Starting Construction: Your Storm Water Permit

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TCEQ

San Antonio- Region 13

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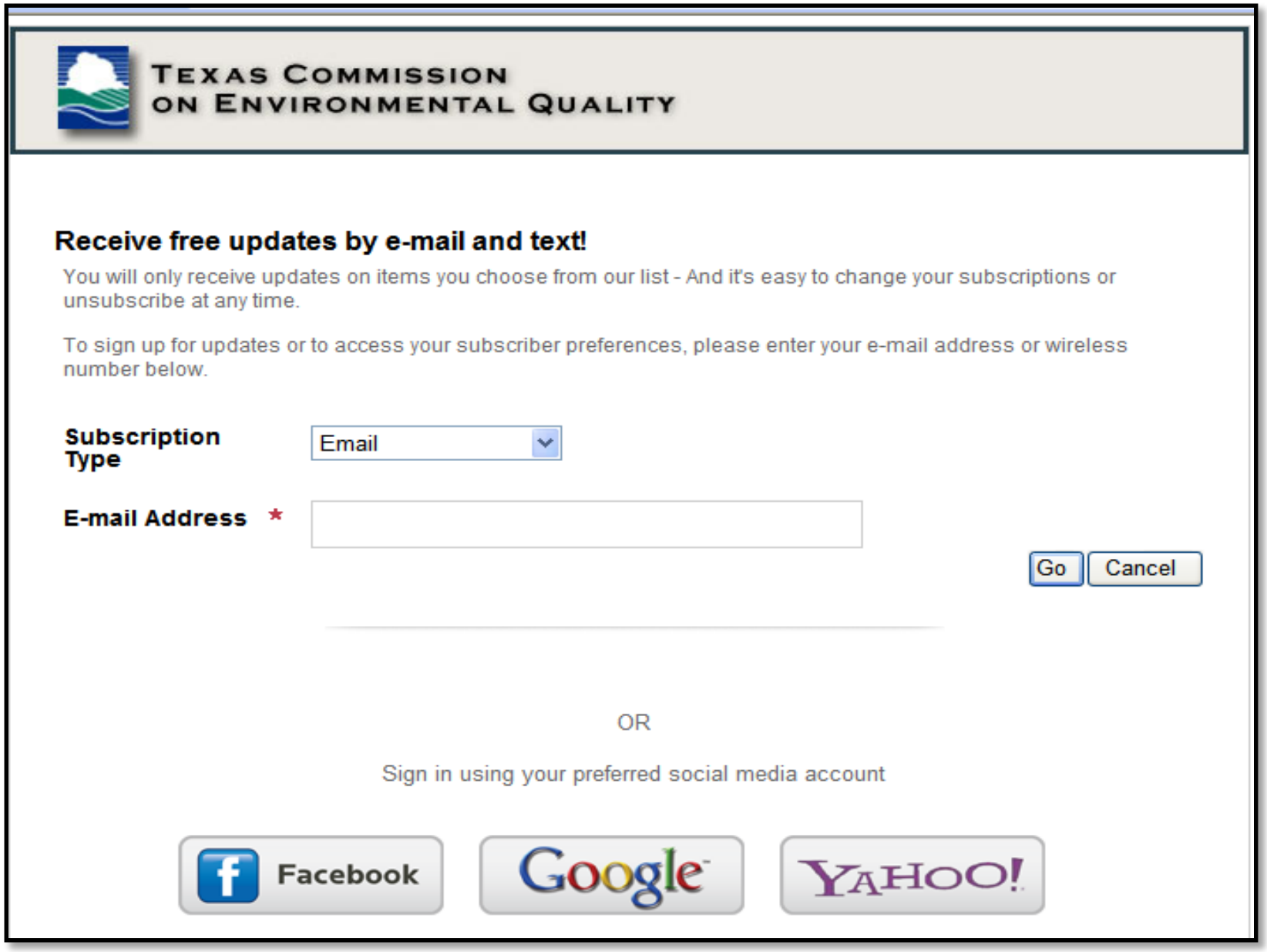
SBLGA Programs

- Hotline **800-447-2827**
- Regional Staff
- Compliance Commitment (C2)
- EnviroMentor
- TexasEnviroHelp.org

Email Updates



Construction General Permit Requirements

- What is authorized?
- Who needs permit coverage?
- What are operator requirements?

