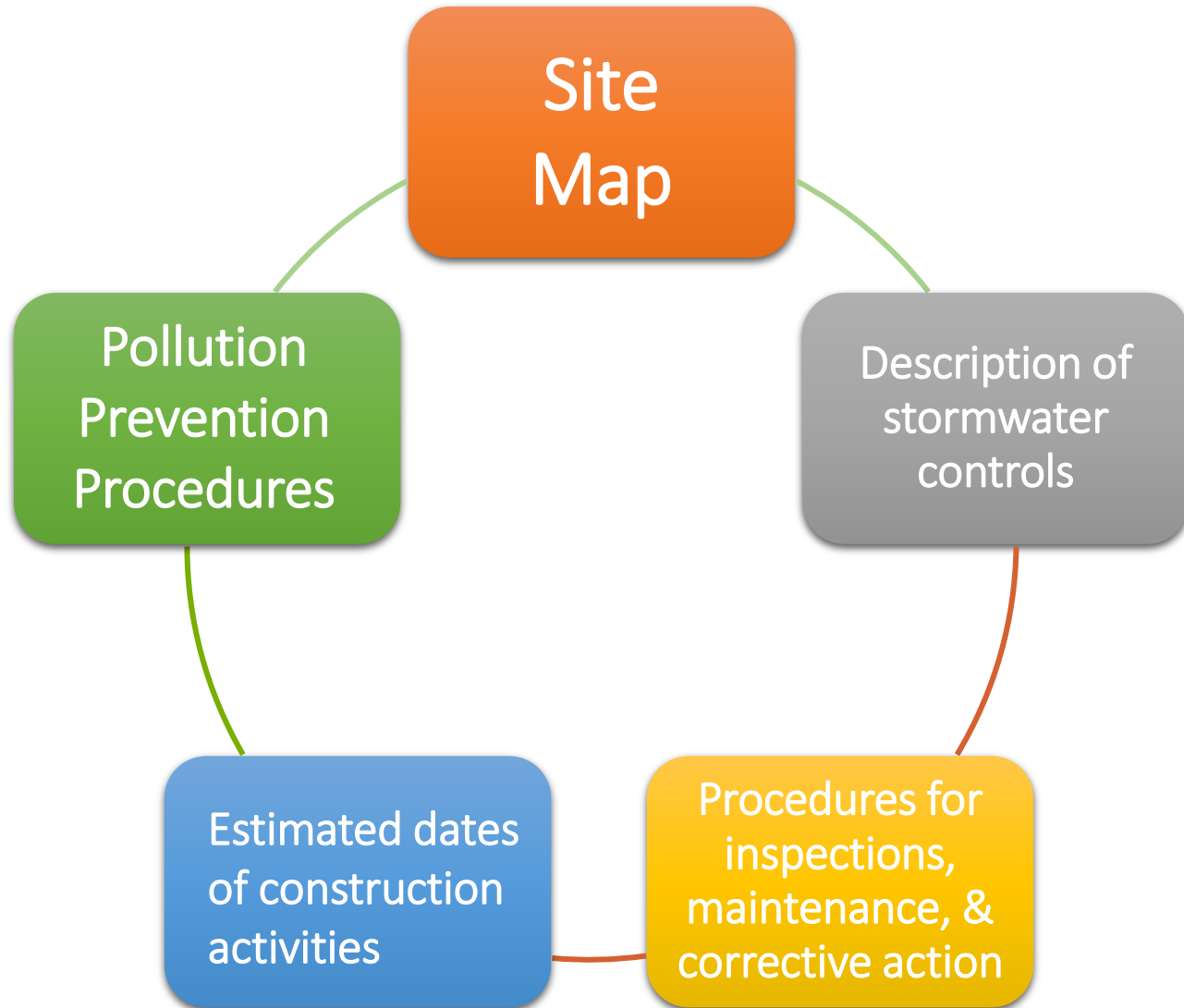
Post a site notice (Primary and Secondary Operators)

Notify the MS4 Operator (Send NOI and Site Notice)

Perform regular inspections of controls

If applicable, perform Benchmark Sampling for Concrete Batch Plant

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 IV of the CGP
- **Concrete Truck Washout**
 - Concrete truck washout water must be discharged to areas where structural controls are established as required by Part V of the CGP



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 addresses stormwater from construction activities associated with associated with oil and gas exploration, production, processing, or treatment, or transmission facilities



