



# Guidance Manual

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Stormwater Pollution Prevention Plan (SWP3)

Appendix A: Completing the CSN, NOI, NOC, and NOT

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## **Appendix A: Completing the CSN, NOI, NOC, and NOT**

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### **Appendix A: Completing the CSN, NOI, NOC, and NOT<sup>1</sup>**

#### **Responsible person**

Department District Construction Personnel

**Note: Information in Appendix A does not apply to projects with less than one (1) acre of soil disturbance and are not part of a larger common plan of development.**

CGP coverage authorization requires documentation throughout the life of the construction project. The following describes how to identify when a Notice of Intent (NOI), Notice of Change (NOC), and Notice of Termination (NOT) are needed for CGP compliance. This section also describes TxDOT and Contractor's Construction Site Notice (CSN) posting and documentation requirements. Copies of TxDOT's completed CSN, NOI, NOC and NOT forms (as applicable to each project) will be maintained as part of the SWP3 Binder. Contractor-provided copies of the CSN, NOI, NOC and NOT forms (as applicable to each project) will also be maintained as part of the SWP3 Binder.

#### ***CSN Requirements***

For small construction sites, both TxDOT and the Contractor are responsible for posting the CSN as primary operators with operational control over plans and specifications and day-to-day operational control, respectively. Both TxDOT and Contractor will post the CSN with redacted signature and the copy with the original signature will be maintained as part of the SWP3 binder. TxDOT and Contractor must send copies of the respective signed CSNs to the local Municipal Separate Storm Sewer System (MS4) operator at least two days prior to commencing construction.

For large construction activities, TxDOT and the Contractor are responsible for posting the CSN as primary operators with operational control over plans and specifications and day-to-day operational control, respectively. A copy of the CSNs will be maintained in Appendix A1 (TxDOT) and Appendix A2 (Contractor) of the SWP3 binder. Additionally, TxDOT and Contractor will need to comply with NOI, NOC and NOT requirements as described below.

**For large construction activities (those disturbing five acres or more of soil), the following requirements apply:**

Note: Reference the Delegation of Authority<sup>2</sup> memo to determine who within your District is authorized to submit the NOI, NOT and NOC to TCEQ.

#### ***NOI Requirements***

TxDOT and the Contractor, as Primary Operators, are required to submit separate NOI applications to TCEQ to obtain CGP authorization. Each NOI should be submitted electronically through STEERS.

TxDOT must submit their NOI to TCEQ at least 10 days before the start of construction activities at the site. A copy of the completed and signed NOI must be provided to the Contractor immediately following

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<sup>1</sup> Hale. 2016. "TxDOT and Contractor Co-Permittees SP 506-003 and SP 007-004" memorandum.

<sup>2</sup> Behrens. 2003. "Certification Requirements for the Texas Pollutant Discharge Elimination System (TPDES) Stormwater Construction General Permit (CGP)"

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TxDOT's NOI submittal for use in completing the Contractor NOI. The Contractor must submit their NOI at least seven days prior to the start of construction activities at the site.

Important information needed to complete the NOI includes:

- The Department's RN Number – If the contractor does not use TxDOT's RN Number when filing their NOI then they must correct this with the TCEQ.
- The name, address and county of the construction project
- Number of disturbed acres
- Name of receiving waters
- Classified segment number of each segment that receives discharges

A \$225 fee must also be included with the NOI when submitting electronically. All fees are due upon the submission of the NOI. It is not necessary to maintain payment confirmation vouchers/receipts in the SWP3 Binder.

### ***NOC Requirements***

Project details may change during construction and after the NOI has been filed. If specific information changes or information needs to be correct on the NOI, an NOC must be submitted to the TCEQ using TCEQ's NOC form. The following are the types of changes required to be report to TCEQ:

- Change in legal name
- Change in address and/or contact information
- Change in regulated entity site information
- Change to general characteristics provided on original form
- Change in relevant information in NOI
- Previously unidentified changes

Both TxDOT and the Contractor must submit a NOC to the TCEQ within 14 days of discovery of a change or revision to the NOI as required by the CGP. Following the NOC submittal to TCEQ, the Contractor must provide a signed copy of the NOC to the TxDOT Engineer and any other MS4 operators at the time of submittal. When either party submits a NOC, it should be reviewed by both parties to ensure the other party does not need to also submit a NOC, depending on what information is being changed.

Small construction activities do not require the submittal of a NOI; therefore, TCEQ does not require the submittal of a NOC if small construction activities change.