What Does the CGP Authorize?

- Stormwater discharge associated with construction activity
- Stormwater discharge associated with construction support activities
- Certain non-stormwater discharges

What is Construction?

- Land clearing
- Grading
- Excavation
- Demolition
- Road expansion
- Activities that disturb or expose soil

Construction Does Not Include

- Routine maintenance or grading of existing roads
- Tree removal w/o soil disturbance
- Agricultural activities

Size of Construction Site

- Large Construction Sites
  - Equal to or greater than 5 acres, or
  - Part of a common plan of development
- Small Construction Sites
  - At least 1 acre, but less than 5 acres, or
  - Part of a common plan of development
- Less than 1 acre

Large Site Requirements

- Familiarize yourself with the permit
- Prepare and implement Stormwater Pollution Prevention Plan (SWP3)
- Submit Notice of Intent (NOI) and fee separately
- Post Site Notice for large sites
- Notify MS4 operator, if applicable
- Adhere to permit requirements
- Submit Notice of Termination (NOT) after final stabilization is achieved

Small Site Requirements

- Familiarize yourself with the permit
- Prepare and implement SWP3
- Post Site Notice for small sites
- Notify MS4, if applicable
- Adhere to permit requirements

Less than 1 Acre Requirements

- Familiarize yourself with the permit
- Implement and maintain BMPs
- SWP3, NOI, NOT, fee are not required
- Notify MS4, if applicable

Poor management of unpermitted sites may result in a violation or citation.

Common Plan of Development (CPD)

- Construction activity completed in separate stages or phases or in combination with other construction activities.
- May include one or more operator.
- Total acreage disturbed determines size of site and applicability of permit requirements.

Not a CPD When…

- Not interconnected to other development or sale, or
- Discrete projects within a Common Plan of Development that are:
  - At least ¼ mile apart w/no soil disturbance between AND
  - Not connected by roads, pipelines, utilities, etc.

No longer Common Plan of Development when…

- Less than 1 acre to be developed
- Clear amount of time since construction activity stopped

CPD Example 1

- A subdivision is being built. Builder 1 is grading 0.75 acres, Builder 2 is clearing 4 different acres, and Builder 3 is excavating another 0.5 acres.

- The total area being disturbed is 5.25 acres, so each operator must follow the requirements associated with a large site disturbing 5 or more acres.

CPD Example 2

- A residential subdivision was built in 1980s in which 97 out of 100 homes were constructed. It's 2015 and a new operator wants to build the last 3 houses; they are less than 1 acres. Does the builder need a permit?
- No, because less than 1 acres of original common plan remain to be developed and no on-going construction since the '80s.

CPD Example 3

- A residential subdivision was built in 1980s. However, due to bankruptcy, only 40 of the 100 lots were completed. There was no soil disturbance since the 1980s. Does this facility need a permit if a new operator wants to build 2 new homes on 0.5 acre lots this year?
- Yes, the original common plan was never substantially completed.

CPD Example 4

- Construction of a large mall was completed in December of 2015. A year later, after final stabilization was achieved and the NOT was submitted for the development, the developer bought 2 acres of adjacent property and wants to add an additional parking lot. He hires a new general contractor to build this parking lot.
- Does a NOI need to be submitted for a large construction site under a CPD?

CPD Example 4

No because:

- The original CPD was completed, final stabilization was achieved, and the NOT for the development has been submitted.
- However, TCEQ Small Construction site guidelines must be adhered to.