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Oil and Gas Construction Projects Previously Permitted with EPA

- TCEQ's amended CGP replaced the 2017 Environmental Protection Agency (EPA)-issued National Pollutant Discharge Elimination System CGP No. TXR10F000, modified June 27, 2019
 - Existing sites with authorization under TXR10F000 had until April 28, 2022, to seek coverage under TCEQ's Amended CGP
 - All new non-exempt oil and gas construction activities must seek coverage under the TCEQ amended CGP

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>

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
 - Notice of Change
 - Notice of Termination
 - Low Rainfall Erosivity Waiver

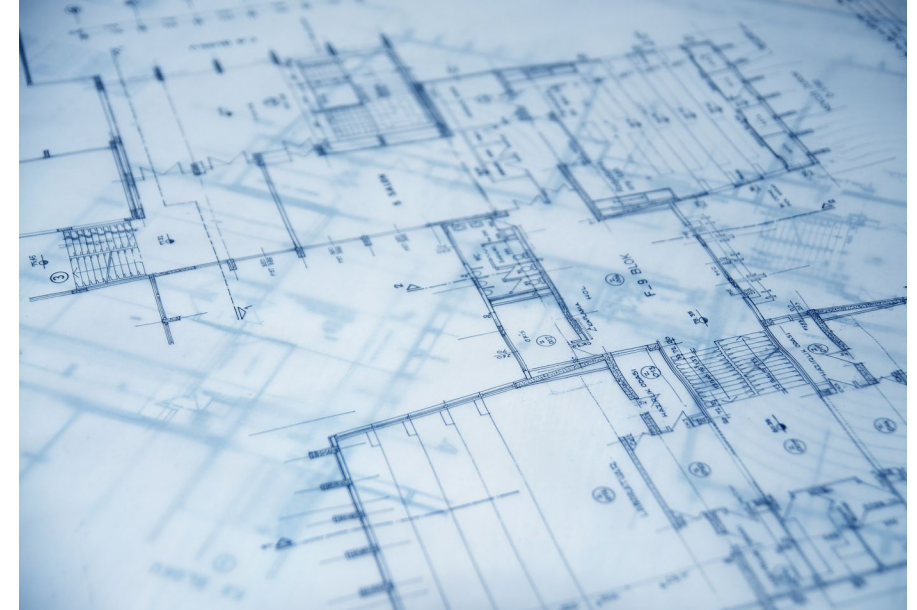


Overview of the Construction General Permit

Water Quality General
Permit Search

Renewal Timeline

2023 Renewal - Preliminary
Proposed Changes



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 & Registration 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 or registration number.

Enter Permit or Registration 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 or for a specific registration 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
- TXG340000 - Petroleum Bulk Stations and Terminals
- TXG500000 - Quarries in John Graves Scenic Riverway
- TXG670000 - Hydrostatic Test Water
- TXG830000 - Petroleum Fuel or Petroleum Substances
- TXG870000 - Pesticides
- TXG920000 - Concentrated Animal Feeding Operation
- WQG100000 - Wastewater Evaporation
- WQG200000 - Livestock Manure Compost Operations

Registrations:

