TOWN OF
TROPHY CLUB

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STORMWATER MANAGEMENT PROGRAM
Developed to comply with the requirements of
Texas Pollutant Discharge Elimination System
General Permit No. TXR040080

Permit Term:
December 2013 – December 2018

Prepared:
June 2014

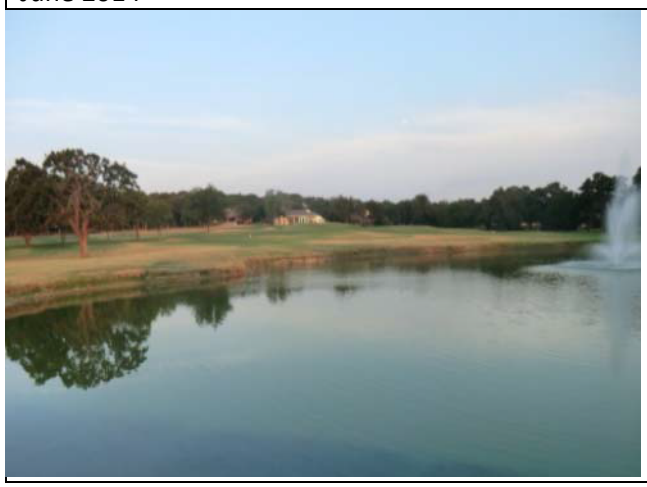

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TABLE OF CONTENTS

1 STORMWATER MANAGEMENT EXECUTIVE SUMMARY 1
1.1 Background 1
1.2 Stormwater Regulations 2
1.3 Permit Applicability and Coverage 4
1.4 The Town of Trophy Club 5
2 WATER QUALITY 7
2.1 Overview of Water Quality Assessments in Texas 7
2.2 Water Quality of Trophy Club 8
3 SMALL MS4 GENERAL PERMIT OVERVIEW 12
3.1 Minimum Control Measure Summary 12
3.2 Impaired Waters and Total Maximum Daily Load Summary 17
3.3 Program Development Summary 18
4 COMPLIANCE APPROACH 19
4.1 Best Management Practice Selection Process 19
4.2 Selection Process for Measurable Goals and Implementation Schedule 20
4.3 Measurable Goal Evaluation Process 21
4.4 Targeted Controls for Impaired Water Bodies 21
4.5 Legal Authority and Regulatory Mechanism 22
4.6 Assessment of Allowable Non-Stormwater Discharges 23
5 RECORDKEEPING AND REPORTING 25
5.1 Recordkeeping 25
5.2 Annual Report 25
5.3 Program Updates 26
5.4 Reference Material 26
6 STORMWATER PERMITS FOR TOWN-OWNED FACILITIES 28
7 DEFINITIONS 29

FIGURES

Figure 1 Urbanized Area Map 6
Figure 2 Receiving Waters Map 11

TABLES

Table 1 Water Quality Summary for Receiving Waters 10

APPENDICES

Appendix A BMP Activities and Documentation List
Appendix B BMPs by Permit Requirement
Appendix C Individual BMP Descriptions
Appendix D Example BMP Annual Report Forms
Appendix E Stormwater Permit Authorization for Town-Owned Facilities
Appendix F TPDES Small MS4 General Permit
Appendix G Summary Record of Program Updates
Appendix H Notice of Intent and General Permit Authorization
Appendix I Notice of Change (NOC) Documentation
Appendix J Year 1 Annual Report
Appendix K Year 2 Annual Report
Appendix L Year 3 Annual Report
Appendix M Year 4 Annual Report
Appendix N Year 5 Annual Report

1 STORMWATER MANAGEMENT EXECUTIVE SUMMARY

The Town of Trophy Club is subject to the requirements of the Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000, issued December 13, 2013, which sets the requirements and conditions for stormwater discharges from a small municipal separate storm sewer system (MS4) to surface water in the state. The Town previously developed and implemented a stormwater management program (SWMP) to comply with the original TPDES small MS4 general permit issued in August 2007 because it was located within the Dallas-Fort Worth-Arlington, Texas urbanized area, as defined by the 2000 U.S. Census. This document describes the Town's stormwater management program to protect water quality from stormwater runoff throughout the Town and serves as the Town's documentation of intended compliance with the current TPDES small MS4 general permit. Based on the 2010 U.S. Census, the Town has a population of 8,024. As a result, the Town is classified as a Level 1 small MS4 under the new TCEQ small MS4 general permit. Four levels of small MS4 are identified in the small MS4 general permit, with increasing responsibilities at each level.

This program documents 21 best management practices (BMPs) that the Town already has implemented or will implement over the next five years to meet the minimum requirements of the small MS4 general permit. The Town has identified these BMPs as being cost-effective approaches to protect water quality, recognizing the importance of protecting our natural and financial resources. A five-year implementation, maintenance, and documentation approach is contained within this SWMP.

1.1 Background

Stormwater affects the quality of water in urban lakes, rivers, neighborhood creeks, and storm drains. Pollutants (e.g., pesticides, oil, detergents, and bacteria) present on urban land and impermeable surfaces (e.g., streets and parking lots) can be transported by stormwater runoff into stormwater drainage systems. These drainage systems, both natural and man-made, convey the stormwater runoff away from urban areas and into nearby water bodies.

In order to protect water quality, it is necessary to identify the types and sources of pollution and implement plans to protect the Town's water resources. Historically, waters have been protected through state and federal regulation of "point-sources" or end-of-pipe sources of pollution. Over time, it has become more evident that overland runoff sources of pollution, such as urban stormwater runoff, can create serious problems in waterways and impact the community's quality of life.

