



# Construction General Permit (CGP, TXR150000)

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## 2023 Renewal Stakeholder Meeting

*Water Quality Division – Stormwater Team*

*October 21, 2021*

# AGENDA

10:00 a.m. **Welcome and Introductions** Rebecca L. Villalba

## Meeting Overview:

Goals and Objectives Rebecca L. Villalba

Update on the Renewal Timeline Rebecca L. Villalba

Brief Overview of Existing TXR150000 Macayla Coleman

Summary of Proposed Changes to TXR150000 Macayla Coleman

## Stakeholder Discussion:

- Stakeholders Input on Proposed Changes and Additional Comments on the Existing Permit

**Summary and Adjournment** Rebecca L. Villalba

- Stakeholders' comments due **Friday, November 5, 2021.**
- Send comments via email to [swgp@tceq.texas.gov](mailto:swgp@tceq.texas.gov) with a subject line of **"CGP 2023 Renewal"**



# Presentation Outline

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Part 1

Goals and Objectives

Part 2

CGP Renewal Timeline

Part 3

Brief Overview of CGP

Part 4

Proposed Changes and  
Stakeholder Discussion



# Goals and Objectives



# Goals and Objectives

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Facilitate stakeholder involvement in the 2023 CGP renewal process



Review existing CGP requirements and the ongoing CGP amendment



Review preliminary proposed changes to the CGP for the 2023 renewal



Gather stakeholder input and answer questions





**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."*

# Preliminary Proposed Changes Posted on Stormwater Stakeholders Webpage

[https://www.tceq.texas.gov/permitting/stormwater/stormwater\\_stakeholders\\_group.html](https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html)