- Aggregate Production Operations Registration

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

**Overview of the
Construction General Permit**



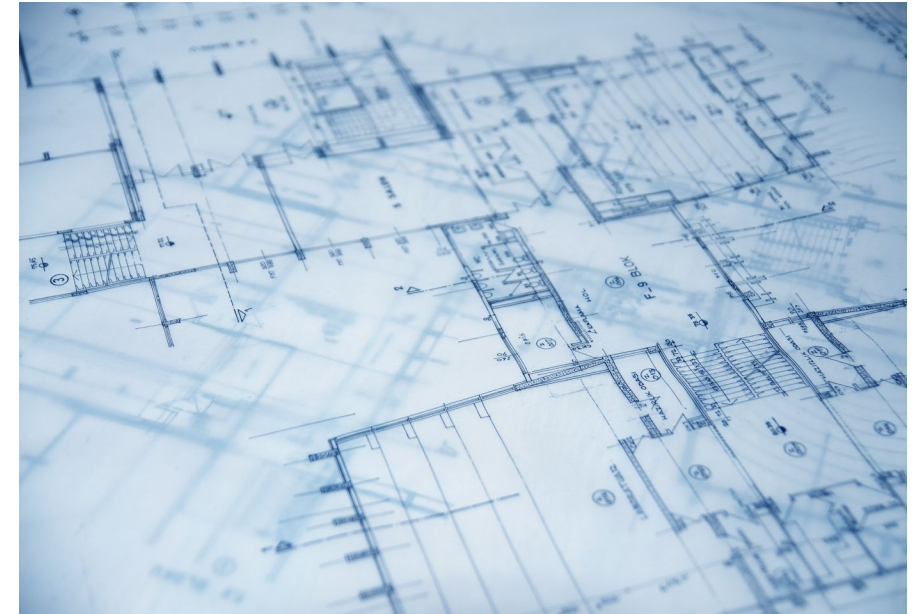
**Water Quality General
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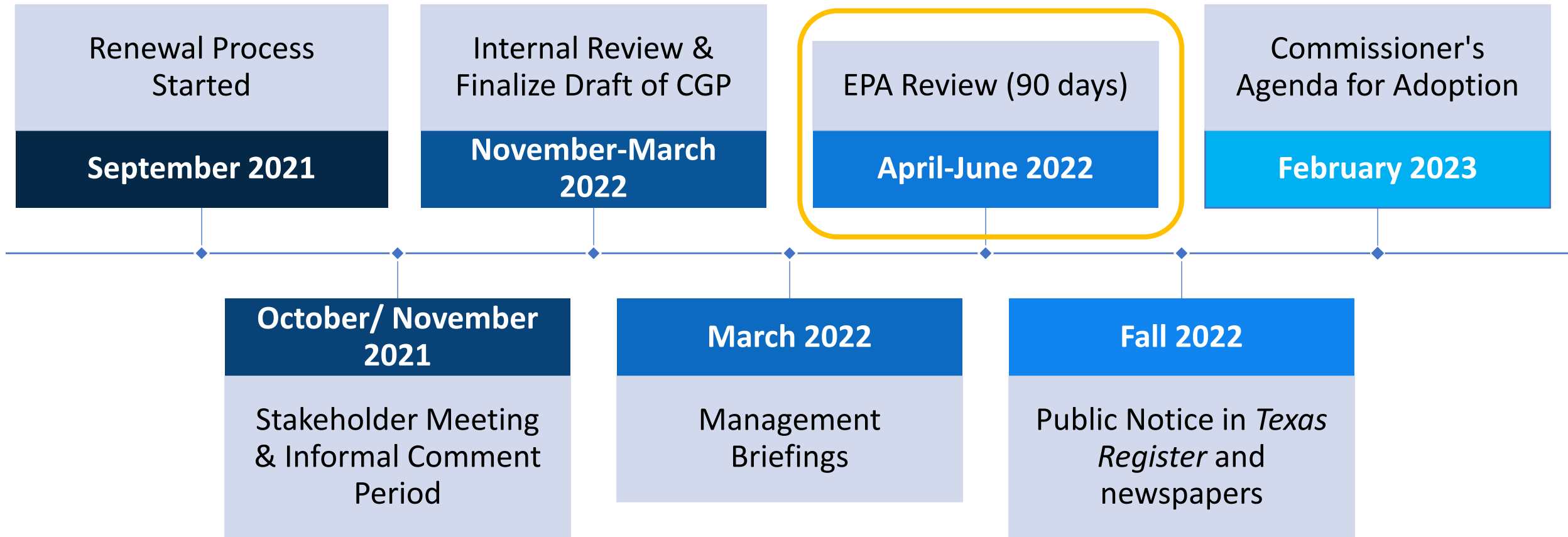
Renewal Timeline