1.2 Stormwater Regulations

Under the requirements of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) is required to protect the water quality for natural waters throughout the country. The EPA established the National Pollutant Discharge Elimination System (NPDES) program to identify sources of water pollution and work to reduce or eliminate the pollutants from waters of the U.S. The EPA has delegated responsibility for the NPDES program in Texas to the TCEQ, who administers the Texas Pollutant Discharge Elimination System (TPDES). In addition to issuing discharge permits to traditional "point sources," such as municipal wastewater treatment plants and industrial wastewater discharges, the TCEQ is also responsible for minimizing pollution from other sources, such as stormwater runoff from construction sites, industrial facilities, and some stormwater drainage systems. For construction sites and industrial facilities, the TCEQ issued requirements for minimizing stormwater pollution within general permits specific to those industries, which typically require development and implementation of site-specific stormwater pollution prevention plans.

1.2.1 Small Municipal Separate Storm Sewer System (MS4) General Permit

In most areas of the country, storm drainage systems are separate from sanitary sewer systems and are thereby classified as "separate storm sewer systems." Separate storm sewer systems include ditches, curbs, gutters, storm sewers, and similar means of collecting or conveying runoff that do not connect with a wastewater collection system or treatment facility before discharging into water bodies. A "municipal separate storm sewer system" (MS4) is a system owned or operated by a public agency like a city, flood control district, county, or state agency.

In 1999, the EPA issued NPDES regulations to protect stormwater quality in small MS4s (known as "Phase II" MS4s) within urbanized areas. The TCEQ, who was delegated the responsibility of implementing the stormwater quality regulations, finalized the initial small MS4 general permit (officially named Texas Pollutant Discharge Elimination System General Permit No. TXR040000) on August 13, 2007. This TPDES permit, commonly called the "small MS4 permit," originally had a five-year term but was extended administratively for more than a year while TCEQ negotiated with EPA over the renewed permit conditions. The renewed small MS4 general permit became effective on December 13, 2013 and has a five-year permit term. The Town of Trophy Club is one of several hundred cities, counties, and other public entities subject to TCEQ's small MS4 general permit.

1.2.2 Stormwater General Permit for Construction Activity

The TCEQ regulates stormwater discharges from most construction activity through TPDES General Permit No. TXR150000. For construction sites generally disturbing one acre or more, a stormwater pollution prevention plan (SWPPP) must be developed and site controls must be installed, such as silt fence, inlet protection, and a stabilized construction site entrance, to minimize the discharge of sediment and other pollutants from the construction site. When construction is complete and the site is re-vegetated or otherwise stabilized, the control measures may be removed.

Small MS4s do not have direct responsibility to inspect and enforce construction sites for compliance with the requirements of the TCEQ construction general permit, but requirements do exist for small MS4s to require proper erosion control measures to be installed and maintained on construction sites, including the implementation of an ordinance, and the 2013 small MS4 permit provides a specific allowance for regulated MS4s to reference the TCEQ construction general permit to demonstrate their own compliance with construction site related oversights requirements.

1.2.3 Stormwater Multi-Sector General Permit for Industrial Activity

The TCEQ regulates stormwater discharges from developed sites in certain industrial classifications through TPDES General Permit No. TXR050000. Sites operating in certain

identified industrial sectors are required to develop, implement and maintain a stormwater pollution prevention plan (SWPPP) for operations at the facility. These industrial sectors have been identified by EPA and TCEQ as high potential sources of significant stormwater pollutants, and as a result, the implementation of BMPs are required to protect water quality from stormwater runoff pollution. Types of BMPs for industrial facilities range from covered storage of materials to staff training. Ongoing stormwater monitoring of wet weather events is required to observe and test for stormwater pollution.

Cities that are small MS4s often have their own facilities subject to the industrial stormwater permit. Municipal landfills, wastewater treatment plants, and municipal airports are common city facilities that must comply with the industrial stormwater permit. Each of these facilities are required to be documented within the small MS4's SWMP. Level 4 MS4s (those with a 2010 U.S. Census population of 100,000 or greater) are also required to develop and implement a program to inspect and enforce stormwater quality runoff protection from industrial facilities that discharge to the MS4. This would be expected to include facilities subject to the industrial stormwater permit, although it also may include additional facilities determined by the MS4 to have high potential for stormwater pollution.

1.3 Permit Applicability and Coverage

The Town has updated this stormwater management program (SWMP) to comply with the requirements of the renewed small MS4 general permit. This permit applies to operators of publicly-owned storm sewer systems in urbanized areas in Texas and authorizes the Town to discharge stormwater runoff from their stormwater drainage system. The U.S. Census Bureau defines the urbanized areas based on a population density of 1,000 people per square mile and a total population of at least 50,000, irrespective of political boundaries. Urbanized areas represent densely developed areas and encompass residential, commercial, and other non-residential urban land uses. The Town is located within the Dallas-Fort Worth-Arlington U.S. Census Urbanized Area as shown in Figure 1.