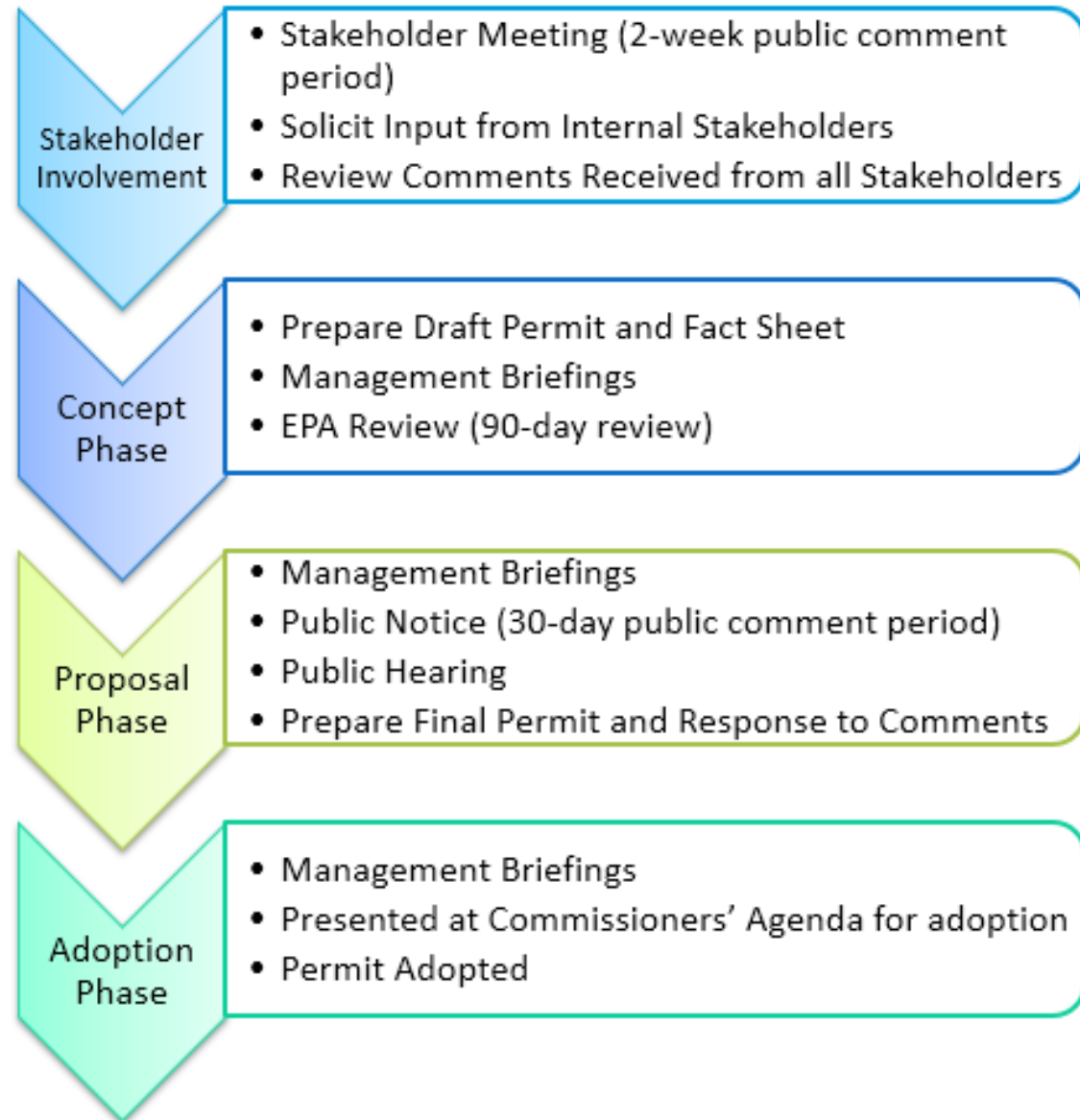


# CGP Renewal Timeline



# General Permit Development Process

- Stormwater general permits are written and issued following this general process.
- The master general permit development process takes 18-24 months.





# 2023 CGP Renewal – In Progress



*\*Estimated Dates*

# Brief Overview of CGP



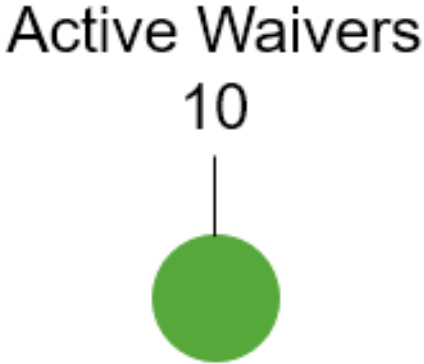
# Current 2018 CGP

- Effective March 5, 2018
- Expires March 5, 2023
- Authorizes discharges of stormwater associated with construction activities and construction support activities



# Current CGP Authorizations

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# 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