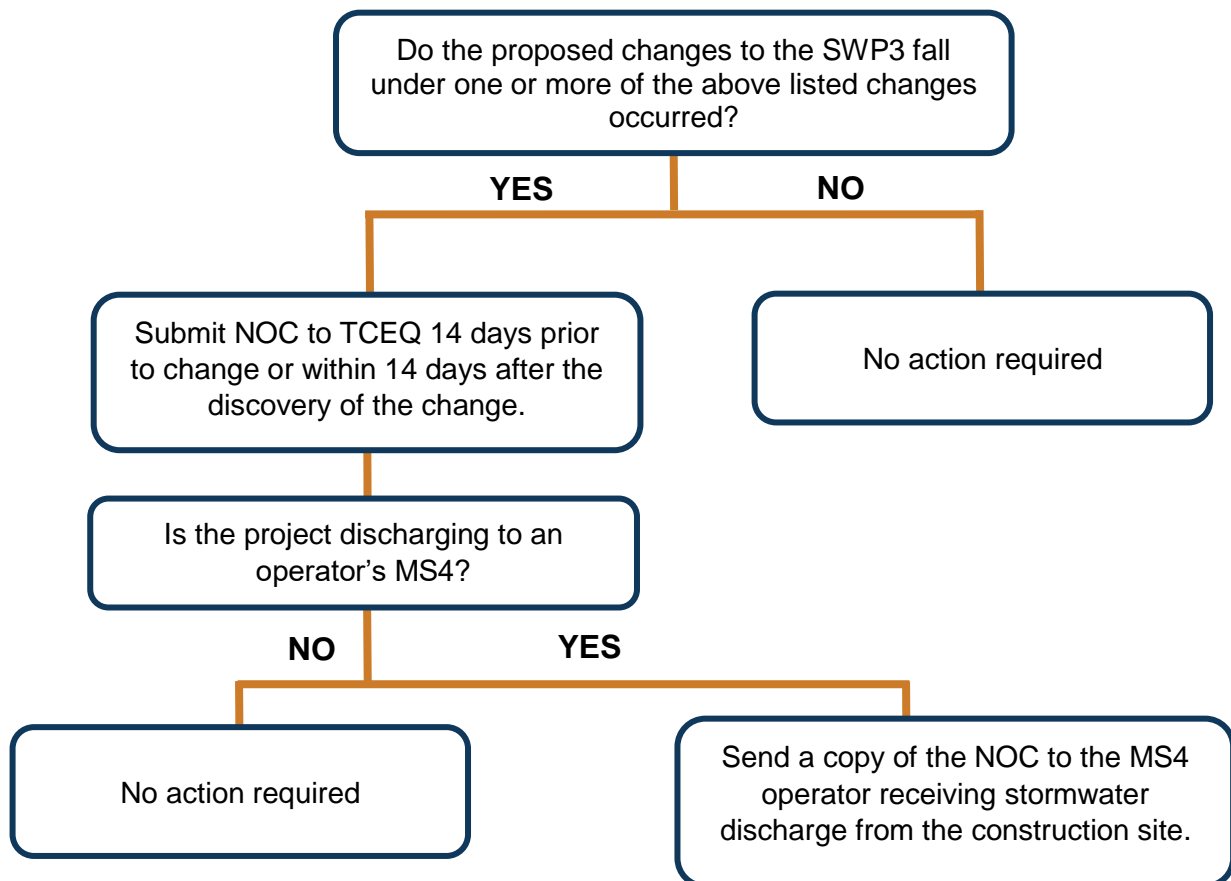
Use the following flow chart to assist in determining whether a NOC should be submitted to TCEQ:

## Appendix A: Completing the CSN, NOI, NOC, and NOT

Figure 4. Notice of Change for Large Construction Sites: Determination Process

If one or more of the following changes to the original NOI occur a NOC is required:

- Legal name changes
- Address/Contact information change
- Regulated entity site information change
- Change to general characteristics provided on original form
- Change in relevant information in NOI
- Previously unidentified changes



For Contractors:

- Upon written concurrence of the TxDOT Engineer, the Contractor will submit a NOC, if applicable, to the TCEQ within 14 days of discovery of a change or revision to the NOI as required by the CGP.
- The Contractor will provide a signed copy of the NOC to the TxDOT Engineer and any other MS4 operators at the time of submittal.
- When a NOC is submitted by either party, it should be reviewed by both parties to ensure the other party does not need to submit NOC also, depending on what information is being changed.