**2023 Renewal - Preliminary
Proposed Changes**



2023 CGP Renewal Timeline



Tentative Dates, additional information located at

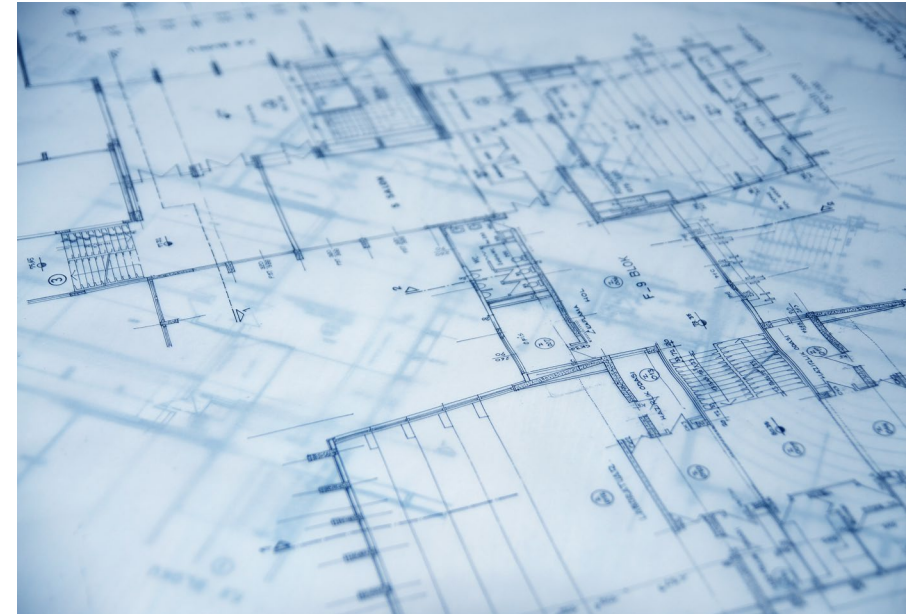
<https://www.tceq.texas.gov/permitting/stormwater/construction>

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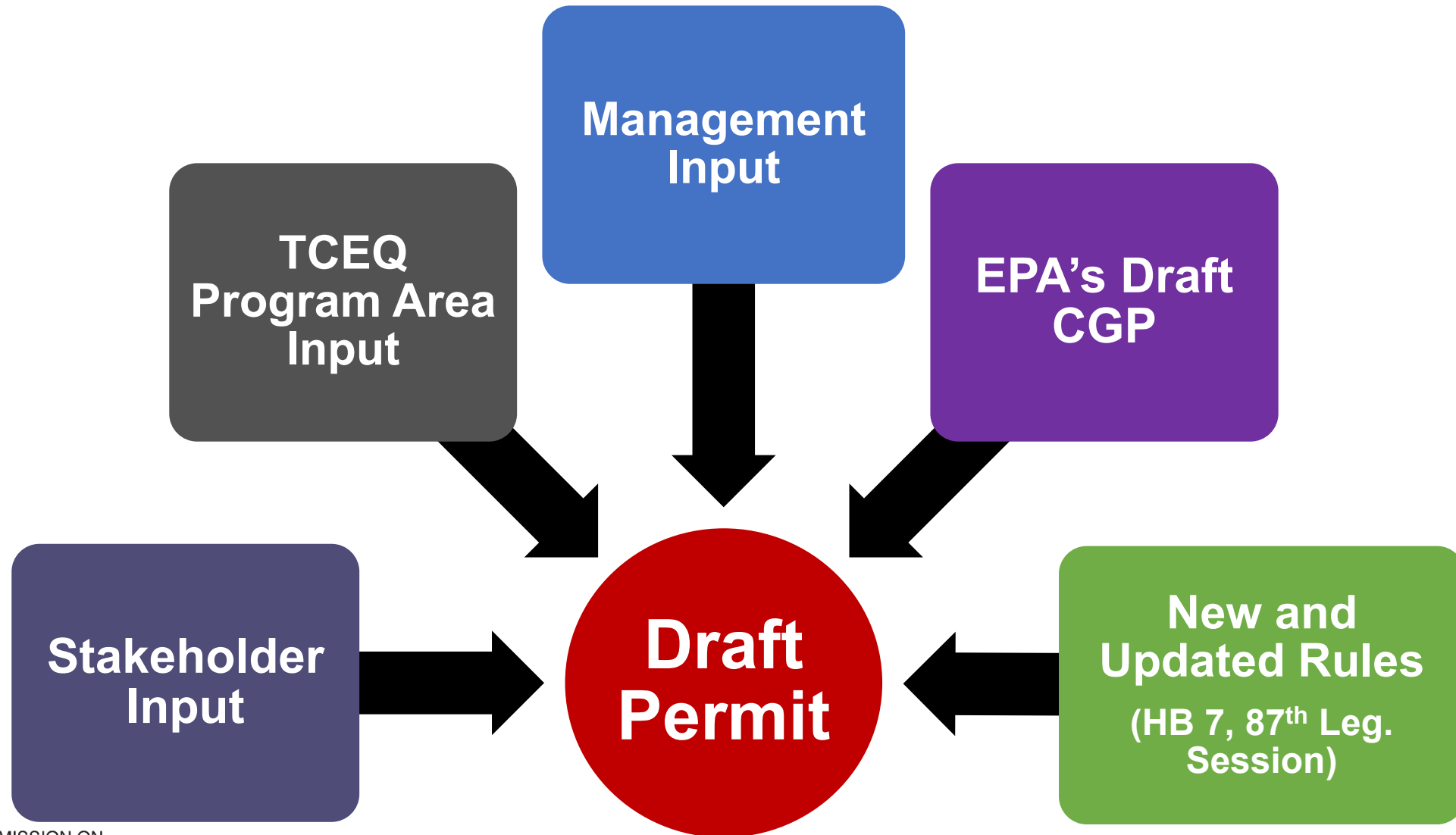
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Renewal Timeline

