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1. PURPOSE:

The purpose of this procedure is to ensure compliance with the Construction General Permit (CGP) issued by the Texas Commission on Environmental Quality (TCEQ) under its Texas Pollutant Discharge Elimination System (TPDES) permitting program for construction activities.

2. RESPONSIBILITIES:

2.1. Environmental Compliance Manager/Staff (ECM) – The ECM shall be responsible for:

- Ensuring that the Construction Manager is conducting storm water management activities in compliance with TCEQ requirements.
- For each project delivery corridor with authorization to discharge storm water, the ECM shall be responsible to conduct a quarterly review of the storm water compliance activities and the Storm Water Pollution Prevention Plan (SW3P) for compliance with this procedure.
- The ECM shall brief Executive Staff for the Authority on all non-compliance matters through special item meetings, regularly scheduled update meetings, or regularly scheduled reports, as appropriate.

2.2. Environmental Compliance Inspector (ECI) – The ECI shall be responsible for:

- Inspecting storm water best management practices at least once every 14 calendar days and within 24 hours of the end of a rain event of 0.5 inches or greater, or once every seven (7) calendar days regardless of rainfall and updating the SW3P.
- The ECI shall notify the Construction Manager of storm water issues that arise or may foreseeably arise for the assigned projects and/or corridors.
- The ECI shall be responsible to obtain and maintain objective evidence of compliance with this procedure.

2.3. Construction Manager (CM) – The Construction Manager shall be responsible for:

- Verify that Construction Contractors comply with the SW3P and the TPDES Construction General Permit TXR150000.
- The Construction Manager shall monitor construction activities to verify permit compliance throughout construction.
- The Construction Manager shall coordinate the efforts of the ECI and Construction Contractor of storm water issues that arise or may foreseeably arise for the assigned projects and/or corridors.
- The Construction Manager shall be responsible to obtain and maintain objective evidence of compliance as outlined in the SW3P. In the event that previously unanticipated environmental specialist services may prove to be required; the Construction Manager shall coordinate with NTTA to obtain such services.

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2.4. Construction Contractor (Contractor) – The Contractor shall be responsible for:

- Complying with the terms and conditions of TXR150000, to comply with NTTA procedures provided herein, and to comply with the SW3P.
- Contractor shall be responsible to provide objective evidence of compliance to the Construction Manager, which at a minimum shall consist of providing dated copies, electronic or otherwise, of all documents, submittals, notifications, or reports required by TXR150000, the SW3P, and ENV-01.

3. SCOPE/APPLICABILITY:

- This procedure shall apply to all NTTA corridors and projects requiring a CGP.

4. REFERENCES:

- TCEQ Additional Guidance and Quick Links: Construction Activities
https://www.tceq.texas.gov/permitting/stormwater/construction/WQ_stormwater_construction_guidance.html

5. DEFINITIONS & ACRONYMS:

Additional procedure specific definitions:

- **Best Management Practices (BMPs)** - Schedule of activities, prohibition of practices, maintenance procedures, structural controls, and other management practices to prevent or reduce the discharge of pollutants.
- **Commencement of Construction** - The initial disturbance of soils associated with clearing, grubbing, grading, or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition)
- **Common Plan of Development** - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities.
- **Discharge** - The drainage, release, or disposal of pollutants in storm water and certain non-storm water from areas where soil disturbing activities, construction materials or equipment storage or maintenance, or other industrial storm water directly related to the construction process are located.
- **Large Construction Activity** - Construction activities including clearing, grubbing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.
- **Operator** - The person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:
 - Primary Operator – the person or persons associated with a large or small construction activity that meets either of the following two criteria:

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- (a) The person or persons having operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (b) The person or persons having day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a SW3P for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SW3P or comply with other permit conditions).
- Secondary Operator – The person whose operational control is limited to the employment of other operators or the ability to approve or disapprove changes to plans and specifications. A secondary operator is also defined as a primary operator and must comply with the permit requirements for primary operators, if there are no other operators at the construction site.
- **Pollutant** - Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state.
- **Small Construction Activity** - Construction activities including clearing, grubbing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.
- **Storm Water** - Runoff resulting from a precipitation event or other discharge of water. Normally associated with construction activities, bare ground, or developed areas.

6. PROCEDURES:

6.1. Determine Permit Coverage Requirements

6.1.1. Each construction activity shall be classified as a small or large construction activity to determine the permitting requirements.

6.1.1.1.1. The extent of each operator's operational control as defined in *Section 6.0* of this procedure shall further determine permitting requirements.

6.1.2. Construction activities that do not meet the definitions of large construction activities or small construction activities do not require permit coverage but must implement BMPs to prevent the discharge of pollutants.

6.2. Obtaining CGP Coverage - Both NTTA and the Contractor shall obtain their own CGP coverage.

6.2.1. NTTA Procedure as a Primary Operator for Large Construction Activities

6.2.1.1.1.1. The ECM shall verify that a SW3P is developed and implemented in accordance with the CGP prior to the submission of a NOI to TCEQ.