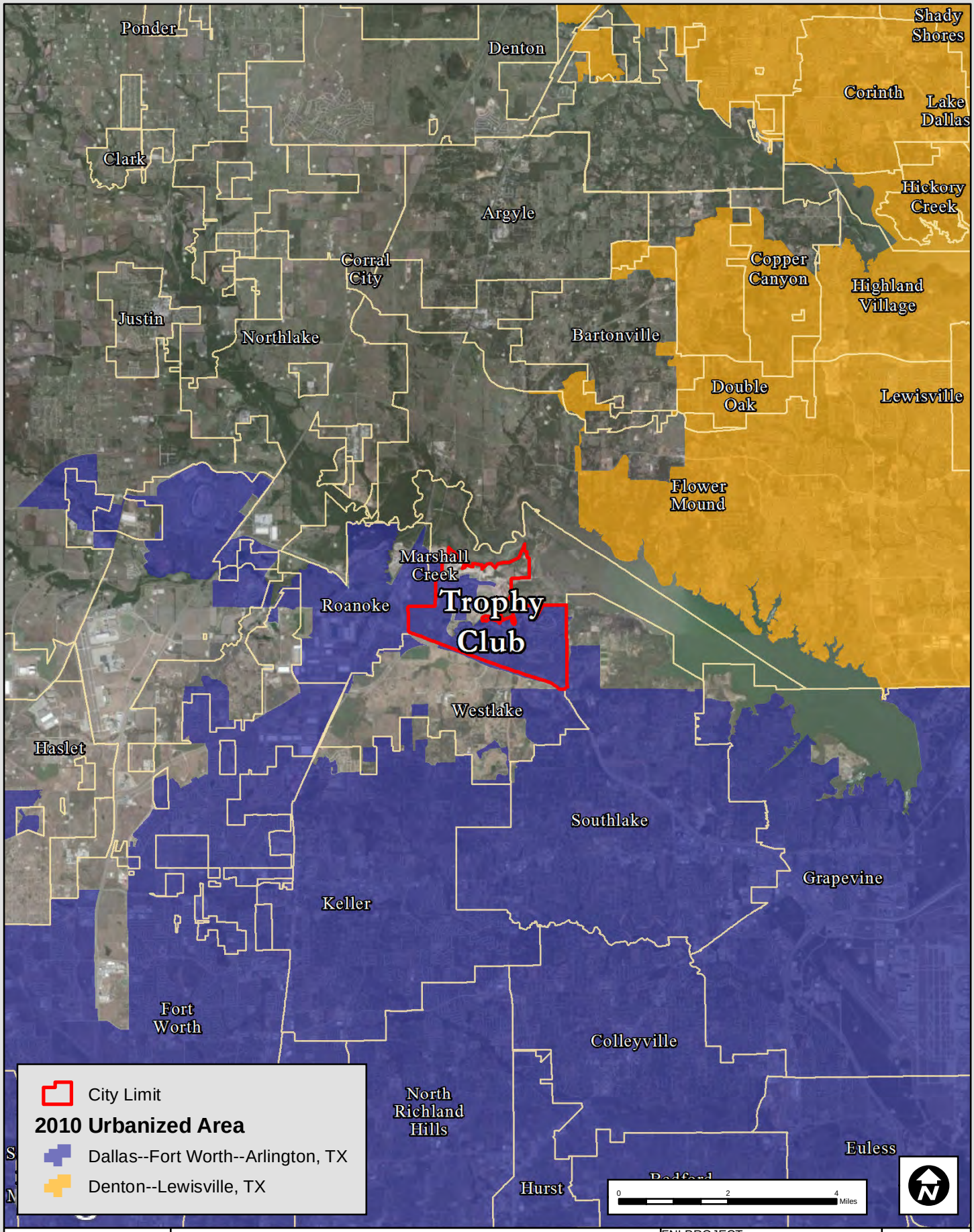
The SWMP encompasses the Town's MS4 area to the town limit boundaries. The SWMP includes best management practices (BMPs) that will be implemented by the Town to reduce stormwater

pollution to the maximum extent practicable (MEP), as regulations require. This document serves as the Town's SWMP.

1.4 The Town of Trophy Club

The Town of Trophy Club, Texas is located in southwestern Denton County with a portion of the Town in Tarrant County, in North Central Texas. It is located west of Grapevine Lake and north of Westlake and Keller as shown in Figure 1. The Town limits encompass 4 square miles, with a population density of 2,034 people per square mile. According to 2010 U.S. Census data, the population in the Town of Trophy Club was 8,024. In the ten-year period from 2000 to 2010, the Town experienced a 26.4% population growth.

Trophy Club is located within the Cross Timbers Ecoregion, specifically the Grand Prairie in the western portion and Eastern Cross Timbers in the eastern portion of the Town. Cross Timbers is characterized by sandstone, claystone, and limestone with tallgrass prairie vegetation. Eastern Cross Timbers is characterized by upper Cretaceous sandstone, called the Woodbine Sand, prairie, and woodlands. Both ecoregions are characterized by a humid, subtropical climate with hot summers and mild winters. The average maximum temperature in Trophy Club occurs in August (96.2 °F); the average minimum temperature occurs in January (35.5 °F) with an average annual temperature of 66.2 °F. Rainfall is the predominant type of precipitation. It is distributed throughout the year and reaches a slight peak in spring. Prevailing winds in the area are from the south.



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2010 Urbanized Area

Town of Trophy Club

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FIGURE 1

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2 WATER QUALITY

2.1 Overview of Water Quality Assessments in Texas

The TCEQ is charged through federal mandate with protecting the quality of waters within Texas. The TCEQ's approach to this mandate includes measuring water quality at locations across the state, determining if the quality in streams, lakes, and creeks is acceptable, and implementing plans to clean up water bodies that are impacted.

The Texas Surface Water Quality Standards are rules designed to establish goals for water quality throughout the state and provide a basis for regulatory programs to attain those goals. Water quality standards serve to signal a situation where water quality may be inadequate to meet the use or uses of a particular water body. Five general categories for water use, known as "designated uses", are defined in Texas:

- general
- aquatic life use
- recreation
- public water supply
- fish consumption

Major surface water bodies in the state have been classified with site-specific designated uses in Title 30, Chapter 307 of the Texas Administrative Code (TAC), but many smaller water bodies have not been classified and do not have site-specific designated uses. All unclassified surface water bodies without site-specific designated uses are protected by the "general criteria" defined in 30 TAC §307.4.

The TCEQ divided water bodies into "segments" to provide the basic unit for assigning site-specific standards and for applying water quality management programs. Segments can be further divided into "assessment units." All classified water bodies and some smaller unclassified water bodies have been assigned a unique segment identification code (TCEQ Segment ID). However, many water bodies in the state have not been assigned a TCEQ Segment ID.

Because it would be impractical to test every water body for all possible pollutants, assessments of water quality in Texas are performed by evaluating indicators of water quality. Indicators are an indirect measure of the health or quality of a particular part of the aquatic system. Some indicators, such as the health of fish communities, are tied to specific designated uses, while others, such as nutrients, are not. Some of the most common indicators used by TCEQ to determine the quality of water bodies include bacteria, dissolved oxygen, dissolved solids, metals, and organic substances.