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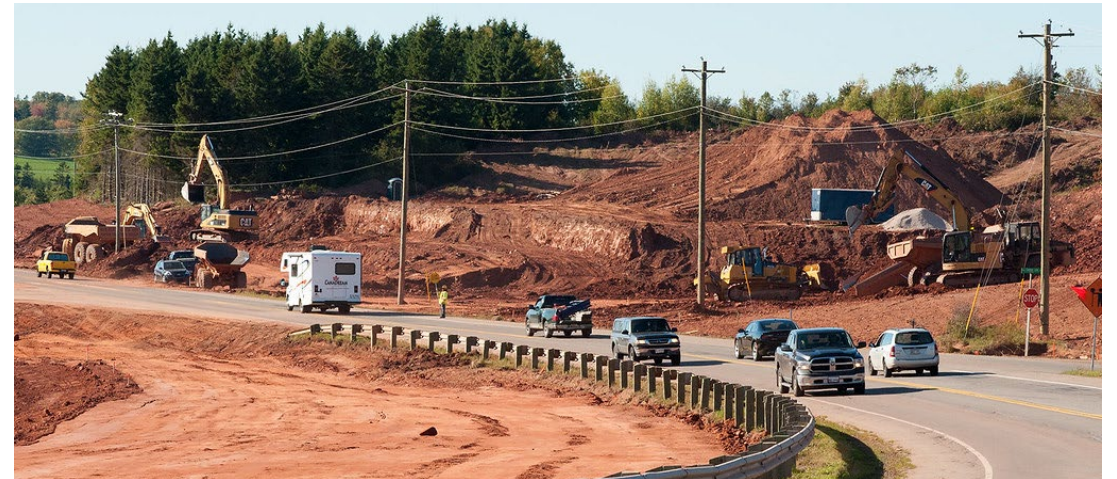
How Renewal Permit Changes are Determined



Proposed Changes for 2023 CGP

Broad Updates

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



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Proposed Changes for 2023 CGP

Contents of the Notice of Intent

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



Proposed 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)
 - Update 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
- Clarification to require operators to “continue to comply with the conditions” of the CGP until coverage termination
 - Consistent with the 2022 EPA CGP

Proposed Changes for 2023 CGP

Allowable Non-Stormwater Discharges

- Add the word “emergency” before firefighting activities.
 - Wording change to establish consistency across all TCEQ and EPA stormwater general permits



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Proposed Changes for 2023 CGP

Inspections – Storm Events

24-hour time duration included for each rain fall event of 0.5 inches or more

- 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.”

Proposed 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).*

Proposed 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
- Revise wording on the changing of inspection frequency schedule
 - Part III. Section F.7.(c).vi.
 - Clarification that “Inspection frequency schedule can only be changed **within the first five calendar days of each month**”
- Include provision for inspections to be temporarily suspended for **adverse conditions**



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Proposed Changes for 2023 CGP

Sediment Control Practices

- Revise 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 update to be consistent with the 2019 EPA CGP Amendment and 2022 EPA CGP
- Update 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 inspections of controls when discharge is occurring
 - Consistent with the 2022 EPA CGP



Proposed 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 shall be documented within the SWPPP
 - Consistent with the 2022 EPA CGP
- Clarify 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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Proposed Changes for 2023 CGP

Good Housekeeping Practices

- Pollution prevention measures
 - Add a requirement to clean up trash and debris which could contaminate or be carried by stormwater
 - Waste containers are to be managed appropriately and not overflowing
 - Add requirement that portable toilets should be located away from outfalls and storm drain inlet structures



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CGP Resources

- Construction General Permit TCEQ 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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- Macayla Coleman
- Dante Fekete
- Madison Taylor
- Leland Moore
- Ursula Canales, SWPC

TCEQ Stormwater Team



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Rebecca L. Villalba



Permit Writer

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