Primary Operator

- Person(s) with on-site operational control over construction plans and specifications, including the ability to make changes to plans and specifications

OR

- Person(s) with day-to-day operational control of site operations to ensure compliance with the stormwater pollution prevention plan (SWP3)

Secondary Operator

Has limited operational control to all or part of the following:

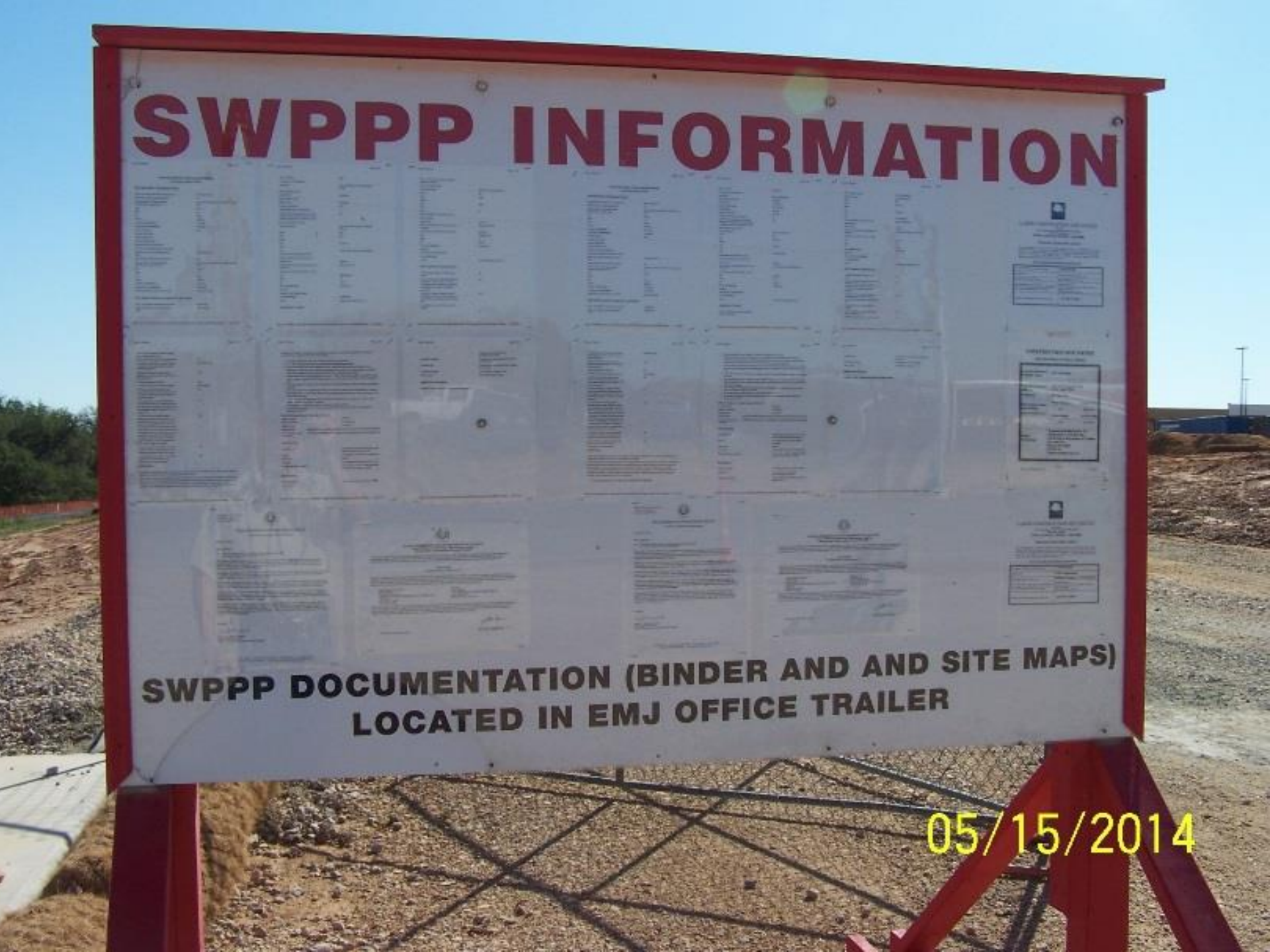
- Employment of other operators **OR**
- Ability to approve or disapprove changes to the construction plans and specifications