If the indicator data published in the *Texas Integrated Report of Surface Water Quality* (Integrated Report) reveal that water quality is inadequate to meet the goals of the water body's designated use, the TCEQ identifies the water body as an impaired water in a section of the Integrated Report called the 303(d) list. The 303(d) list is required by the federal Clean Water Act and is submitted to EPA for approval. Water bodies added to the list are subject to a Total Maximum Daily Load (TMDL) assessment, which is an assessment of the root cause of poor water quality. An Implementation Plan (or "I-Plan") developed by local stakeholders to remediate pollution sources usually accompanies the TMDL.

Water bodies with impairments not suitable for inclusion on the 303(d) list are identified in a section of the Integrated Report called the Index of Water Quality Impairments. Additionally, water bodies with concerns for non-attainment or screening levels are identified within the Integrated Report and can be useful to evaluate potential sources of impairments.

2.2 Water Quality of Trophy Club

The small MS4 general permit requires that the classified segment(s) that first receive(s) the Town's stormwater discharges, either directly or indirectly, be identified. Stormwater discharges from the Town eventually reach the following classified segment:

- Grapevine Lake (Segment 0826)

The classified segment listed above, as well as unclassified water bodies that receive stormwater discharges before reaching the classified segment, are displayed within Figure 2 and summarized below in Table 1.

Grapevine Lake (Segment 0826)

Grapevine Lake is located east of the Town of Trophy Club, and the MS4 indirectly discharges into it by way of Denton Creek (Segment 0826A), Marshall Branch, Cypress Branch, Indian Creek, and unnamed tributaries. Grapevine Lake has designated uses of Aquatic Life, General, Fish Consumption, and Public Water Supply. The upper portion of Grapevine Lake (Assessment Unit 0826_07) is listed as impaired on the 2012 Texas 303(d) List for pH. A TMDL is not scheduled or underway for Grapevine Lake and additional data is needed before a management strategy is selected. Pollutants of concern for Grapevine Lake include nitrate.

Denton Creek (Segment 0826A) is located north of the Town of Trophy Club and outside Town limits and receives stormwater discharges indirectly from the MS4 permit. Denton Creek was assessed in the Integrated Report but is not an impaired stream and is not listed on the 303(d) List. Pollutants of concern for Denton Creek include nitrate. Denton Creek flows east into Grapevine Lake.

Marshall Branch is located within the Town of Trophy Club and receives stormwater discharges directly from the MS4. It is an unclassified perennial stream without a TCEQ Segment ID and was not assessed in the Integrated Report. Marshall Branch flows northeast into Grapevine Lake.

Cypress Branch is located within the Town of Trophy Club and receives stormwater discharges directly from the MS4. It is an unclassified perennial stream without a TCEQ Segment ID and was not assessed in the Integrated Report. Cypress Branch flows north into Grapevine Lake.

Indian Creek is located within the Town of Trophy Club and receives stormwater discharges directly from the MS4. It is an unclassified perennial stream without a TCEQ Segment ID and was not assessed in the Integrated Report. Indian Creek flows northeast into Grapevine Lake.

Table 1 Water Quality Summary for Receiving Waters

Classified Water Body Watershed	Receiving Water Body Name	Receives Stormwater Directly or Indirectly	303(d) List	TMDL or I-Plan	Listed Water Quality Concerns
Grapevine Lake (Segment 0826)	Grapevine Lake (Segment 0826)	Indirectly	Yes (pH)	None	Nitrate
	Denton Creek (Segment 0826A)	Indirectly	No	None	Nitrate
	Marshall Branch and Unnamed Tributaries	Directly	No	None	None
	Cypress Branch	Directly	No	None	None
	Indian Creek	Directly	No	None	None

Source: TCEQ 2012 Texas Integrated Report of Surface Water Quality

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Receiving Waters and Impairments

Town of Trophy Club

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FIGURE 2

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3 SMALL MS4 GENERAL PERMIT OVERVIEW

The Town is required to update this SWMP and describe specific actions that will be completed over a five-year period to reduce pollutants and protect the Town's stormwater quality. This SWMP also sets measurable goals and provides a schedule for the implementation of BMPs over the next five years. The small MS4 general permit defines MS4 operators into one of four categories, or "levels", based on the population served within the 2010 Urbanized Area (UA). The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area, such as by annexing land or de-annexing. However, the level of a small MS4 will not change during the permit term based on population fluctuation. The four levels are described below:

Level 1

Operators of traditional small MS4s that serve a population of less than 10,000 within a UA.

Level 2

Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non- traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

Level 3

Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within a UA.

Level 4

Operators of traditional small MS4s that serve a population of 100,000 or more within a UA.

3.1 Minimum Control Measure Summary

Various BMPs must be developed for the "minimum control measures" (MCMs) that are expected to minimize or eliminate stormwater pollutants discharged into the storm sewer

system and provide water quality protection for receiving water bodies. Five MCMs are required for all cities and a sixth MCM is required only for cities with a population over 100,000. An optional seventh MCM to address municipal construction activities through their SWMP is available for use by the Town but has not been selected for inclusion in this SWMP. Specific requirements according to small MS4 level have been developed by the TCEQ for each MCM, and the general descriptions of the MCMs are provided below. The specific requirements for each MCM are provided in Appendix B.

