

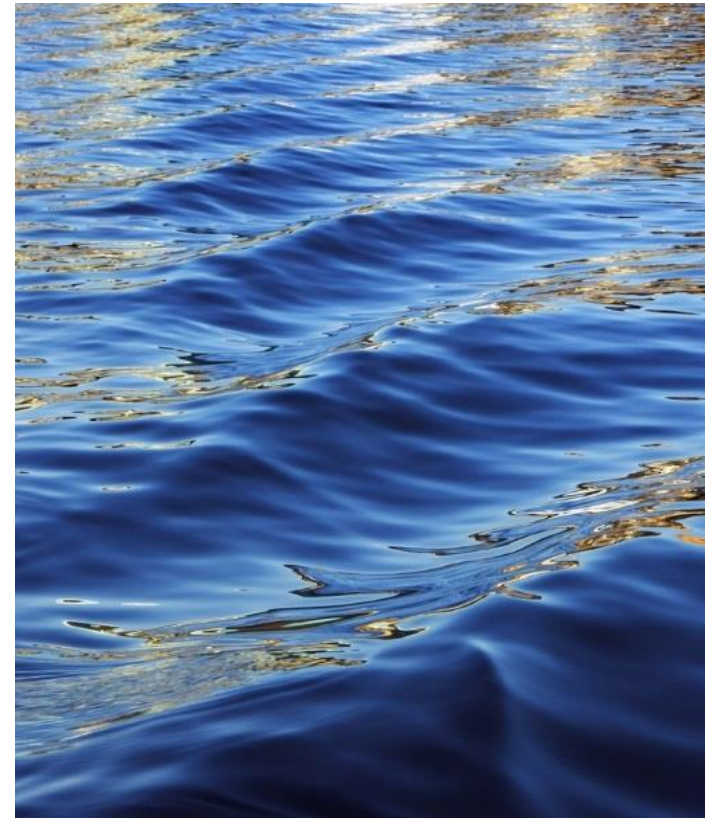


The Construction General Permit:

Why it Matters and What's New

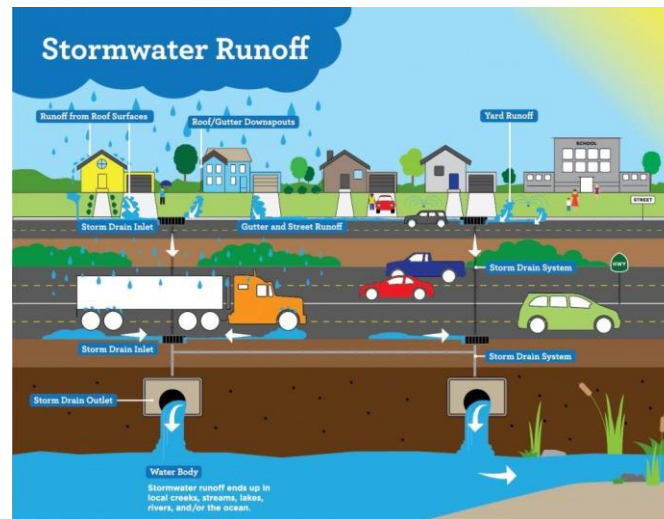
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Construction General Permit

- **Construction General Permit** - The Construction General Permit (CGP) authorizes storm water discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface waters of the United States or a municipal separate storm sewer system (MS4) leading to surface waters of the United States subject to the conditions set forth in this permit.



Definitions

- **Municipal Separate Storm Sewer System (MS₄)** A separate storm sewer system owned or operated by the U.S., a state, city, town, county, district, association or other public body.
- **Best Management Practices (BMPs)** - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants
- **SWP₃** – Stormwater Pollution Prevention Plan
- **Dewatering** – The act of draining rainwater or groundwater from building foundations, vaults, and trenches.
- **Discharge** – For the purposes of this permit, the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where soil disturbing activities (e.g., clearing, grading, excavation, stockpiling of fill material, and demolition), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck wash out, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

History of the Clean Water Act

- The Clean water Act first took shape in 1899 under the Rivers and Harbors Act in which is the oldest federal environmental law in the U.S. and is administered by the USACE
- In 1948 the Federal Water Pollution Control Act was enacted to address water pollution by creating a set of comprehensive water quality programs
- In 1969 Ohio's Cuyahoga River was so fouled by industrial pollution that the river caught on fire. Public outcry over dirty rivers spurred Congress to pass the Clean Water Act in 1972
- The historic law was designed to protect all of our waters – from the smallest streams to the mightiest rivers – from pollution and destruction.
- The act represented a huge step forward by requiring states to set clean water standards to protect uses such as swimming, fishing, and drinking, and for the regulation of pollution discharges.