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- 6.2.1.1.2. The NTTA shall submit a NOI to TCEQ prior to the Pre-Construction meeting and commencement of construction activity by utilizing the TCEQ online submission process. The Contractor shall post a copy of all NOI pages at the site in accordance with the CGP.
- 6.2.1.1.3. The NTTA shall provide a copy of the signed NOI to the operator of any municipal separate storm sewer system (MS4) receiving the discharge at least seven (7) calendar days prior to the commencement of construction activities.
- 6.2.1.1.4. The ECM shall complete a Construction Site Notice (CSN) for large construction sites. The Contractor shall post a copy of the CSN at the site prior to commencing construction activities.
- 6.2.1.1.5. The Construction Manager storm water inspector shall perform scheduled inspections and monitor maintenance and improvement actions consisting of best management practices (BMPs) to prevent the discharge of pollutants.

6.2.2. Contractor Procedure for Large Construction Activities

- 6.2.2.1. The Contractor shall ensure that a SW3P is developed and implemented in accordance with the CGP prior to the submission of a NOI to TCEQ. For construction activity in which NTTA is a primary operator, the Contractor may share NTTA's SW3P if they have a TCEQ compliance history classification of average or high. If the Contractor is required to, or elects to, develop his or her own SW3P, the SW3P for areas located on the Right of Way (ROW) must be approved by the ECM.
- 6.2.2.2. The Contractor shall submit a NOI to TCEQ prior to the commencement of construction activity by utilizing the TCEQ online submission process. The Contractor shall post a copy of all NOI pages at the site in accordance with the CGP.
- 6.2.2.3. The Contractor shall provide a copy of the signed NOI to the ECM and the operator of any MS4 receiving the discharge and to any secondary operator at least seven (7) calendar days prior to the commencement of construction activities.
- 6.2.2.4. The Contractor shall complete a CSN for large construction sites and post a copy of the CSN at the site prior to commencing construction activities.
- 6.2.2.5. The Contractor shall ensure that scheduled inspections are performed. The Contractor shall also perform BMP maintenance and improvement actions to prevent the discharge of pollutants.

6.2.3. NTTA Procedure for Small Construction Activities

- 6.2.3.1. The ECM shall verify that a SW3P is developed and implemented in accordance with the CGP. For construction activity in which NTTA is a secondary operator, the NTTA may elect to share the Contractor's SW3P, in lieu of developing a CGP compliant SW3P, only upon review and approval by the ECM.
- 6.2.3.2. The NTTA shall complete, sign, and certify a CSN for small construction activities. The Contractor shall post a copy of the CSN at the site in accordance with the CGP.

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- 6.2.3.3. The NTTA shall provide a copy of the signed and certified CSN to the operator of any MS4 receiving the discharge at least two (2) days prior to commencement of construction activities.
- 6.2.3.4. The ECM shall ensure the SW3P is implemented prior to the commencement of construction activities.
- 6.2.3.5. For construction activity in which NTTA is a primary operator, the ECM or other qualified staff from the Construction Engineering Consultant shall perform scheduled inspections and monitor maintenance and improvement actions consisting of BMPs to prevent the discharge of pollutants.

6.2.4. Contractor Procedure for Small Construction Activities

- 6.2.4.1. The Contractor shall ensure that a SW3P is developed and implemented in accordance with the CGP prior to the commencement of construction activity. For construction activity in which NTTA is a primary operator, the Contractor may share NTTA's SW3P if they have a TCEQ compliance history classification of average or high. If the Contractor is required to, or elects to, develop his or her own SW3P, the SW3P for areas located on the Right of Way (ROW) must be approved by the ECM.
- 6.2.4.2. For construction activity in which NTTA is a secondary operator, the Contractor's SW3P must be reviewed and approved by the ECM, to ensure NTTA is properly addressed therein, prior to the Contractor's certification of a CSN.
- 6.2.4.3. The Contractor shall complete, sign, and certify a CSN for small construction activities and post a copy of the CSN at the site in accordance with the CGP.
- 6.2.4.4. The Contractor shall provide a copy of the signed and certified CSN to the operator of any MS4 receiving the discharge at least two (2) days prior to commencement of construction activities.
- 6.2.4.5. The Contractor shall ensure that scheduled inspections are performed. The Contractor shall also perform maintenance and improvement actions consisting of BMPs to prevent the discharge of pollutants.

6.3. Inspections.

- 6.3.1. Regular inspections of the construction site shall be conducted at least once every 14 calendar days and within 24 hrs of the end of a rain event of 0.5 inches or greater, or once every seven (7) calendar days regardless of rainfall. All inspections must be conducted by qualified personnel and in accordance with the CGP.
 - 6.3.1.1. Inspecting personnel shall verify that the erosion and sediment control measures and devices are working in accordance with the CGP.
 - 6.3.1.2. Inspecting personnel shall summarize the results of the inspection on NTTA form MAN-06-F6 "Construction Storm Water Pollution Prevention Plan Field Inspection and Maintenance Report" and maintain all original reports in the SW3P notebook.

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6.3.2. For construction activity in which NTTA is a primary operator

6.3.2.1. The Construction Manager shall conduct inspections on behalf of NTTA and shall ensure that each report is signed by an authorized NTTA representative in the manner outlined in 30 TAC 305.128. The Construction Manager shall modify NTTA's SW3P based on the results of the inspection as necessary to include additional or modified BMPs designed to correct problems identified.