1) Public Education, Outreach, and Involvement – Develop a public education and outreach program about stormwater quality issues and involve the public with implementation of the program. In summary, this MCM requires the following:

    a) Levels 1 - 4

        i) Determine water quality issues within the MS4

        ii) Identify target audiences to educate about identified water quality issues

        iii) Select educational information

        iv) Make educational information available to target audiences and general public

        v) Develop opportunity for public input and participation

2) Illicit Discharge Detection and Elimination (IDDE) – Develop a program to detect, investigate, and eliminate illicit discharges. In summary, this MCM requires the following:

    a) Levels 1 - 4

        i) Map the storm system including all outfalls and surface waters

        ii) Educate and train field staff

        iii) Solicit public reporting of observed illicit discharges

iv) Trace the source of an illicit discharge

v) Remove the source of the illicit discharge

vi) Investigate the illicit discharge

b) Levels 2 - 4

i) Prevent and correct leaking on-site sewage disposal systems (septic systems)

c) Levels 3 - 4

i) Conduct follow-up investigations after an illicit discharge

d) Level 4 only

i) Identify priority areas

ii) Conduct field screening/ observations

3) Construction Site Stormwater Runoff Control – Develop a program to prevent illicit discharges from construction activities. In summary, this MCM requires the following:

a) Levels 1 - 4

i) Require construction operators to use erosion and sediment control BMPs

ii) Require construction operators to use appropriate soil stabilization

iii) Minimize wash water, exposure of construction materials to stormwater, and the discharge of pollutants from construction sites

iv) Review construction plans

v) Inspect and enforce construction sites

vi) Receive, respond, and track information from the public

vii) Train field staff and reviewers

b) Levels 3 - 4

i) Inventory all construction sites over an acre

4) Post Construction Stormwater Management in New Development and Redevelopment – Develop a program to control stormwater discharges from new development and redeveloped sites to reduce discharge of pollutants. In summary, this MCM requires the following:

a) Levels 1 - 4

i) Implement and enforce requirements for newly developed and redeveloped sites over an acre to control stormwater discharges

ii) Ensure long-term operation and maintenance of structural stormwater controls

iii) Maintain records of enforcement actions

b) Level 4 only

i) Inspect structural stormwater controls

5) Pollution Prevention and Good Housekeeping for Municipal Operations – Develop an operation and maintenance program to reduce the discharge of pollutants from the MS4 due to municipal operations. In summary, this MCM requires the following:

a) Levels 1 - 4

i) Inventory MS4 facilities and stormwater controls owned or operated by MS4

ii) Evaluate maintenance activities and municipal operations

iii) Identify materials used in municipal operations

iv) Develop, implement, and inspection pollution prevention measures

v) Maintain structural controls

vi) Train staff

vii) Oversee contractor activities

viii) Properly dispose of collected materials

b) Levels 3 - 4

i) Maintain storm sewer systems

ii) Identify and inspect problem areas

iii) Conduct street sweeping/cleaning

iv) Map MS4 facilities and stormwater controls owned and operated by the MS4

v) Assess MS4 facilities for potential to discharge pollutants

vi) Create standard operating procedures for MS4 facilities

vii) Implement stormwater controls for MS4 facilities

viii) Inspect facilities

c) Level 4 only

i) Develop pesticide, herbicide, and fertilizer application and management procedures

ii) Implement pollution prevention measures for public spaces owned and operated by MS4

6) Industrial Stormwater Sources (only for MS4s with a population over 100,000) – Develop a program to identify and control pollutants from industrial or commercial facilities. In summary, this MCM requires the following for only Level 4:

   a) Implement a pollution prevention program for industrial facilities that are contributing a substantial pollutant load to the MS4.

7) Authorization for Construction Activities where the Small MS4 is the Site Operator (Optional) – Develop program for construction activities as an alternative to TPDES Construction General Permit TXR150000 where the Town meets the definition of construction site operator. This optional MCM requires development of a detailed plan addressing how the Town's construction activities will meet construction stormwater permit requirements.

3.2 Impaired Waters and Total Maximum Daily Load Summary

In addition to the MCM requirements, the renewed permit describes required actions if a regulated MS4 discharges a pollutant of concern to an impaired water body. Not all regulated MS4s discharge into an impaired water body, and thus these requirements do not apply to all regulated entities. If a regulated MS4 discharges a pollutant of concern to an impaired water body with an established total maximum daily load (TMDL), the regulated MS4 must be consistent with the approved TMDL in order to be eligible for coverage by the small MS4 general permit. The TMDL process includes an intensive assessment of the root cause of poor water quality, a determination of the maximum pollutant loading allowable while still meeting water quality use standards, and development of a plan by local stakeholders to remediate pollution sources.

For MS4s discharging a known pollutant of concern into impaired water bodies, their SWMP must include information on the implementation of "targeted controls", which are activities, practices, or structural controls that focus on reducing the water quality impact of the specific pollutant. For each targeted control, a measurable goal, implementation schedule, and "benchmark" must be established. A benchmark is a quantifiable goal designed to assist in determining if the targeted controls are effective in addressing the pollutant. The exceedance of

a benchmark does not indicate a permit violation; it does, however, help in the evaluation of the progress towards reducing pollutant discharges.

Section 4.4 addresses the Town's specific actions to control the discharge of pollutants of concern to impaired waters and evaluate the progress of controlling those pollutants.

3.3 Program Development Summary

Existing Town programs and activities that protect the Town's stormwater quality were identified and are included in the SWMP as applicable. These programs and activities will be supplemented with several new BMPs to provide additional protection of stormwater quality as required by the small MS4 general permit.

An implementation schedule and measurable goals to track the implementation progress have been developed for each of the BMPs in this SWMP. Each BMP was selected based on the projected effectiveness in protecting stormwater quality and its ability to aid in compliance with permit conditions.

The implementation schedule and measurable goals were selected so new stormwater program activities will be steadily phased in over the permit term. The Town will review the implementation progress each year and modify the SWMP as necessary. Annual updates will be provided to the TCEQ.

The BMP Activities and Documentation List (Appendix A) is designed to summarize all activities within the SWMP. It identifies each BMP with activity descriptions, how it meets specific permit requirements, responsible Town departments, measurable goals, implementation schedules, and documentation needs over the five-year permit period. Appendix B lists the BMPs by permit requirement. The subsequent appendices provide reference material and help serve as a toolbox to keep the SWMP updated as required. Section 4 details the SWMP development process.

4 COMPLIANCE APPROACH

The Town of Trophy Club developed this SWMP to comply with TPDES requirements for stormwater discharges and certain non-stormwater discharges. The SWMP is intended to aid in the Town's efforts to reduce stormwater pollutants from the Town's storm sewer system to the maximum extent practicable (MEP) as required by the small MS4 general permit.