Primary Operators of Large Construction Activities

- Develop and implement a SWP3
- Submit NOI and application fee
- Send copy of NOI to MS4 prior to start of construction activity
- Post primary operator site notice
- Meet final stabilization requirements
- Submit a NOT to TCEQ and MS4

Secondary Operators of Large Construction Activities

- Participate in the development of the SWP3 (according to the permit requirements) and sign the SWP3
- Post secondary operator site notice
- After final stabilization, submit completed site notice or alternative notification to the MS4 operator. The secondary operator of a large construction site is not required to submit a NOT.


SWPPP INFORMATION
SWPPP DOCUMENTATION (BINDER AND AND SITE MAPS)
LOCATED IN EMJ OFFICE TRAILER
05/15/2014

Construction Operators

- Multiple operators at a site may share a single SWP3 if the SWP3 clearly indicates:
  - Name of operators
  - Authorization number
  - Responsibility of operators
- Primary and Secondary operators may share SWP3.

Construction General Permit Requirements

SWP3

Inspections

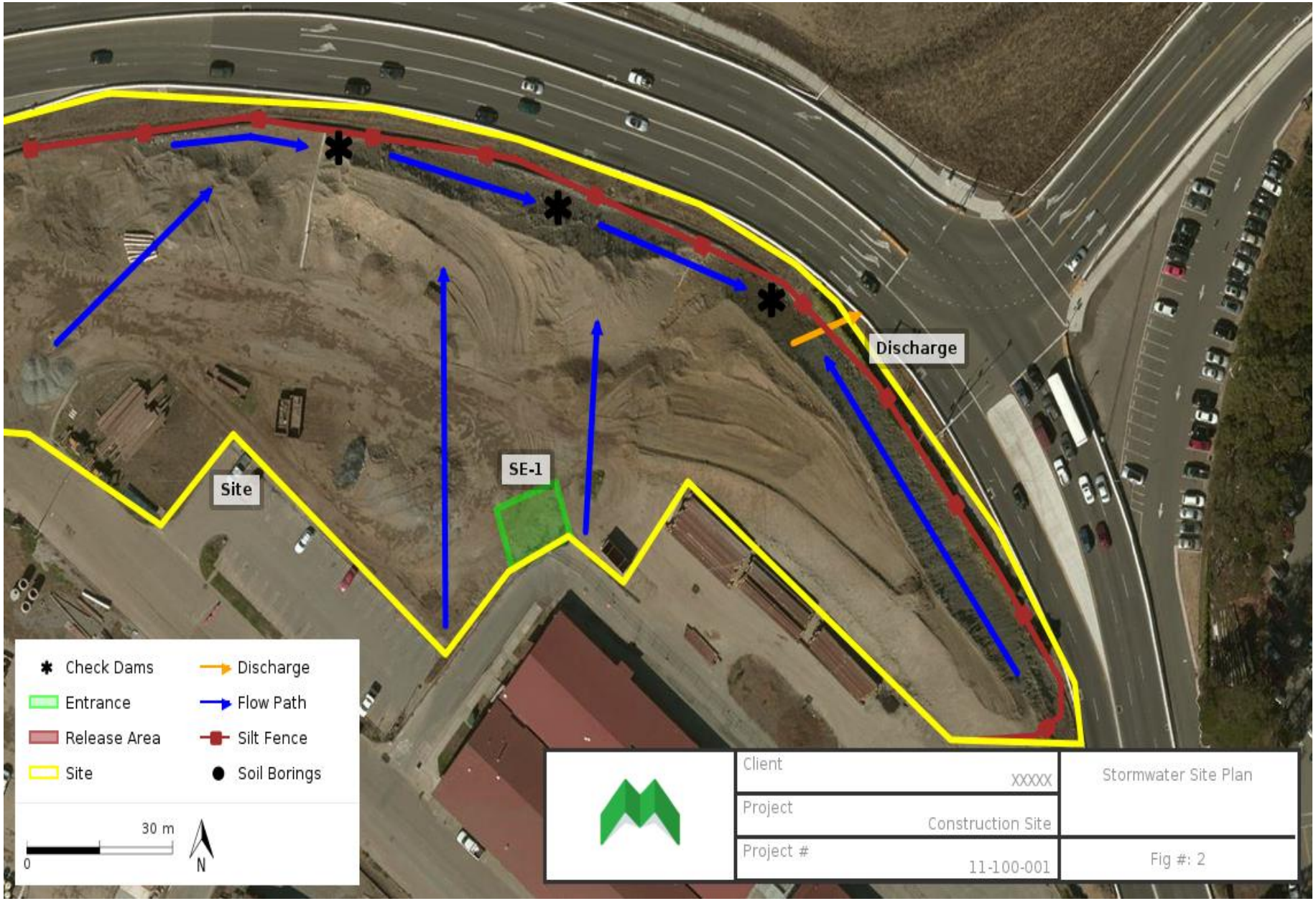
BMPs

Stormwater Pollution Prevention Plan (SWP3)

- Comprehensive site evaluation
- Requires updates – “living document”
- Develop and implement SWP3 prior to:
  - Start of Construction
  - Submitting Notice of Intent aka NOI and paying fee (large construction site)
- Stays on site or made readily available

Details of a SWP3

- Describe site and schedule of activities.
- Identify Pollution Prevention Team.
- Identify potential contaminants.
- Describe BMPs and controls to manage runoff.
- Record maintenance and operator inspections.


Discharge
SE-1
Site
Check Dams
Discharge
Entrance
Flow Path
Release Area
Silt Fence
Site
Soil Borings
30 m
0
N
Client
XXXXX
