ARE YOUR CONSTRUCTION ACTIVITIES REGULATED?

Flow Chart to Determine Stormwater Permit Coverage Requirements

How much land will be disturbed? (*1)

<1 acre (*1)

1 or more acres (*1)

Do you meet the definition of “operator”? (*2)

YES

Will 5 or more acres be disturbed? (*1)

YES

Are you a “primary operator”? (*2)

Permit Coverage Required
- Prepare and Implement SWP3
- Post Site Notice
- Submit Copy of Site Notice to MS4 Operator

NO

TPDES Permit Coverage Not Required

5,000 Sq. Ft. to 1 acre (*1)

Prepare and Implement ESCP

NO

Permit Coverage Required
- Prepare and Implement SWP3
- Submit NOI to TCEQ
- Post NOI and Site Notice
- Submit Copy of NOI to MS4 Operator

YES

ESCP – Erosion and Sediment Control Plan
SWP3 – Stormwater Pollution Prevention Plan

** Stormwater Permit Application required for all projects disturbing 5,000 sq. ft. or more

(*1) To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., “definitions,” for an explanation of “larger common plan of development or sale”).

(*2) Refer to the definitions for “operator”, “primary operator”, and “secondary operator” in Part I., Section B of the Construction General Permit TXR150000.