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### ***NOT Requirements for Large Construction Activity Projects***

Both TxDOT and the Contractor must submit a NOT for their respective NOIs to the TCEQ within 30 days of the Department Engineer's approval that 70% native background vegetation cover (final stabilization) is met or equivalent permanent stabilization measures have been employed in accordance with CGP. These NOTs are submitted electronically through STEERS. Authorization to discharge from large construction activities under CGP terminates immediately following confirmation of the receipt of the NOT submitted electronically by the TCEQ.

TxDOT and the Contractor must submit a NOT to TCEQ and the MS4 operator receiving discharge within 30 days of meeting the following conditions:

- All portions of the construction site operated by TxDOT have achieved final stabilization
- Transfer of operational control from TxDOT or the Contractor to another primary operator
- Gaining alternative authorization an individual TPDES permit or alternative TPDES general permit.

The Contractor must provide a signed copy of the NOT to TxDOT and any local MS4 operators at the time of submittal. Once the TxDOT Engineer receives the signed NOT copy from the Contractor then TxDOT will submit their NOT.

Note: In some instances, the District may choose to release the contractor before final stabilization is achieved. In these cases, the Contractor should file the NOT and provide notification according to the instructions above. TxDOT will inherit all responsibility at that point, becoming primary operator with operational control over plans and specifications and primary operator with day to day operational control, including the continuation of inspections and BMP maintenance requirements. At that point, TxDOT is fully responsible for the project and cannot file an NOT until the final stabilization requirements are met.

In arid, semi-arid and drought-stricken condition areas, with approval of the TxDOT Engineer, TxDOT can utilize CGP Part III, Section B.1.d. which allows the Primary Operator with Operational Control over Plans and Specifications to assume the role of the Primary Operator with Day-to-Day Operational Control. TxDOT will send a final acceptance letter to the Contractor at which point the Contractor will no longer have continued obligations to the project allowing Contractor to file the NOT with TCEQ.

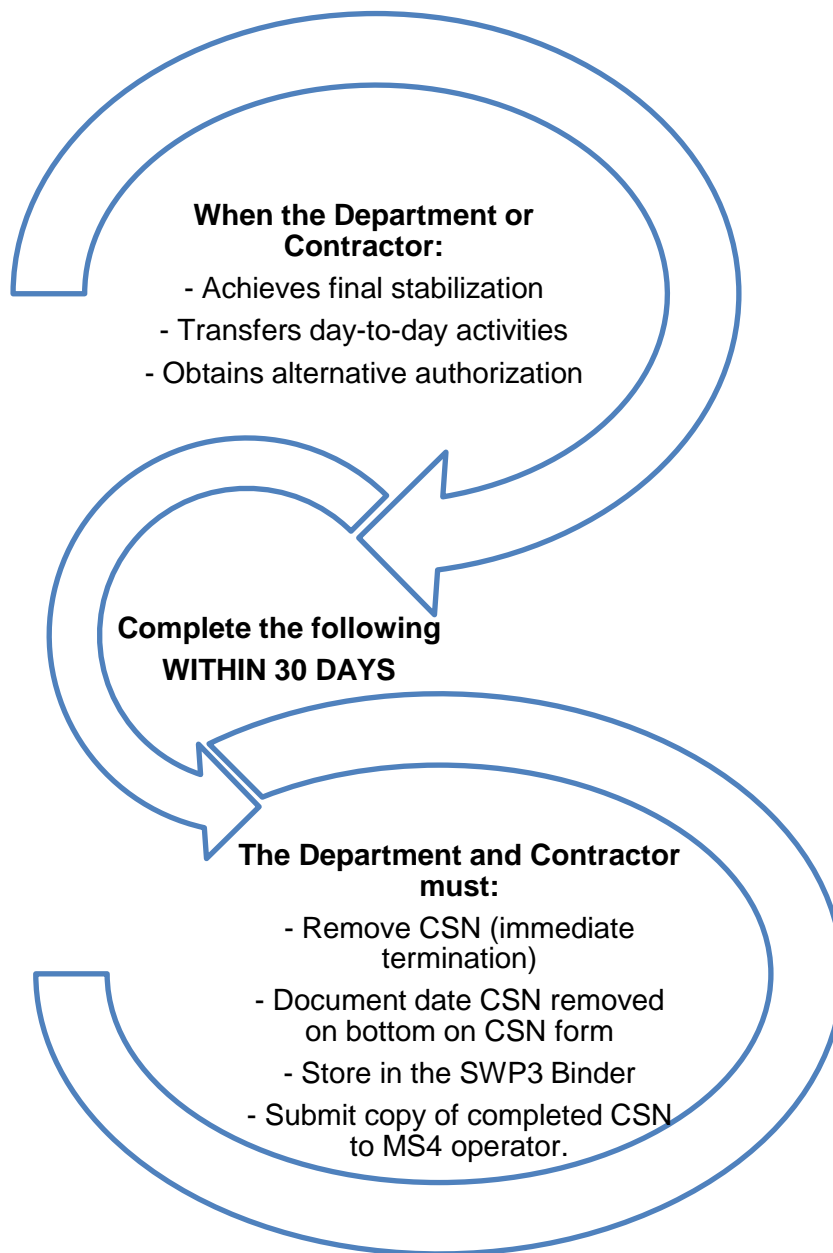
An NOT is not required for small construction activities. The removal of the CSN, documentation in the SWP3 and notification to the MS4 operators (as applicable) constitutes the permit authorization's termination of coverage.