Stormwater Site Plan
Project
Construction Site
Project #
11-100-001
Fig #: 2

Impaired Water Body & TMDL

- Impaired Water Body- approved 303(d) list
  - Does not meet federal water quality standards
  - Impairment is specific to particular pollutant(s)
- Total Maximum Daily Load (TMDL)
  - Limit on how much pollutant(s) a water body can handle
- Water body may be impaired and not have TMDL, but not the other way around

TMDL

- Is the receiving water impaired?
- Does the receiving water have TMDL?
- What is the Pollutant of Concern (POC)?
- Does my facility discharge the POCs?
  - If No, include info on the NOI and note it in the SWP3
  - If Yes, develop a Pollutant Reduction Plan to control POC
    - PRP is in addition to the SWP3 requirements
    - Implementation Plan is developed by stakeholders in the particular watershed

Stock Piles & Borrow Pits

- Included in the number of acres permitted if:
  - directly supporting construction activity.
  - located within one mile of the site(s).

- Before terminating permit coverage for the site, these areas must be stabilized or covered by another authorization.

Concrete Batch Plants

- CGP authorizes washout water from concrete trucks where controls prevent direct discharge to surface water AND discharges will not cause groundwater contamination.

- The CGP does not authorize the wastewater generated from the on-site concrete batch plant. Alternative coverage is required under industrial permit TXG110000.

Operator Inspections

Qualified personnel must inspect:

- Disturbed areas of soil
- Material storage areas
- Structural controls
- Vehicle entrances/exits

Frequency of Inspections

- Every 14 days **and** within 24 hours of ½ inch rainfall

OR

- Every 7 days (same day)

Keep copies of inspection reports with SWP3.

