



Steps to Obtain Construction Permits for Storm Water Discharges

Many local governments in Texas require building permits before construction begins. Additionally, the state government, through the Texas Commission on Environmental Quality, requires specific permits designed to protect water quality. This brochure details which projects require permits and outlines the steps needed to obtain permit coverage.

What is storm water?

Storm water is water runoff resulting from a storm (rain) or snowmelt, which can enter surface waters in Texas. Surface water in this state includes lakes, ponds, bays, reservoirs, streams, creeks, rivers, estuaries, canals, and other waters. Runoff, or water draining from properties, can flow into surface waters.

Why are storm water discharges regulated?

Storm water discharges often contain pollutants in amounts that could reduce water quality. The primary pollutants of concern from construction activities are silt and sediment, but other pollutants such as oils and greases, vehicle fluids, and debris are present as well.

Who needs a permit to discharge storm water?

The Storm Water Permitting Program requires operators of construction sites disturbing land of one acre or greater, or less than one acre but part of a larger common plan of development, to obtain this permit.

Small construction projects are those covering more than one acre, but less than five acres, of disturbed land, that are **not** part of a larger common plan of development. Small-construction-site operators may be eligible for a waiver if they are located in portions of the state that are more arid. Small construction sites are not required to submit a Notice of Intent (NOI), but do need to develop and implement a Storm Water Pollution Prevention Plan (SWP3).

Large construction projects are those involving five acres or more of disturbed land, or less than five acres, but part of a larger common plan of development. Large-construction-site operators must submit an NOI, and develop and implement an SWP3.

In areas with a larger common plan of development, such as new subdivisions, each operator within the development may need to apply for storm water permit coverage.

Construction sites over the recharge, contributing, or transition zones of the Edwards Aquifer have additional requirements that can be found at www.tceq.state.tx.us/goto/eapp/.

What is an SWP3?

An SWP3 (Storm Water Pollution Prevention Plan) documents the measures you take to minimize the discharge of pollutants from your site. This is a living document, developed by you, and you should update it frequently during the life of your project. The plan requires several parts, including:

- a site or project description (including maps)
- a description of best management practices, structural controls, and permanent storm water controls
- inspection findings
- maintenance schedules
- a description of discharges that do not involve storm water



How do I apply for a permit?

Small Sites

1. Determine if you are able to claim the Rainfall Erosivity Waiver.
If not,
2. Determine if you are able to obtain a permit under the Low Potential for Erosion Option.
If not,
3. Develop and implement your Storm Water Pollution Prevention Plan (SWP3).
4. Post the Construction Site Notice.
5. Submit a copy of the site notice to your local Municipal Separate Storm Sewer System (MS4) operator.

Large Sites

1. Develop and implement an SWP3.
2. Submit a Notice of Intent (NOI). Electronic submissions are granted immediate coverage and receive a discounted fee. Paper submissions will get permit coverage seven days from the date of postmark.
3. Post a copy of your NOI and the Large Construction Site Notice at your site.
4. Submit copies of your NOI and site notice to your local MS4 operator.

Are there penalties for not complying with regulations on storm water?

If during an investigation officials discover that you do not have permit coverage or you do not comply with the elements of the Construction General Permit, the TCEQ can begin enforcement action, which may include fines.

Where can I get help?



For more information on storm water permitting for construction sites and to download the necessary forms, please visit www.tceq.state.tx.us/goto/wq_construction/.

Electronic submittals:

www.tceq.state.tx.us/permitting/steers/steers.html

Or contact one of these:

- TCEQ regional offices:
www.tceq.state.tx.us/goto/region/index.html
- TCEQ Storm Water and Pretreatment team,
512-239-4671
- TCEQ Small Business and Local Government Assistance Program, 1-800-447-2827

Other helpful Web sites:

The EPA's Web page on Construction Storm Water:
<http://cfpub1.epa.gov/npdes/stormwater/const.cfm>

Construction Industry Compliance Assistance:
www.cicacenter.org

The International Stormwater Best Management Practices Database:
www.bmpdatabase.org

Tools to help small businesses:
www.sblga.info



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