The following sections discuss additional details about termination of coverage.

**Small Construction Activity Termination of Coverage**

Small construction activities are automatically authorized for discharge from the site under the CGP. A NOI is not required to apply for authorization. Therefore, a NOT is not required to terminate authorization of discharge from the construction site. Figure 5 outlines the process to properly terminate automatically authorized small construction activities authorized under CGP.

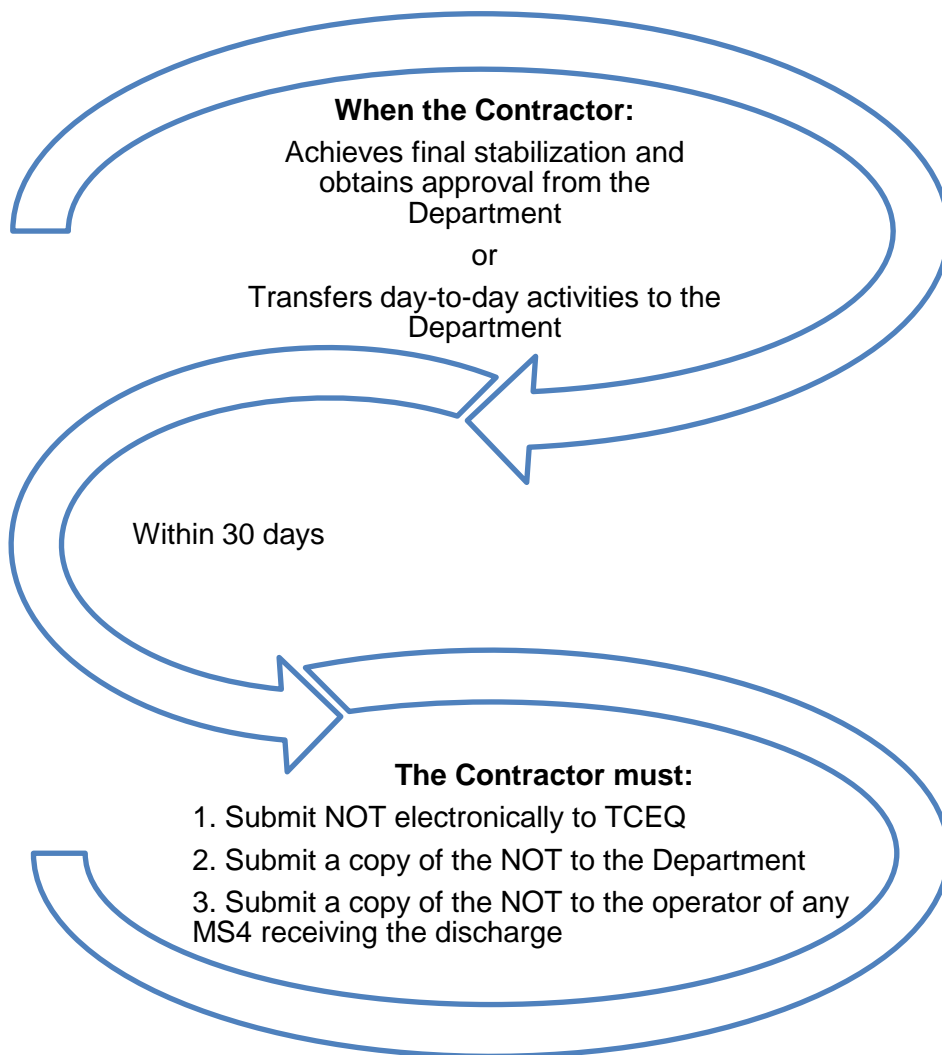
**Figure 5: Small Construction Activity Termination of Coverage Process**



**Large Construction Activity Termination of Coverage for the Contractor**

For Contractor termination of coverage, the Contractor must submit a NOT to the TCEQ within 30 days of the Department Engineer's approval. The Contractor will provide TxDOT and local MS4 operators with a signed copy of the NOT at the time of submittal. Once TxDOT receives the signed NOT from the Contractor, TxDOT will submit its NOT (see previous section and Figure 5). Figure 6 outlines the process to properly terminate large construction activity by the Contractor under CGP and TxDOT Policy.