Inspection Report

- Summary on scope of inspection
- Name and qualification of the inspector
- Major observations
  - discharge of sediment or pollutants from the site
  - location of BMPs requiring maintenance
  - location of BMPs that failed
  - location where additional BMPs are needed

Update SWP3 and modify/repair BMP as soon as possible or before next rainfall event

Compliant BMPs

Velocity Disruptors

Tracking Pad

12/11/2015

02/25/2015

05/28/2015

05/28/2015

05/28/2015

05/28/2015

Non-Compliant or Non-Existing BMPS

26001
Silenced
Dri-Prime
11/19/2014

10/21/2015

04/23/2014

04/23/2014

NO DUMPING
DRAINS TO WATERWAYS
04/23/2014

02/02/2016

Unmaintained Controls

12/11/2015

Unmaintained Silt Fences

12/11/2015

Ineffective Controls

THANK YOU
FOR
VISITING
12/11/2015

04/23/2014

04/23/2014

Construction General Permit Requirements

Termination of Coverage

Final Stabilization

Permit Fees

Terminating Permit Coverage

Submit a Notice of Termination (NOT) within 30 days after:

- Final stabilization is achieved
- Operational control is transferred
- Alternative authorization is obtained

Final Stabilization

- All soil disturbing activities completed
- Even distribution of perennial cover to a density of 70% of native background
- Excludes areas that are:
  - paved
  - covered by permanent structures
  - covered with equivalent permanent stabilization measures

Termination of Construction Activity

- Meet final stabilization requirements
- Remove temporary BMPs
- Remove site notice
- Submit NOT to TCEQ and a copy to MS4 (if applicable)- primary operator at large site only
- Submit completed copy of site notice to MS4 (if required)- secondary operator at large site & all operators at small site

LARGE CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Stormwater Program
TPDES GENERAL PERMIT TXR150000
"SECONDARY OPERATOR" NOTICE

This notice applies to secondary operators of construction sites operating under Part II.E.3. of the TPDES General Permit Number TXR150000 for discharges of stormwater runoff from construction sites equal to or greater than five acres, including the larger common plan of development. The information on this notice is required in Part III.D.2. of the general permit. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Site-Specific TPDES Authorization Number:	
Operator Name:	
Contact Name and Phone Number:	
Project Description: *Physical address or description of the site's location, and estimated start date and projected end date, or date that disturbed soils will be stabilized.*	
Location of Stormwater Pollution Prevention Plan (SWP3):	

For Large Construction Activities Authorized Under Part II.E.3. (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.3. 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 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 _____

_____ *Date Notice Removed*

____ *MS4 operator notified per Part II.F.3.*

SMALL CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Stormwater Program
TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of stormwater runoff from small construction sites. Additional information regarding the TCEQ stormwater permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Operator Name:	
Contact Name and Phone Number:	
Project Description: *Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized*	
Location of Stormwater Pollution Prevention Plan:	

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 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 _____

