



## HAYS COUNTY, TEXAS

### CONSTRUCTION AND STORM WATER MANAGEMENT

### FREQUENTLY ASKED QUESTIONS

#### (FORM DA-002)

Hays County derives its legal authority to enforce storm water regulations from the Texas Local Government Code and the Texas Water Code. In addition, Hays County is considered a small Municipal Separate Storm Sewer System (MS4) under the Federal/State storm water management program enforced by the Texas Commission on Environmental Quality (TCEQ). Most construction activities in Texas must apply for a storm water general permit.

#### WHAT IS CONSTRUCTION?

Construction is clearing, grading, excavating, or similar activities that disturb or expose soil. Construction is NOT routine maintenance of stormwater conveyances, routine grading of existing roads, or land disturbance for agricultural sites.

#### WHAT IS REGULATED CONSTRUCTION?

The TPDES Construction General Permit (CGP) separates construction sites into two categories: **large construction sites** that will disturb (by itself or as part of a larger common plan of development) 5 or more acres of land; and **small construction sites** that will disturb (alone or as part of a larger common plan of development) between 1 and 5 acres of land. Homebuilders please note that construction on your lot will fall into the large construction site category if you are building in a subdivision that is not near build-out.

#### WHO NEEDS TO APPLY FOR CONSTRUCTION GENERAL PERMIT COVERAGE?

You will need to apply if you are a primary or secondary operator.

A **primary** operator is the person(s) who has control over construction plans and specifications, either on an overall basis or through day-to-day control. A primary operator must post a Notice of Intent (NOI) for large sites and a Construction Site Notice for small sites.

A **secondary** operator is the person(s) whose operation control over the construction plans and specifications is limited to: employment of other operators OR the ability to approve/disapprove changes to the plans and specifications. The secondary operator is not required to file an NOI but must post a Construction Site Notice.

#### HOW DO I APPLY FOR A PERMIT FOR A LARGE CONSTRUCTION SITE?

- Submit to TCEQ a Notice of Intent (NOI), together with the application fee, at least 7 days prior to start of construction activities;
- Develop and implement a Storm Water Pollution Prevention Plan (SWP3) for the construction site **before** submitting the NOI;
- Post a site notice and a copy of the NOI at the construction site for public viewing, and;

- Provide a copy of the NOI to the County at least 7 days prior to start of construction activities.
- You may submit an electronic NOI and authorization is immediate. See the TCEQ website
- ( <https://www.tceq.texas.gov/> ) for further information.

#### **HOW DO I APPLY FOR A PERMIT FOR A SMALL CONSTRUCTION SITE?**

- Develop and implement a Storm Water Pollution Prevention Plan (SWP3) prior to start of construction activities;
- Post a signed copy of the TCEQ Construction Site Notice at the construction site for public viewing, and;
- Provide a copy of the signed Construction Site Notice to the County at least 2 days prior to start of construction activities.
- Small construction sites are not required to submit an NOI or pay the fee.

#### **WHAT INFORMATION MUST BE INCLUDED IN THE SWP3?**

The SWP3 must identify and address all potential sources of pollution at the site and describe and ensure implementation practices that will be used to reduce pollutants in storm water discharges from the site.

#### **WHERE DO I MAIL A COPY OF THE CONSTRUCTION SITE NOTICE OR NOTICE OF INTENT?**

Please email a copy to:

[james.parman@co.hays.tx.us](mailto:james.parman@co.hays.tx.us)

#### **DO I NEED TO CONTACT HAYS COUNTY PRIOR TO THE START OF CONSTRUCTION?**

Yes. A pre-construction meeting is required to determine that erosion/sedimentation controls are properly installed and all paperwork is complete. Contact Jim Parman

#### **WHERE CAN I FIND INFORMATION ON HOW TO DEVELOP A SWP3?**

The following websites are good resources:

TPDES Construction General Permit No. TXR150000

[https://www.tceq.texas.gov/permitting/stormwater/construction/WQ\\_stormwater\\_construction\\_guidance.html](https://www.tceq.texas.gov/permitting/stormwater/construction/WQ_stormwater_construction_guidance.html)

US EPA Stormwater

<https://www.epa.gov/npdes/npdes-stormwater-program>

Construction Industry Compliance Assistance Center

<http://www.cicacenter.org/>

If you have any questions regarding the regulations, please contact Jim Parman at 512-738-2555

([james.parman@co.hays.tx.us](mailto:james.parman@co.hays.tx.us)).