6.3.2.2. The Contractor may conduct his or her own inspections or may sign the inspections conducted by the Construction Manager in order to comply with the CGP. If the Contractor does not share NTTA's SW3P, the Contractor shall modify his or her own SW3P based on the results of the inspections as necessary. In compliance with the Contractor's authorization under the CGP, the Contractor shall ensure that each report is signed by the person and in the manner outlined in 30 TAC 305.128.

6.3.3. For construction activity in which NTTA is a secondary operator, the Contractor shall be responsible to conduct inspections. The Contractor shall modify the SW3P based on the results of the inspection as necessary to include additional or modified BMPs designed to correct identified problems. In compliance with the Contractor's authorization under the CGP, the Contractor shall ensure that each report is signed by the person and in the manner outlined in 30 TAC 305.128.

6.3.4. SW3P revisions shall be completed within seven (7) calendar days following inspection.

6.3.5. If existing BMPs need to be modified or if additional BMPs are necessary, the Contractor shall complete implementation before the next anticipated storm event or as soon as practicable.

6.4. Terminating CGP Coverage - NTTA and the Contractor shall be responsible for terminating their respective CGP coverages.

6.4.1. NTTA Procedure as a Primary Operator for Large Construction Activities

6.4.1.1. The ECM shall verify that either the Contractor has completed all required activities and stabilized the site in accordance with the CGP, or a transfer of operational control for all disturbed areas has occurred in accordance with the CGP.

6.4.1.2. The ECM shall complete a NOT for the site. The ECM shall verify that the NOT is signed by an authorized NTTA representative.

6.4.1.3. The ECM shall submit the NOT to TCEQ and a copy of the NOT to the operator of any MS4 receiving the discharge either within 30 days after completion of all required activities and final stabilization of the site, or as outlined in the CGP if a transfer of operational control has occurred.

6.4.2. Contractor Procedure for Large Construction Activities

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6.4.2.1. The Contractor shall complete all required activities and either stabilize the site in accordance with the CGP or transfer operational control for all disturbed areas to another operator in accordance with the CGP.

6.4.2.2. The Contractor shall complete and sign a NOT for the site in accordance with the CGP.

6.4.2.3. The Contractor shall submit the NOT to TCEQ and a copy of the NOT to the ECM and the operator of any MS4 receiving the discharge either within 30 days after completion of all required activities and final stabilization of the site, or as outlined in the CGP if a transfer of operational control has occurred.

6.4.3. NTTA Procedure for Small Construction Activities

6.4.3.1. The ECM shall verify that either the Contractor has completed all required activities and stabilized the site in accordance with the CGP, or a transfer of operational control for all disturbed areas has occurred in accordance with the CGP.

6.4.3.2. The ECM shall remove NTTA's CSN from the site and complete the applicable portion relating to removal. The ECM shall provide a copy of the completed CSN to the operator of any MS4 receiving the discharge either within 30 days after completion of all required activities and final stabilization of the site, or as outlined in the CGP if a transfer of operational control has occurred.

6.4.4. Contractor Procedure for Small Construction Activities

6.4.4.1. The Contractor shall complete all required activities and either stabilize the site in accordance with the CGP or transfer operational control for all disturbed areas to another operator in accordance with the CGP.

6.4.4.2. The Contractor shall remove Contractor's CSN from the site, complete the applicable portion relating to removal, and submit a copy of the completed CSN to the ECM and the operator of any MS4 receiving the discharge either within 30 days after completion of all required activities and final stabilization of the site, or as outlined in the CGP if a transfer of operational control has occurred.

6.5. Record Retention - The ECM shall provide all storm water documentation to the CM. All storm water documentation shall be retained for a minimum of five (5) years after completing all required coverage termination procedures.

6.6. Quarterly Review – The ECM shall conduct a quarterly review of the Storm Water Management procedure and SW3P on each project and/or project delivery corridor with authorization to discharge storm water. The results of quarterly reviews shall be summarized in report form. The ECM shall provide a copy of the report to the Construction Manager.

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7. REGULATORY REQUIREMENTS:

- [Clean Water Act of 1972 \(33 USC §§1251-1387\).](#)
- TPDES General Permit TXR150000.
<https://www.tceq.texas.gov/assets/public/permitting/stormwater/txr150000-cgp.pdf>

8. RELATED BOARD POLICY:

N/A

9. COMPONENT DOCUMENTS:

N/A

10. FLOWCHART:

N/A

11. REVISION HISTORY:

Revision	Revised by:	Date Issued	DRN	Reason for Revision
0	Derek Ivie	09/09/2008		Original Issue
1	Derek Ivie	05/03/2010	10140	Major Procedure Revision
2	Julie Morse and Craig Hancock	01/09/2020	10807	Revised to omit references to NTTA Environmental Manual. Reviewed and updated content and processes to current operating procedures. Updated web links for references and regulatory requirements.
3	Craig Hancock	2/14/2023	10898	Updated position titles and responsibilities.