_____ *Date Notice Removed*

____ *MS4 operator notified per Part II.F.3.*

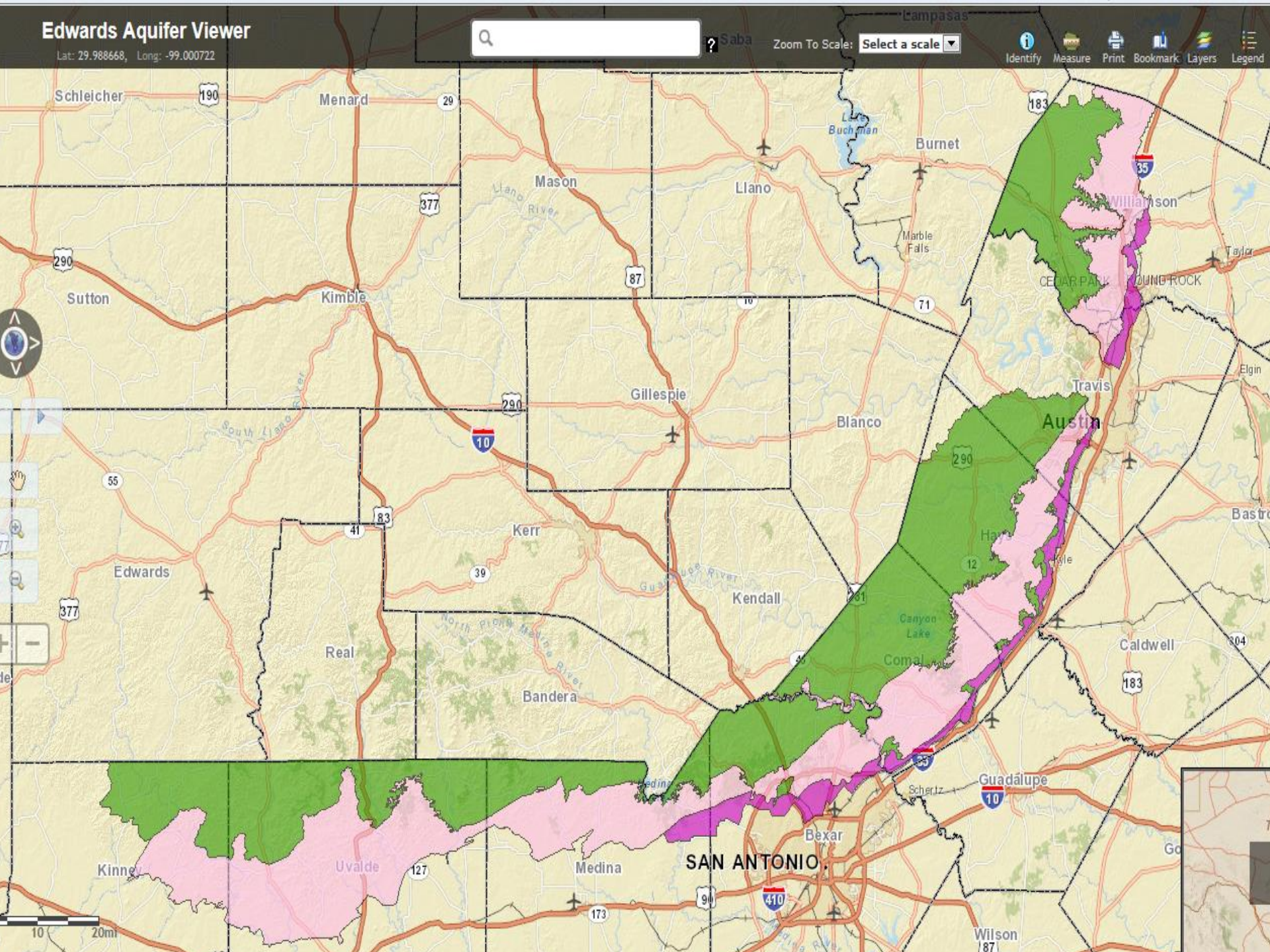
Permit Fees

- Paper NOI
  - –$325 application fee
  - –7 days from the postmark date
- Electronic NOI (via STEERS)
  - –$225 application fee
  - –Immediate coverage after confirmation of receipt
- No annual water quality fees

Construction Activity Over the Edwards Aquifer

What is the Edwards Aquifer? Why is it Important?

- Sole source of drinking water for San Antonio and surrounding region
- Serves ~1.7M people
- Extends from Williamson County, north of Austin through Kinney County, west of San Antonio


Edwards Aquifer Viewer
Lat: 29.988668, Long: -99.000722
Zoom To Scale: Select a scale
Identify
Measure
Print
Bookmark
Layers
Legend
Schleicher
Menard
Mason
Llano
Burnet
Williamson
Sutton
Kimble
Gillespie
Blanco
Travis
Austin
Kerr
Edwards
Kendall
Hays
Real
Bandera
Comal
Caldwell
Guadalupe
Bexar
SAN ANTONIO
Kinney
Uvalde
Medina
Wilson
Marble Falls
Canyon Lake
Schertz
Elgin
Taylor
10
20mi

What are Regulated Activities

- Construction & Post Construction
  - –most soil disturbing activities
- Installation of aboveground or underground storage tanks
- Any activity that can potentially contaminate the Edwards Aquifer or surface streams that recharge the Aquifer.

Edwards Plans

- All plans must be developed in accordance with the Edwards Aquifer Protection Program rules and guidance documents.
- Portions of the plans need to be signed and sealed by Professional Engineers and Geologists licensed by the State of Texas.