The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the Town's stormwater quality. The specific activities to be implemented are referred to as best management practices (BMPs). Various BMPs have been developed for each of the required minimum control measures (MCMs). The SWMP also sets measurable goals and provides a schedule for the implementation of the BMPs. Implementation of the selected BMPs is expected to result in a reduction of pollutants discharged into Town's streams, ponds, and lakes. The BMP Activities and Documentation List (Appendix A) has been developed to demonstrate compliance in one location with descriptions, measurable goals, implementation and maintenance schedules, and documentation needs for the BMPs the Town has implemented or will implement.

4.1 Best Management Practice Selection Process

The Town assessed existing program elements set forth in the previous permit, modified as necessary, and developed and implemented necessary new elements to continue reducing the discharge of pollutants from the MS4 to the MEP. As a result, BMPs described in the previous permit were kept, modified, or replaced, as necessary.

4.1.1 Assessment of Existing BMPs

The Town of Trophy Club has historically implemented various BMPs intended to protect stormwater quality. An important aspect of developing an effective, compliant, and cost efficient SWMP is to account for the existing programs that are efficiently benefitting water quality. Likewise, a successful SWMP involves modifying or eliminating inefficient or ineffective existing BMPs. As such, one of the initial steps of the assessment process, which included meetings with staff from Town departments, involved modifying or eliminating BMPs.

4.1.2 Identification of Additional BMPs

The second step identified additional BMPs that would meet requirements of the permit and protect water quality to the MEP. Additional BMPs were selected to supplement the Town's existing programs and to satisfy unmet requirements of the small MS4 general permit. The additional BMPs were evaluated based on their ability to meet at least one, and preferably several, of the MCM requirements.

The evaluation process involved researching a variety of sources of BMPs, such as regulatory agencies, industry associations, and private enterprises. Some of the additional BMPs were selected directly from standard BMP "toolboxes" available from the EPA or the North Central Texas Council of Governments (NCTCOG), while others were tailored to the specific needs of Trophy Club. Each BMP considered was evaluated based on the following criteria:

- Which of the minimum control measure requirements does the BMP meet?
- How does the BMP fit into the Town's existing goals, operations, and activities?
- What is the anticipated effectiveness of the BMP?
- What is the general cost range to implement the BMP?

Specific costs for the BMPs were not identified during the development of this SWMP; however, BMPs with significant investment requirements and relatively minor stormwater quality benefit were not selected. More detailed budget requirements will be evaluated, as needed, during the implementation of the BMP.

4.2 Selection Process for Measurable Goals and Implementation Schedule

Specific measurable goals have been developed for each BMP. In accordance with the permit requirements, measurable goals have been developed to evaluate the success of the Town's SWMP toward reaching the goal of protecting water quality and reducing pollutants to the maximum extent practicable (MEP). Goals were selected with a consideration toward achieving steady implementation, assessing the ability to measure and track progress, and working within budgetary constraints. In general, measurable goals for existing BMPs monitor the effectiveness of the BMP, whereas measurable goals for new BMPs monitor their implementation progress.

The TCEQ has authorized the steady implementation of new BMPs over a multi-year period. For new BMPs, the first year of the permit program is largely dedicated to identifying the approach to implement each activity. The second through fifth years focus on implementation, evaluating the effectiveness of existing BMPs, and tracking the implementation of new BMPs. For existing BMPs, the first year of the permit program is largely dedicated to continuing and evaluating the existing activities.

4.3 Measurable Goal Evaluation Process

The selected measurable goals for each BMP will be evaluated on an annual basis. Implementation of each BMP will be tracked as appropriate during each permit year in order to provide documentation of the BMP activities. Relative success at achieving the measurable goals, as well as an assessment of the effectiveness of each BMP, will also be evaluated on an annual basis.

Multiple Town departments will be responsible for implementing portions of the SWMP and for tracking and evaluating the Town's success in meeting the program's measurable goals. Each Town department with activities or responsibilities that may impact stormwater quality will provide the Town staff documentation showing progress towards meeting the annual measurable goals for each BMP to the person designated for SWMP coordination.

4.4 Targeted Controls for Impaired Water Bodies

As summarized in Section 2.2 and Table 1, there are indirect discharges of stormwater to Grapevine Lake (Segment 0826), which is an impaired water body for pH. However, no TMDL has been approved at this time, and the impaired water body is located outside the Town and receives discharges indirectly from the MS4. Therefore, the SWMP is not required to include a description of compliance related to Part II.D.4. of the permit (Impaired Water Bodies and TMDL Requirements) which requires identification of targeted controls, measurable goals, and benchmarks. If a new TMDL becomes approved for one of the watersheds that receive discharges from the MS4, the Town will need to first assess if the MS4 discharges are a source of the pollutant of concern. If it is a source of the pollutant of concern, the Town would need to

identify targeted controls, measurable goals, and benchmarks and then monitor the progress in achieving benchmarks.

4.5 Legal Authority and Regulatory Mechanism

The Town, in accordance with the general permit conditions of Part III, Section A.3, will review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or adopt a new ordinance(s) or other regulatory mechanism(s) that provide the Town with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit. The Town's legal authority will be reviewed to address the following:

a) Authority to prohibit illicit discharges and illicit connections;

b) Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;

c) Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;

d) Authority to require installation, implementation, and maintenance of control measures;

e) Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;

f) Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;

g) Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);

h) Authority to assess penalties, including monetary, civil, or criminal penalties; and

i) Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

4.6 Assessment of Allowable Non-Stormwater Discharges

In accordance with the requirements of the small MS4 general permit, the following non-stormwater discharges will be assessed in order to determine whether they are known to be significant contributors of pollutants to the Town's water bodies:

a) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

b) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

c) Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;

d) Diverted stream flows;

e) Rising ground waters and springs;

f) Uncontaminated ground water infiltration;

g) Uncontaminated pumped ground water;

h) Foundation and footing drains;

i) Air conditioning condensation;

j) Water from crawl space pumps;

k) Individual residential vehicle washing;

l) Flows from wetlands and riparian habitats;

m) Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;

n) Street wash water excluding street sweeper waste water;

o) Discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

p) Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);

q) Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;

r) Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and

s) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Non-stormwater discharges from the list above must be evaluated by the Town to determine if any known, significant, water quality impacts were created as a result of the discharges. Evaluation of allowable non-stormwater discharges will be conducted as part of the illicit discharge inspection BMP identified in Appendix A.

