

TCEQ's General Construction Permit has no Harris County equivalent. As is the case, Harris County Watershed Protection Group does not issue Storm Water Quality Permits for construction activity. Harris County Watershed Protection Group does however, issue Storm Water Quality Permits for post-construction sites. If your question is whether Harris County issues post-construction, Storm Water Quality Permits for <5acres-The answer would be 'yes, on a routine basis'.

But to make a post-construction SWQ Permit determination, there are some questions which will need to be answered:

- I. Does the site have, or will it have a Multi Sector General Storm Water Pollution Prevention Plan, more commonly and henceforth referred to as an Industrial Activity Certificate? If the answer is 'yes,' then that information will need to be provided with the plan set receiving a SWQ review. If the answer is 'no';
- II. Is there existing structures on the overall plan of development? If 'yes,' the plan set will need to be reviewed to make a SWQ permit decision. If 'no,' the plan and the first recorded plat (no re-plats) will need to be submitted for SWQ review.

## I.

To determine if the project requires a post-construction Harris County Storm Water Quality Permit, the designing engineer must discover if the site is, or will be covered under an Industrial Activity Certificate issued by TCEQ. An industrial facility may, or may not be required to obtain an Industrial Activity Certificate by TCEQ.

In a nutshell, the Industrial Activity Certificate is more stringent than, and thus preemptive to Harris County Storm Water Regulations, as relating to permanent, post-construction storm water quality features. Again-this is a separate permit, apart from temporary construction-phase TCEQ General Construction Permit.

As the TCEQ General Construction Permit and the Industrial Activity Certificate are frequently confused, I will give a brief overview of the two permits for good measure. Items pertaining to TCEQ's, "General Permit to Discharge Waste for Construction Sites":

- Construction-phase ONLY.
- Construction sites are issued a unique permit number by the TCEQ, under their umbrella permit with the Texas Pollution Discharge Elimination System (TPDES) General Permit Number: TXR150000. The (4) zeros denote this as a parent permit, owned by the state of Texas.
- Individual construction sites will **not** have a TXR15 permit with (4) trailing zeros.
- TXR15XXXX permits are **TEMPORARY**. A Notice of Termination always follows a TXR15XXXX permit.
- A construction site with a permit under TXR150000 DOES NOT NECESSARILY REQUIRE AN INDUSTRIAL ACTIVITY CERTIFICATE.

An example detailing the above bullet-points might include a construction site, where residential homes are to be built. The contractors would be required to obtain a TCEQ General Construction Permit. Under the TCEQ's umbrella permit TXR150000, a construction-phase permit number would be issued to the residential construction site, such as- TXR 15Z123. Notice the underlined portion. Individual sites at construction-phase will all have a permit bearing TXR15. The last (4) underlined digits will be site specific. That permit is site specific, and could not be taken to another site and used. Being that the final build-out will be residential, this site will not have an Industrial Activity Certificate. Since the site-specific permit TXR15Z123 is temporary, at the termination of construction-phase activities, a Notice of Termination is filed to the TCEQ.

Next, we move to the Industrial Activity Certificate:

- Post-Construction, Continual, and Permanent Storm Water Discharge Monitoring and Treatment.
- Issued to Industrial Sites which discharge effluent to regulated receiving streams.
- Site-Specific permits, each bearing their own unique number. TCEQ issues these to industrial sites under their umbrella Permit Number: TXR 050000.
- Again: Only the TCEQ will have the specific permit numbered- TXR050000, with (4) trailing zeros.
- Industrial sites will have some derivative of TXR050000-Such as TXR05X992.

An example of such a circumstance might be an upstart company, let's call it "Burning Rubber Tire Factory." Burning Rubber Tire Factory applies for, and receives an Industrial Activity Certificate, with a permit number of TXR05X992. All Industrial Activity Certificates will begin with prefix TXR05. The last (4) digits will be unique to that industrial site.

Burning Rubber Tire Factory would like to now begin construction. They apply for, and receive a TPDES construction-phase water discharge permit. Being that the TCEQ issues the permit under their umbrella TXR150000, Burning Rubber Tire Factory's construction-phase permit number might look like: TXR15X246.

As a result, Burning Rubber Tire Factory will have (2) TPDES discharge permits:

1. Permit TXR15X246 covers the construction-phase portion of this project. A Notice of Termination of Construction Activities will follow at the end of construction-phase, since TXR15XXXX permits are temporary.
2. Permit TXR05X992 covers the (permanent\*), day-to-day industrial operation of the facility, as it pertains to effluent discharge. This permit is renewed until such time that industrial activity ceases... (\*In other words this permit, as with all TXR05XXXX permits, is not temporary).

## II.

If your site does not have an Industrial Activity Certificate, then the plan set would be reviewed for either an <5acre new development exemption, or a redevelopment exemption.

1. New recorded plats <5acres and any plats recorded prior-to October 2001, may meet a <5acre new development exemption, provided there is no development on the project site.
2. To be redevelopment exempt, there is existing development on a project site greater than 5acres, but the impervious cover you propose is <1acre. If the project site being redeveloped is <5acres, then it will automatically meet the redevelopment exemption.