Construction General Permit & EAPP

- CGP requires compliance with applicable EAPP rules
- Must include copies of applicable EAPP plans in the SWP3
- Not required to recreate the EAPP plans in the SWP3. Plans can be included by reference.

Construction Notification

- The applicant must provide written notification to the Regional Office 48 hours prior to the start of construction activities
- San Antonio Regional Office
  - Main line: 210-490-3096
  - Fax: 210-545-4329

Compliance Resources

Site Navigation

Cleanups, Remediation

Emergency Response

Licensing

Permits, Registration

Preventing Pollution

Recycling

Reporting

Rules

Data

Forms

Maps

›› Questions or Comments:
sbap@tceq.texas.gov

Assistance Tools for Construction Stormwater General Permits

Resources for small businesses and local governments that can help them comply with construction stormwater permits.

Stormwater runoff from construction activities can have a significant impact on water quality. As stormwater flows over a construction site, it picks up pollutants like sediment, debris, and chemicals, and deposits them in creeks, streams, rivers, lakes, etc. The Stormwater Permitting Program requires operators of construction sites that disturb one or more acres of land to obtain permit coverage.

The TCEQ Small Business and Local Government Assistance section developed the following tools to help construction-site owners and operators comply with stormwater permitting requirements. The documents on this page are in various file formats (help downloading files).

Tools

- Construction General Permit, TXR150000
- Primary and Secondary Operators Under the Construction General Permit (RG-468)
- Delegation of Signatories to Reports
- SWP3 Worksheets PDF or DOCX and Instructions
- Site Notice for Small Construction Activities — This form is required for activities that disturb one acre or more but less than five acres of land, including those activities which are part of a larger common plan of development that disturb one acre or more but less than five acres.
- Site Notice for Primary Operators of Large Construction Activities — This form is required of *primary operators* for activities which disturb five or more acres of land, including those activities which are part of a larger common plan of development that disturb five or more acres.
- Site Notice for Secondary Operators of Large Construction Activities — This form is required of *secondary operators* for activities which disturb five or more acres of land, including those activities which are part of a larger common plan of development that disturb five or more acres.
- Rainfall Erosivity Waiver
- Erosion Control Best Management Practices
- Home Owner Transfer Notice
- Rainfall Erosivity Factor Calculator Exit...

Assistance Tools for Construction Stormwater General Permits

http://www.tceq.texas.gov/assistance/water/stormwater/sw-construction.html

- Construction General Permit
- Primary and Secondary Operators Under CGP (RG-468)
- EPA Guidance on Common Plan of Development
- Links to Forms
- Site Notices
- Copies of CGP SWP3 and Instructions
- Atlas of Texas Surface Waters (GI-316)
- Edwards Aquifer Map Viewer
- And More!

Additional Guidance and Quick Links: Construction Activities

http://www.tceq.texas.gov/permitting/stormwater/WQ_stormwater_construction_guidance.html

- Link to STEERs webpage to submit forms electronically
- Forms- Notice of Intent, Notice of Change, and Notice of Termination
- Site Notices
- And More!

Common Permit Violations, Failure to:

- Prevent unauthorized discharge
- Obtain permit coverage
- Develop/implement SWP3
- Include and update site map
- Update pollution prevention team information
- Properly install and maintain BMPs
- Inspect on-site controls
- Keep containers closed

How to be in Compliance…

- Know the applicable sections of the permit
- Implement and maintain appropriate controls
- Conduct routine monitoring
- Modify SWP3 when changes are needed
- Use available resources
- Contact the TCEQ for guidance

Read the permit.

Stormwater Program Contacts

- SW Permitting Program (technical)
  - PH: 512-239-4671
  - wqap@tceq.texas.gov
- SW Processing Center (admin forms)
  - PH: 512-239-3700
  - swpermit@tceq.texas.gov

Additional Agency Contacts

- STEERS (to submit forms online)
  - PH: 512-239-6925
  - steers@tceq.texas.gov
- SBLGA:
  - sbap@tceq.state.tx.us
  - TCEQ Regional Offices

Questions?