5 RECORDKEEPING AND REPORTING

5.1 Recordkeeping

The Town will maintain all records, a copy of the small MS4 general permit and all data used to complete the Notice of Intent (NOI) for this permit, for a period of at least three years, or for the term of this permit, whichever is longer. A current, up-to-date copy of the SWMP and a copy of the general permit requirements will be maintained at Town Hall.

The Town will make the compiled records, including the NOI and SWMP, available for public viewing at Town Hall. The SWMP will be available for viewing during normal office hours, and available supporting documents will be able to be viewed within ten working days following the request from the public. Other records will be provided within ten working days, unless the request requires an unusual amount of time or effort to assemble. In such a case, Texas law regarding the Public Information Act will be followed. Reasonable charges, in accordance with Texas law, may be levied by the Town for researching and preparing any requested materials.

5.2 Annual Report

The Town will submit an annual update report to the Executive Director of the TCEQ within 90 days of the end of each reporting year. The annual report will also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4. The reporting year can be based on one of three timeframes: the permit year, the Town's fiscal year, or the calendar year. The reporting year for year one is defined as one year from the effective date of the renewed small MS4 general permit (i.e., December 13, 2013 through December 12, 2014). The Town chooses to report years two through five based on the calendar year. The Town will maintain copies of the annual reports at the Public Works Building.

The annual report will summarize the City's actions to address the requirements listed in the small MS4 general permit. Generally, the update report will document the stormwater-related activities for the previous year, evaluate the success of each BMP and targeted controls relative to their measurable goals, and discuss plans for the upcoming year, including modifications to

the SWMP. Modifications may include replacement of BMPs, alteration of the implementation schedule, or other changes allowed by the permit.

5.3 Program Updates

This program may be updated by the Town at any time. When considering eliminating a BMP, the information in Appendix B is recommended to be reviewed to determine if the removal of the BMP will result in non-compliance for any of the minimum control measures. This would occur if the BMP is the only BMP that provides compliance for a specific permit provision. In such a case, the BMP would need to be replaced with a new BMP that continues to meet the relevant permit requirement.

According to the small MS4 general permit, "adding components, controls, or requirements to the SWMP, or replacing a BMP with an equivalent BMP" and "nonsubstantive changes" like clarifications, personal changes, and corrections of typographical errors, only require notification of TCEQ within the annual report. Other changes require submittal of a notice of change (NOC), which is located in Appendix I, and TCEQ approval.

Specific requirements for SWMP changes and documentation of program updates involving changes in BMPs, measurable goals, or the implementation schedule are located within the small MS4 general permit located within Appendix E.

5.4 Reference Material

Several sources of information are available for use in the maintenance and update of the SWMP. Each of these resources are recommended for additional information about alternative BMP options.

The U.S. EPA has developed an electronic stormwater management BMP Toolbox specifically for use by Small MS4 regulated entities. It contains a list of BMPs for each minimum control measure. It can be accessed at http://cfpub.epa.gov/npdes/stormwater/munic.cfm.

The Center for Watershed Protection offers a good resource for publications and on-line documentation regarding stormwater quality at http://www.cwp.org/.

The North Central Texas Council of Governments (NCTCOG) has developed a database of BMPs, which is available to NCTCOG member cities and can be found at www.dfwstormwater.com.

6 STORMWATER PERMITS FOR TOWN-OWNED FACILITIES

TCEQ requires certain types of industrial facilities to apply for coverage under TPDES Multi-Sector General Permit No. TXR050000. Site-specific stormwater pollution prevention plans (SWP3) are required to be developed, implemented, and maintained for facilities that conduct activities with the potential to contaminate stormwater. Discharges eligible for authorization under TXR050000 are listed under Part II. A of the Multi-Sector General Permit. Examples of facilities subject to these permit requirements include automobile salvage yards, chemical production plants, paper and pulp mills, and many other industrial facilities.

Municipalities often operate several types of facilities that are subject to the industrial stormwater permitting requirements. Landfills, wastewater treatment plants, vehicle maintenance facilities, municipal airports, compost facilities, and print shops are examples of regulated industrial facilities commonly operated by municipalities.

The Town is required to document in this program each Town-owned or operated facility that is required to have a TPDES multi-sector general permit for stormwater runoff. The Town currently has no facilities regulated by TXR050000 for industrial stormwater discharges. If the Town does own or operate such a facility in the future, a copy of each facility's permit authorization will be located in Appendix E of this document for reference.

7 DEFINITIONS

Following are definitions to key words or phrases that are used throughout this SWMP. The definitions are taken directly from the renewed TPDES General Permit No. TXR040000.

Arid Areas - Areas with an average annual rainfall of less than ten (10) inches.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Catch basins - Storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

Classified Segment - A water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.

Clean Water Act (CWA) - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Common Plan of Development or Sale - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Construction Activity - Soil disturbance, including clearing, grading, and excavating; and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads,

asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Small Construction Activity is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.

Large Construction Activity is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

Construction Site Operator - The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:

t) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or

u) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure - Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Discharge – When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

Edwards Aquifer - As defined in 30 TAC §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ or the TCEQ website.

Final Stabilization - A construction site where any of the following conditions are met:

a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures,

or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

b) For individual lots in a residential construction site by either:

(1) The homebuilder completing final stabilization as specified in condition (a) above; or

(2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

(2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

General Permit - A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) §26.040.

Groundwater Infiltration - For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

High Priority Facilities - High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Hyperchlorinated Water – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

Illicit Connection - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge - Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire-fighting activities.

