

CONSTRUCTION

and Materials

TIPS

Department Responsibility - Storm Water Pollution Prevention Plan (SWP3)

The Construction Division has recently received questions regarding the department's responsibility when the project's total disturbed area is increased after the Notice of Intent (NOI) has been submitted to the Texas Commission on Environmental Quality (TCEQ).

As an example, the total disturbed area increased due to a change order and/or the contractor added a Project Specific Location (PSL) after the NOI was submitted. Use the following information as a guide to respond appropriately to this type of situation:

- In accordance to the Construction General Permit (CGP), if relevant information provided in the NOI changes, a Notice of Change (NOC) in the form of a letter must be submitted to the TCEQ within 14 days of the change. To successfully process an NOC letter:
 - Use the phrase "Notice of Change" in the subject line of the letter and include the project's permit number, if assigned.
 - The NOC must be signed by the individual that submitted the original NOI or as delegated by Mr. Behrens' memorandum dated November 14, 2003.
 - Provide a copy of the NOC to the operator of any Municipal Separate Storm Sewer System (MS4) receiving the discharge.
- The project's SWP3 must be updated to reflect the location of the PSL and the contractor's responsibility for CGP compliance for the PSL.
- In cases where the project did not originally require an NOI (<5 acres) but subsequently it became apparent that the amount of disturbed area would cause it to be >5 acres, the rule is the department must submit an NOI as soon as it becomes aware of the increased amount of disturbed area.

NOTE: When a contractor adds PSLs located within one mile of the project, the contractor must submit its own NOI and install and maintain "best management practices" (BMPs) at its own expense. The department is responsible for updating its SWP3 site map to reflect the location of the PSL and the contractor's unique TPDES permit authorization number if one has been assigned by TCEQ.

Contact Information

If you have any questions or concerns regarding the content of this article, please contact the Construction Division, Field Engineering Branch at 512/416-2428.



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