The Cuyahoga River

1969




Today



Harris County's Watersheds

(General Flow Direction)

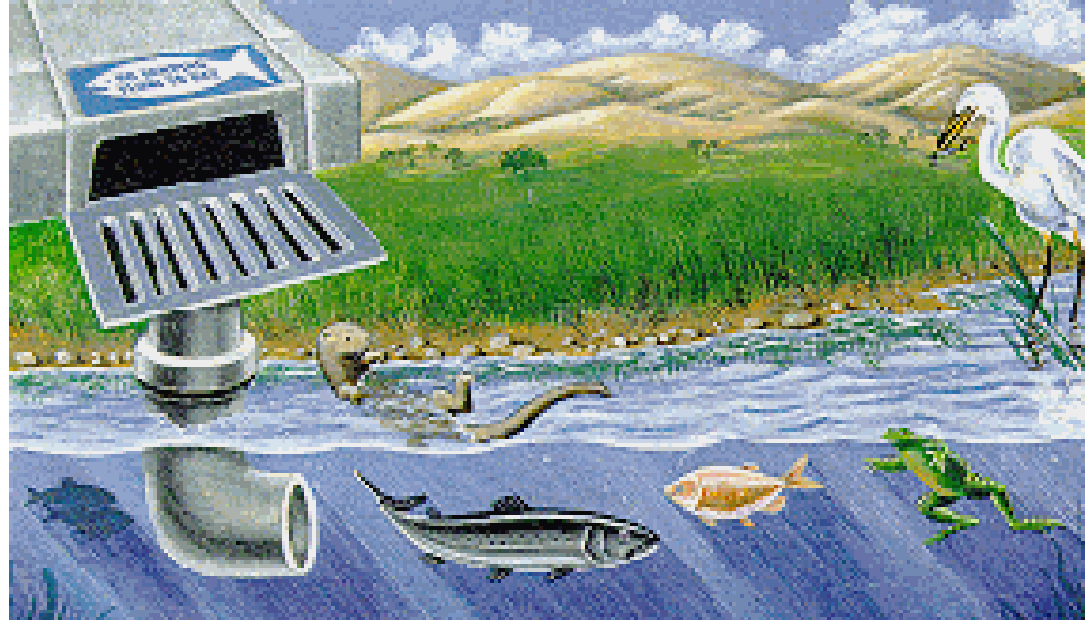


-  Drains to Galveston Bay through San Jacinto River
-  Drains to Galveston Bay through Houston Ship Channel (Buffalo Bayou)
-  Drains to Galveston Bay
-  Natural Overflow, Cypress Creek to Addicks/Barker (occasional)
-  Reservoirs Flood Storage



Applicable regulations

- Clean Water Act
- National Pollutant Discharge Elimination System
- Texas Pollutant Discharge Elimination System
- All city and county regulations



Objective and Goals of the Construction General Permit

• Objectives

- To restore and maintain the chemical, physical and biological integrity of the nations waters

• Goals

- Elimination of the discharge of pollutants into surface waters and achievement of a level of water quality which provides for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water

CGP Authorized Discharges

- **Stormwater associated with construction and support activities**
- Certain non-stormwater discharge
 1. Discharges from firefighting activities
 2. Uncontaminated fire hydrant flushing
 3. Water from routine external washing of vehicles
 4. uncontaminated water used to control dust
 5. potable water sources
 6. uncontaminated air conditioning condensate
 7. uncontaminated ground water
 8. lawn watering and similar irrigation drainage

Ineffective BMP's



Effect of not maintaining BMPs



Proper Use of BMPs





What are the
changes?



What's new in 2018 CGP

- Incorporated the 2014 and 2015 amended **Federal Effluent Limitation Guidelines (ELG)** for construction and development discharges located in 40 CFR Part 450.
- Added **E-Reporting** Rule language for applications
- Added definitions of **Infeasible** and **Low Rainfall Erosivity Waiver (LREW)** form.
- Clarified the definitions of **Construction Activity** and **Impaired Water**.



What's new in 2018 CGP

- Added requirements for minimizing the exposure of waste materials by keeping waste container lids closed when not in use, or providing other BMPs.
- Added 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.
- Added requirements for implementing controls to minimize the exposure of building materials containing polychlorinated biphenyls (PCBs) to precipitation and stormwater during demolition.
- Added requirements for implementing controls at construction sites that will discharge to an impaired waterbody or a waterbody with an approved TMDL for PCBs.



What's new in 2018 CGP

- Revised the limitations for permit coverage for construction activities related to oil and gas production.
- Revised the benchmark monitoring level for Total Suspended Solids (TSS) from 100 milligrams per Liter (mg/L) to 50 mg/l at concrete batch plants.
- Revised 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.

What's new in 2018 CGP

- Added clarifications for posting site notices for operators of small construction and secondary operators of large construction.
- Added clarification that posted small construction site notices may have a redacted signature if there is an original signed and certified copy of a site notice located at the site.
- Added additional clarification in the impaired waterbodies section of permit that references the CWA 303 (d) List and the Texas Integrated Report.



In Summary

- The Clean Water Act is constantly evolving to meet our needs so we can properly protect our water.
- The ultimate goal of the Construction General Permit is to Keep our waters fishable and swimmable.
- The Construction General Permit was renewed in March 2018 and brought with it several new changes.

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