**Figure 6: Large Construction Activity Termination of Coverage Process for the Contractor**

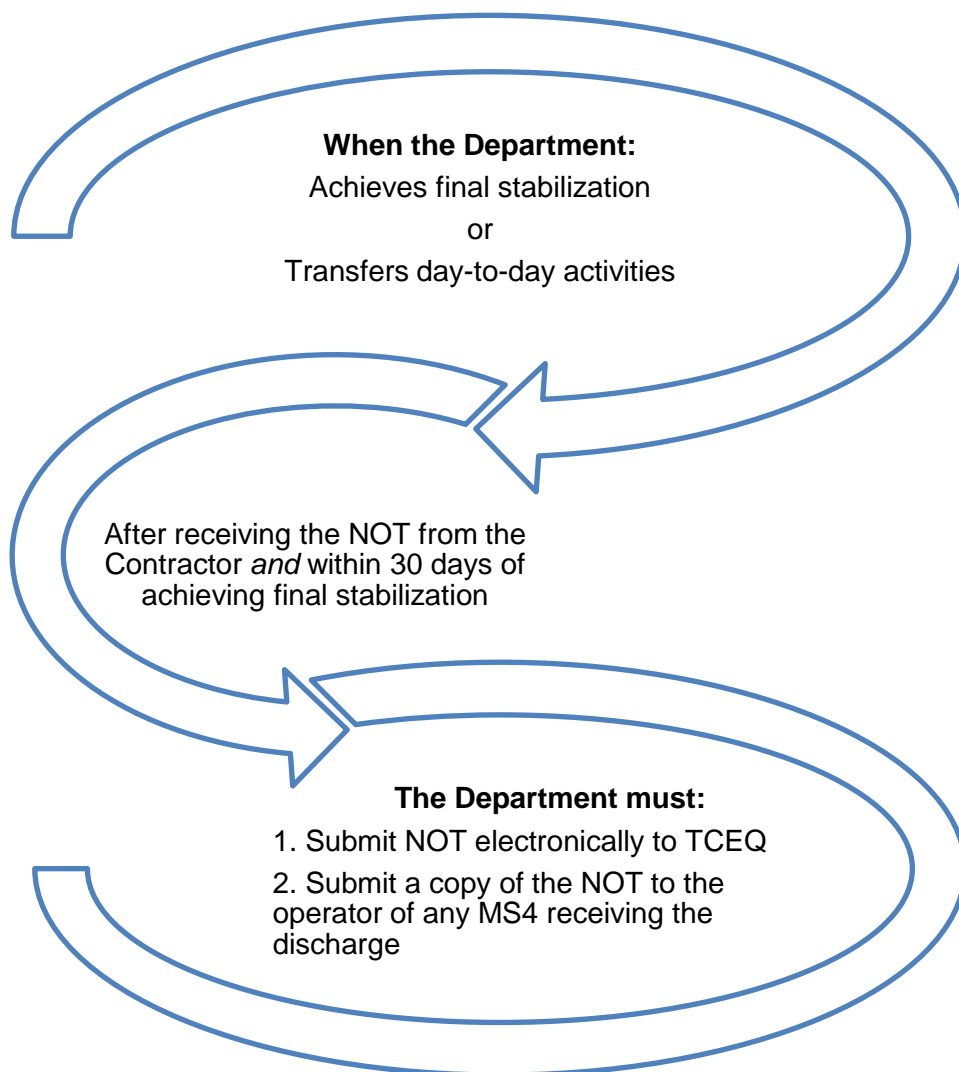




### **Large Construction Activity Termination of Coverage for the Department**

For large construction activities, once final stabilization is complete and TxDOT receives the final signed NOT from all Contractors, TxDOT will submit a NOT to terminate coverage for the project. **Figure 7** outlines the process to properly terminate authorized large construction activity authorization under CGP. The TCEQ Notice of Termination with instructions is located under “Section 3 – SWP3 Binder Appendix Guidance, Appendix A” on the SWP3 Guide and Template TxDOT webpage.

