2018 Stormwater Construction General Permit (CGP) Renewal TXR150000

Southwest IECA Texas Stormwater Conference

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Construction General Permit
TPDES No. TXR150000

• Effective March 5, 2018
  • Supersedes and replaces the general permit issued in 2013
  • Expires 5 years from the permit effective date.
• All active authorizations expire on the same date the general permit expires.
CGP Authorized Discharges

• Stormwater associated with construction activity and construction support activities
• Certain non-stormwater discharges
  • uncontaminated water used to control dust
  • uncontaminated air conditioning condensate
Construction Activity

What is Construction?

✓ Clearing
✓ Grading
✓ Excavating, or
✓ Similar activities that disturb / expose soil
  • Demolition, infilling pits, and stockpiling 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 Land Disturbance

Large Construction

5 Acres or More

Small Construction *

Greater than or = 1 and < 5 Acres

* In addition, construction site is not part of a Common Plan of Development.
Primary Operators
Large Construction Sites

✓ Have on-site operational control over construction plans and specifications, including the ability to make changes

✓ Have day-to-day operational control activities at a site to ensure compliance with a stormwater pollution prevention plan (SWP3) and CGP permit
Primary Operator Requirements

Large Construction

• Storm Water Pollution Prevention Plan
  ✓ Develop, implement, and maintain a copy on-site

• Notice of Intent (NOI)
  ✓ Complete, submit, and pay application fee

• Copy of signed NOI
  ✓ Submitted to the MS4 operator prior to beginning construction activity

• Primary Operator Site Notice
Primary Operator Requirements Cont’d.

Large Construction

• Final stabilization requirements
  ✓ Must be met *prior* to termination of authorization

• Notice of Termination (NOT)
  ✓ Submit form to TCEQ and a copy to the MS4 Operator
Secondary Operators

Large Construction Sites

Operational Control is Limited to:

• The employment of other operators OR
• The ability to approve or disapprove changes to the plans and specifications
• No day-to-day operational control over construction activities at the site
Secondary Operators’ Requirements
Large Construction

• Storm Water Pollution Prevention Plan
  ✓ Participate in development, and implementation

• Secondary Operator Site Notice
  ✓ Complete and post at site entrance

• Notification to the local MS4
  ✓ Submitted a copy of the site notice
Small Construction Sites

Requirements:

• Prepare and implement SWP3
• Adhere to permit requirements
• Post Small Site Notice
• Notify MS4

Not Required:

• Notice of Intent
• Notice of Termination
Construction Activities for sites Less than One Acre

Requirements:
• Implement and maintain Best Management Practices (BMPs)
• Notify MS4

Not Required:
• NOI
• NOT

Poor Management of unpermitted site may result in a violation or citation for unauthorized discharges or nuisance conditions.
Construction General Permit Authorization Applications

Applications **must be submitted** using the **State of Texas Electronic Reporting System (STEERS)** at https://www3.tceq.texas.gov/steers/

Fee: $225

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Waiver from electronic submittal available
- Religious beliefs
- No internet service
- Training needed (1 year only)
State of Texas Electronic Reporting System (STEERS)

Electronic filing is available for the following:

- Notice of Intent (NOI) - (Form TCEQ-20022)
- Notice of Termination (NOT) - (Form TCEQ-20023)
- Notice of Change (NOC) - (Form TCEQ-20391)
- Low Rainfall Erosivity Waiver (LREW) - (Form TCEQ-20064)
2018 CGP Changes

• Incorporated the 2014 and 2015 amendments to federal the effluent limitations guidelines for construction and development discharges located in 40 CFR Part 450.

• Added E-Reporting Rule language for applications

• Add definitions of Infeasible and Low Rainfall Erosivity Waiver (LREW) form.

• Clarified the definitions of Construction Activity and Impaired Water.
2018 CGP Changes

• Add requirements for minimizing the exposure of waste materials by keeping waste container lids closed when not in use.

• Add footnote to the benchmark monitoring table for Concrete Batch plants to clarify that analytical results for certain pollutants must to be obtained from a NELAP certified laboratory.

• Add requirements for implementing controls to minimize the exposure of building materials containing polychlorinated biphenyls (PCBs) to precipitation and stormwater during demolition.

• Add requirements for implementing controls at construction sites that will discharge to an impaired waterbody or a waterbody with an approved TMDL PCBs.
2018 CGP Changes

• Revise the limitations for permit coverage for construction activities related to oil and gas production.

• Revise the benchmark monitoring level for Total Suspended Solids (TSS) from 100 milligrams per Liter (mg/L) to 50 mg/l.

• 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.
2018 CGP Changes

• Add clarifications for posting site notices for operators of small construction and secondary operators of large construction.

• Add clarification that posted small construction site notices may have a redacted signature if there is an original signed and certified copy of a site located at the site.

• Additional clarification in the impaired waterbodies section of permit that references the CWA 303 (d) List and the Texas Integrated Report.
Changes to NOI

- Estimated Start Date
- Estimated End Date
- Concrete Truck Washout

all applications must be submitted electronically – unless qualify for an electronic reporting waiver
CGP Resources

- TCEQ SWP3 template:
  - Assistance tools for construction stormwater general permits

- EPA SWP2 guidance:
  - EPA SWP3

- EPA national menu of (BMPs) for stormwater
  - EPA NPDES BMPs
For questions regarding your STEERS account and technical difficulties with e-NOI:
(512) 239-6925

For questions about the application process, contact the Stormwater Processing Center
(512) 239-3700

Other questions including technical, contact the Small Business and Local Government (SBLGA) Hotline
1-800-447-2827
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