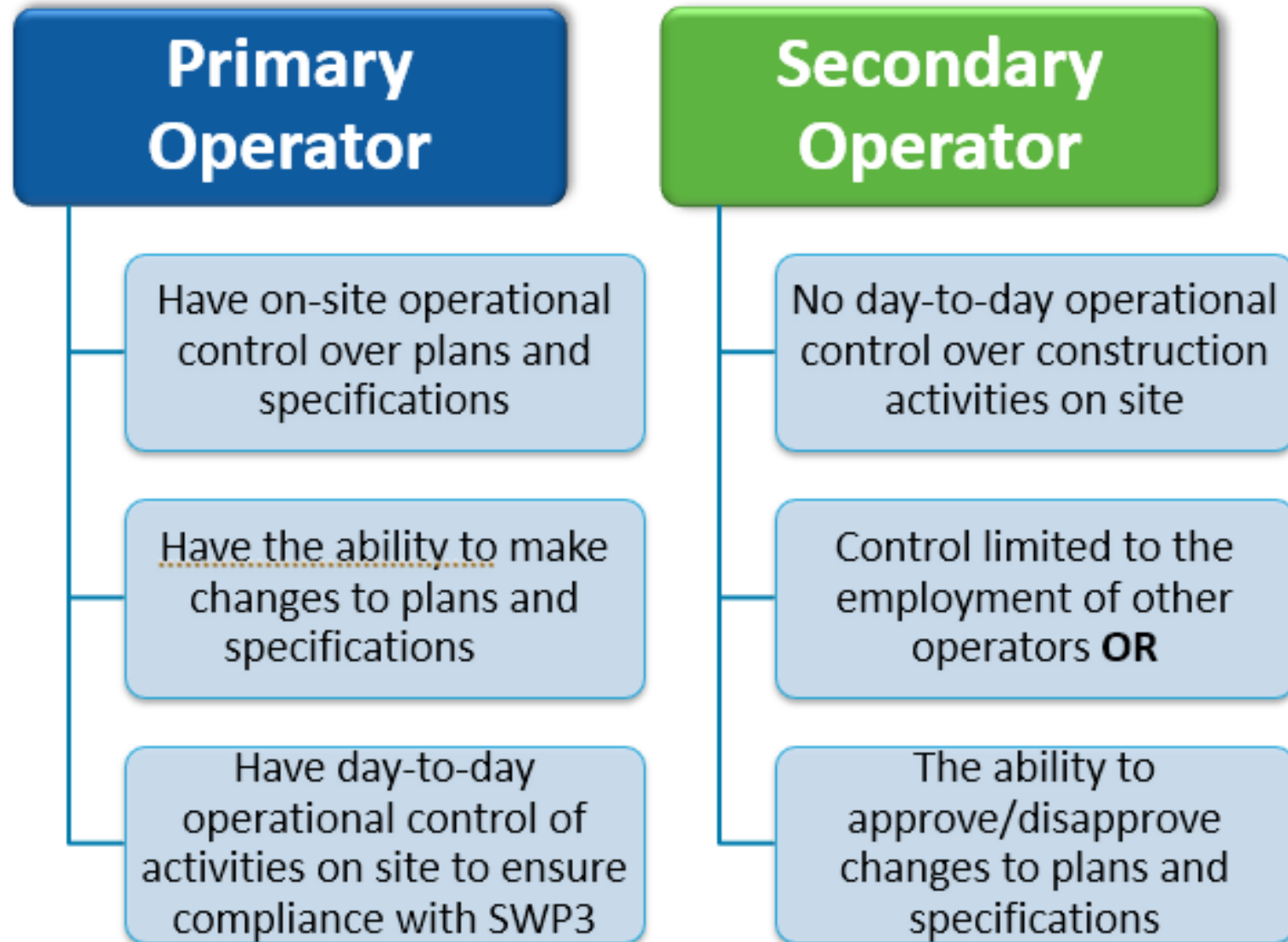
Small Construction

Disturbing  
1 acre or  
more but  
less than 5

< 1  
acre



# Operator Defined: Primary vs. Secondary



# CGP Requirements

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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)