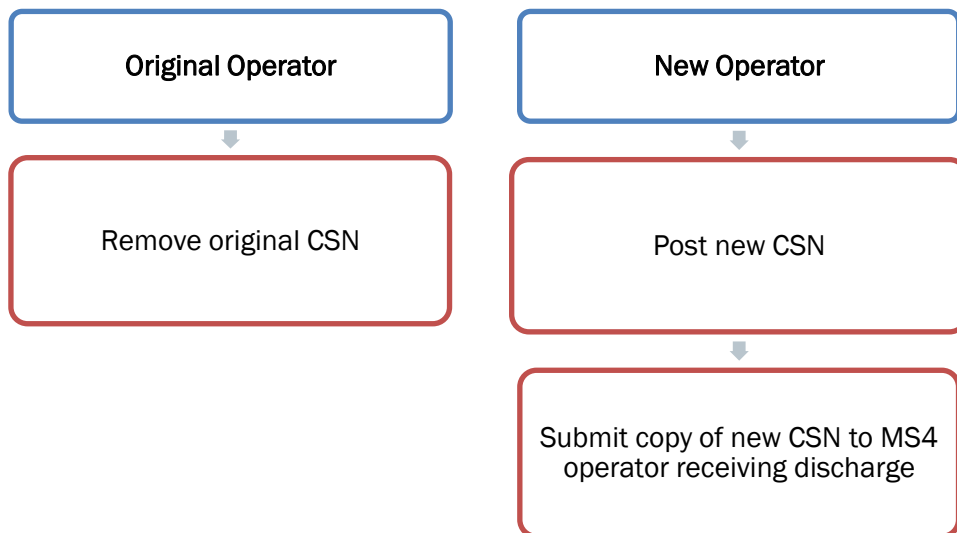
**Figure 7: Large Construction Activity Termination of Coverage Process for the Department**



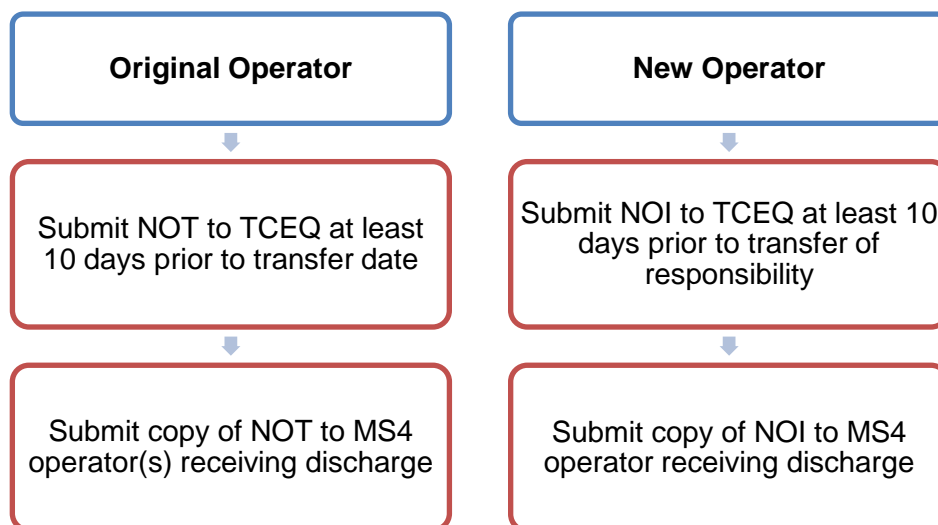
### Transfer of Day-to-Day Operational Control

Transfer of day-to-day operational control may be necessary over the life a construction project. Before the transfer of operational control occurs, each operator must determine its roles and responsibilities as outlined in Section 1.12 and 1.13 Roles and Responsibilities of the SWP3 Summary Sheet. Figures 8 and 9 document the process the original operator must follow to transfer responsibilities properly.

**Figure 8. Small Construction Activity Transfer of Day-to-Day Operational Control**



**Figure 9. Large Construction Activity Transfer of Day-to-Day Operational Control**



## **Appendix A: Completing the CSN, NOI, NOC, and NOT**

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### **Document Revision History**

The following table shows the revision history for this guidance document.

<b>Revision History</b>	
<b>Effective Date Month, Year</b>	<b>Reason for and Description of Change</b>
June 2021	Version 1 was released.