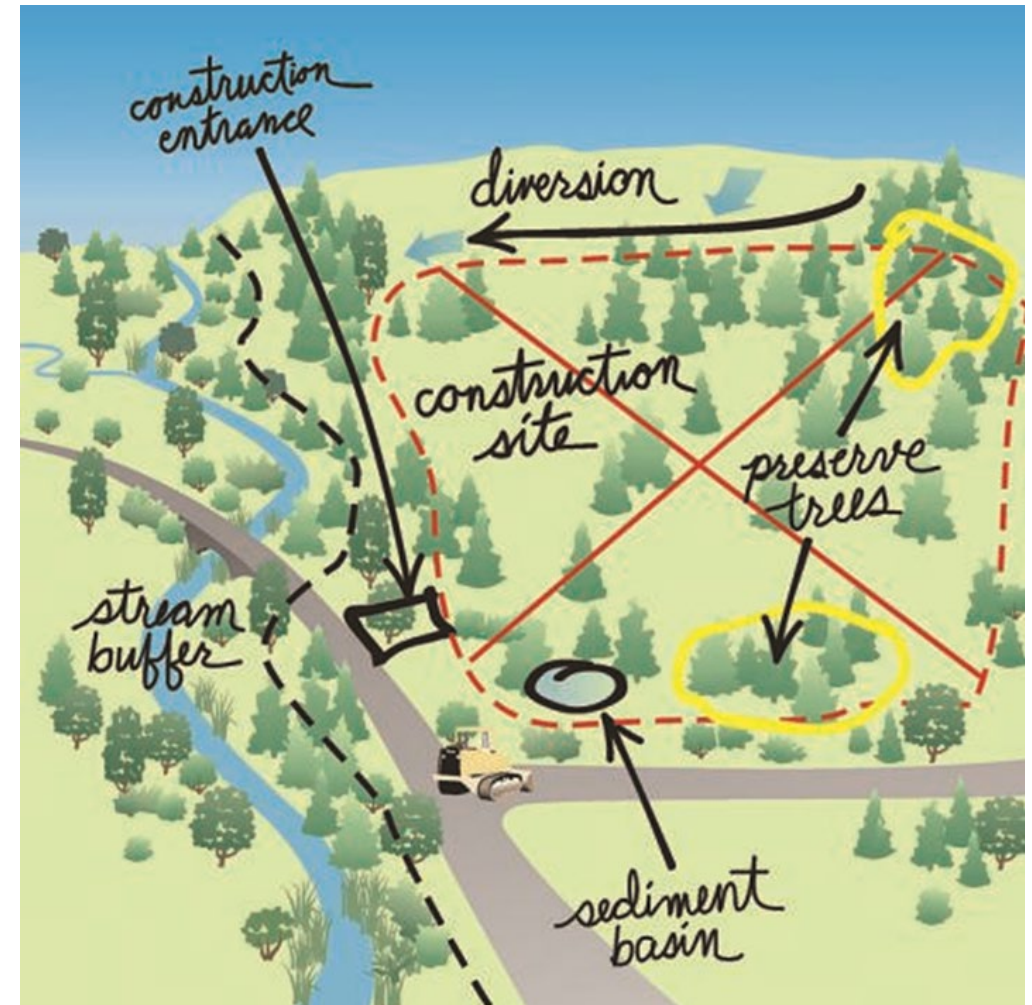
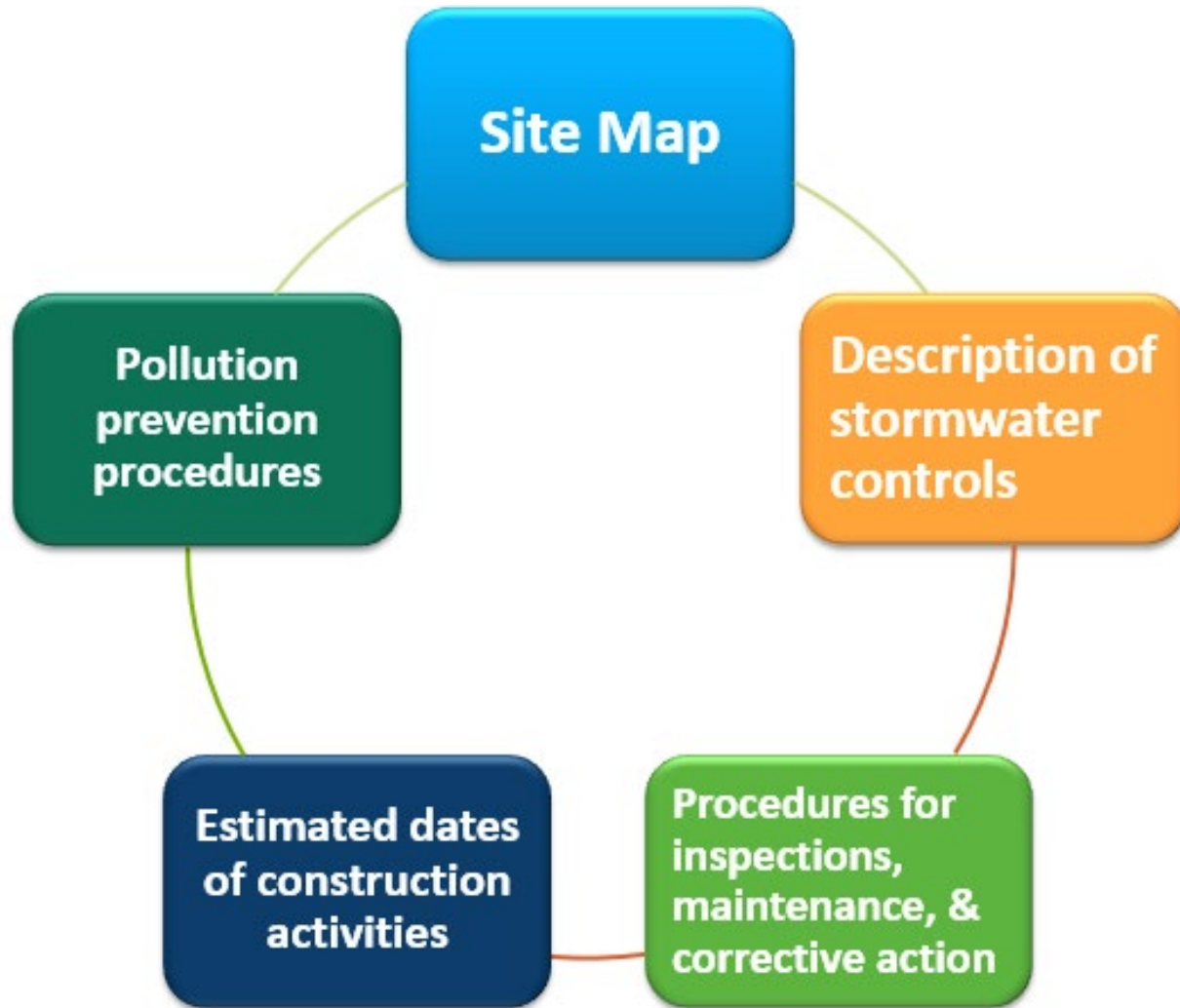
Perform regular inspections of controls

If required, perform Benchmark Sampling for Concrete Batch Plant





# Stormwater Pollution Prevention Plan (SWP3)



# Oil and Gas Amendment



# CGP Amendment for Oil and Gas Facilities – In Progress



- Only impacts oil and gas activities currently under EPA permit and new oil and gas activities seeking coverage
  - Existing TCEQ 2018 CGP permittees will not be affected
- Current EPA permittees will have 90 days to obtain TCEQ CGP coverage after TCEQ amendment effective date (end of January 2022)



# Eligible CGP Activities Related to Oil and Gas

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- New stormwater discharges eligible for coverage under amended CGP
  - Certain construction activities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities
    - Construction of administrative buildings, parking lots, and roads servicing an administrative building at an oil and gas site
    - Refined products pipelines (connecting refineries with local and distant product storage facilities),
    - Natural gas utility or city-owned “end-user” distribution systems connecting industrial, commercial and residential customers
  - Facilities that have lost their exemption due to discharges described in 40 CFR §122.26(c)(1)(iii)
    - Have a discharge of a reportable quantity, or
    - Contribute to a violation of water quality standards



# Exempt CGP Activities Related to Oil and Gas

- Exempt activities
  - Construction activities related to oil and gas exploration, production, processing, or treatment, or transmission activities are exempt from regulation under this permit
  - Examples include:
    - Natural gas pipeline compressor stations
    - Crude oil pipeline pump stations
    - Crude oil pipelines (i.e., connecting producing fields with a refinery)
- For more information about exempt and non-exempt activities, visit the following webpage: <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting>



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# Proposed Changes and Stakeholder Discussion



# How Renewal Permit Changes are Determined

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# Proposed Changes for 2023 CGP Renewal

## Broad Updates

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- Insert header throughout document which identifies part and section of General Permit
  - To improve readability and make similar to other stormwater general permits
- Prohibition of construction and operation at sites designed to store high level nuclear/radioactive waste
  - Mandated by the passage of HB7 in the second special session of the 87<sup>th</sup> Legislative Session
  - Update permit (Part II. Section C) and application forms in ePermits to reflect this prohibition





# Proposed Changes for 2023 CGP Renewal

## Broad Updates

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- Update provisional coverage from 7 days to 48-hours for paper applications submitted with an approved electronic reporting waiver
  - Consistent with other general permits
- Clarify electronic reporting requirements
  - All CGP applications must be submitted electronically through ePermits unless applicants submit and obtain an electronic reporting waiver



# Proposed Changes for 2023 CGP

## Contents of the NOI

- Update permit language for contents of the NOI to reflect existing NOI and federal electronic reporting requirements
  - Part II.E.7.
  - 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

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- Site Notice for Large Sites (>5 acres) Clarification
  - “Sign must be maintained onsite ~~completion of the construction activity~~ until final stabilization has been achieved” instead of when construction is complete
  - Language already used in Part II. E.2.(c)
  - Update for consistency between large and small sites
- Map requirement updates
  - Under Part III. Section F.1.(g)
  - Map must identify property boundary(ies)
  - Map of soil disturbing activities must note phasing and include demolition activities
  - Consistent with existing and proposed EPA’s CGP
- Explicitly require large site operators to “continue to comply with the conditions” of the CGP until permit coverage is terminated
  - Consistent with existing and proposed EPA’s CGP and requirements for small site operators



# Proposed Changes for 2023 CGP

## Allowable Non-Stormwater Discharges

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- Add the word “emergency” before firefighting activities.
  - Wording change to clarify intent and for consistency with all TCEQ stormwater general permits and EPA’s permits



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# Proposed Changes for 2023 CGP

## Inspections – Storm Events, Corrective Action and Frequency

- Inspection reports must include the date of corrective actions taken, if any
  - Part III. Section F. (7)(f)
  - “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.”
  - Consistent with existing and proposed EPA’s 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 on the first of each calendar month”



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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 disposed of in stormwater
  - Part III.F.4.(a)
  - “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.~~”
  - Language update to be consistent with existing and proposed EPA’s CGP



# Proposed Changes for 2023 CGP

## Sedimentation Basin Requirements

- Require the documentation of infeasibility criteria for sedimentation basin or outlet structure
  - Part III.G.6.
  - The circumstance for which it is infeasible shall be documented within the SWPPP
  - “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.”
  - Consistent with existing and proposed EPA’s CGP
- Clarify the use of detention and retention ponds as sedimentation basins may not be appropriate
  - Part III. Section F.2.(c).i.
  - “Sedimentation basins must be designed for and appropriate for runoff at the site and existing detention or retention ponds may not be appropriate.”



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# Proposed Changes for 2023 CGP

## Good Housekeeping Practices

- Add requirement to pollution prevention measures for wastes
  - Part III. Section G.4
  - “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;”
  - Clarifying intent and consistent with existing and proposed EPA’s CGP

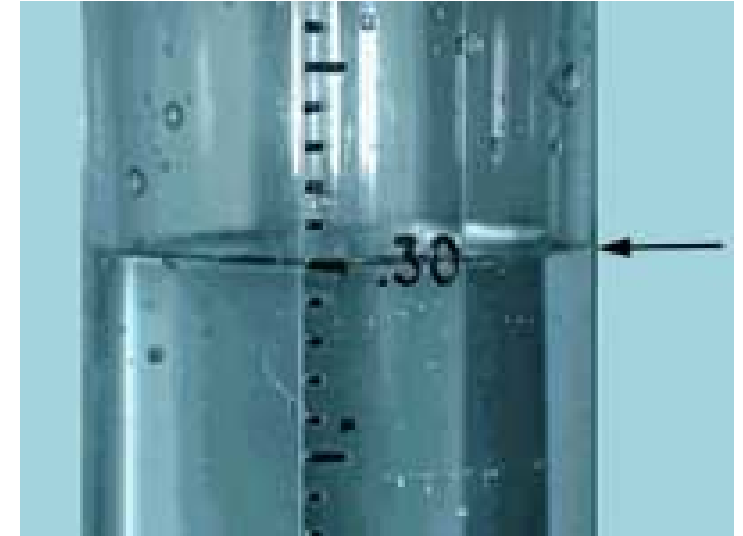




# Proposed Changes for 2023 CGP

## Clarifications in TCEQ Guidance

- Add clarifications to guidance documents for the CGP for requirements to conduct inspections within 24 hours of a storm event which happens over multiple days
  - For example, if 0.60 inches of rain falls on Day 1, 0.5 inches of rain falls on Day 2, and 0.30 inches of rain fall on Day 3
  - You would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.



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# Proposed Changes for 2023 CGP

## Clarifications in TCEQ Guidance Continued

- Add detailed descriptions of sedimentation basins to guidance documents for the CGP to clarify the differences between detention or retention basins



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# Stakeholder Input Requested

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- Preliminary proposed changes presented today
- Any other changes you want TCEQ to consider
- Proposed 2022 EPA CGP Changes
  - Consider EPA’s proposed changes related to dewatering requirements:
    - Requirements to conduct dewatering inspections
    - Route dewatering water through a sediment control designed to prevent discharges with visible turbidity
    - etc.
  - See proposed 2022 EPA CGP at the following link:  
<https://www.epa.gov/npdes/proposed-2022-construction-general-permit-cgp-and-related-documents>





# Stakeholder Discussion

## Comments and Questions?



# Stakeholder Comments and Input

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- Submit comments to: [SWGP@tceq.texas.gov](mailto:SWGP@tceq.texas.gov)
- Include Subject Line: “2023 CGP Renewal”
- Deadline: **November 5, 2021**



# Stormwater Team Contact

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## Stormwater Team



**512-239-4671**



[SWGPA@tceq.texas.gov](mailto:SWGPA@tceq.texas.gov)

## Stormwater Processing Center



**512-239-3700**



[SWPermit@tceq.texas.gov](mailto:SWPermit@tceq.texas.gov)



# TCEQ Stormwater Team



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