Impaired Water - A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Indian Country - Defined in 18 USC § 1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) All

dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Indicator Pollutant - An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

Industrial Activity - Any of the ten (10) categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

Maximum Extent Practicable (MEP) - The technology-based discharge standard for municipal separate storm sewer systems (MS4s) to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

MS4 Operator - For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian

tribal organization, or a designated and approved management agency under the CWA §208 that discharges to surface water in the state;

b) That is designed or used for collecting or conveying stormwater;

c) That is not a combined sewer; and

d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

Non-traditional Small MS4 - A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons and universities.

Notice of Change (NOC) - A written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent.

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) - A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

Outfall - A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-or-way barriers with drainage slots that drain into open

culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Permittee - The MS4 operator authorized under this general permit.

Point Source - (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant(s) of Concern – For the purpose of this permit, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Redevelopment - Alterations of a property that changed the ”footprint” of a site or building in such a way that there is a disturbance of equal to or greater than one (1) acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

Semiarid Areas - Areas with an average annual rainfall of at least ten (10) inches, but less than 20 inches.

Small Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes,

including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;

b) Designed or used for collecting or conveying stormwater;

c) Which is not a combined sewer;

d) Which is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2; and

e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to a small MS4 that is also operated by that public entity.

Stormwater and Stormwater Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity - Stormwater runoff from an area where there is either a large construction or a small construction activity.

Stormwater Management Program (SWMP) - A comprehensive program to manage the quality of discharges from the municipal separate storm sewer system.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Total Maximum Daily Load (TMDL) - The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Traditional Small MS4 - A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

Urbanized Area (UA) - An area of high population density that may include multiple small MS4s as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial census.

Waters of the United States - (According to 40 CFR § 122.2) Waters of the United States or waters of the U.S. means:

a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

b) All interstate waters, including interstate wetlands;

c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

   (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

   (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

   (3) Which are used or could be used for industrial purposes by industries in interstate commerce;

d) All impoundments of waters otherwise defined as waters of the United States under this definition;

e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

f) The territorial sea; and

g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as

disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

Appendix A

BMP Activities and Documentation List

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 1	Distribute Educational Material	III.B.1. Public Education, Outreach, and Involvement (a) Public Education and Outreach (b) Public Involvement **See Appendix B page 1 for detailed requirements**	**Measurable Goal** Develop approach to evaluate current stormwater quality educational materials and distribute to public employees, businesses, and the general public. **Documentation** • The implementation approach • Educational materials distributed, as applicable	**Measurable Goal** Evaluate current stormwater quality educational material. **Documentation** • Goals and objectives of the program • Target audiences • Educational materials distributed, as applicable • Methods and procedures for distribution of materials • Public input, as applicable • Updates to program	**Measurable Goal** Distribute stormwater quality educational information to public employees, businesses, and the general public a minimum of once per year. **Documentation** • Target audiences • Educational materials distributed, as applicable • Methods and procedures for distribution of materials • Public input, as applicable • Updates to program	**Measurable Goal** Continue to distribute stormwater quality educational information to public employees, businesses, and the general public a minimum of once per year. **Documentation** • Target audiences • Educational materials distributed, as applicable • Methods and procedures for distribution of materials • Public input, as applicable • Updates to program	**Measurable Goal** Continue to distribute stormwater quality educational information to public employees, businesses, and the general public a minimum of once per year. **Documentation** • Target audiences • Educational materials distributed, as applicable • Methods and procedures for distribution of materials • Public input, as applicable • Updates to program
BMP 2	Web Site	III.B.1. Public Education, Outreach, and Involvement (a) Public Education and Outreach (b) Public Involvement **See Appendix B page 1 for detailed requirements**	**Measurable Goal** Develop approach to evaluate the existing stormwater website and confirm the content and links are current and applicable. **Documentation** • The implementation approach	**Measurable Goal** Evaluate existing stormwater websites and confirm content and links are current and applicable. Research and identify additional content for the stormwater webpage, as needed. **Documentation** • Goals and objectives of the program • Target audiences • Public input, as applicable • Updates to website	**Measurable Goal** Revise, update, and maintain the stormwater website, as needed. Solicit input and feedback from the public for stormwater quality issues and opportunities in the City. **Documentation** • Target audiences • Public input, as applicable • Updates to website	**Measurable Goal** Continue to revise, update, and maintain the stormwater website, as needed. Continue to solicit input and feedback from the public for stormwater quality issues and opportunities in the City. **Documentation** • Target audiences • Public input, as applicable • Updates to website	**Measurable Goal** Continue to revise, update, and maintain the stormwater website, as needed. Continue to solicit input and feedback from the public for stormwater quality issues and opportunities in the City. **Documentation** • Target audiences • Public input, as applicable • Updates to website

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 3	Stormwater Reporting Line	III.B.1. Public Education, Outreach, and Involvement (b) Public Involvement III.B.2. Illicit Discharge and Elimination (c)(3) Public Reporting III.B.3. Construction Site Stormwater Runoff Control (b)(6) Information Submitted by Public **See Appendix B pages 1, 3, and 7 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate the current stormwater reporting line program and procedures and educate the public about the stormwater reporting line. **Documentation** • The implementation approach	**Measurable Goal** Evaluate the current stormwater reporting line program and procedures, and revise/update the procedures as needed. The procedures should include details addressing documentation, dispatching to appropriate personnel, and an annual review of the program. **Documentation** • Copy of written procedures for receipt and consideration of information submitted by the public	**Measurable Goal** Educate the public about the existence of the stormwater reporting line through various educational outlets like distributed material and stormwater website. Document each call and dispatch to appropriate department for proper response. Conduct a review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect stormwater quality, and update the written procedures accordingly. **Documentation** • Total number of stormwater related calls received by subject • Methods of publicizing and facilitating public reporting • Copy of written procedures for receipt and consideration of information submitted by the public	**Measurable Goal** Continue to educate the public about the existence of the stormwater reporting line through various educational outlets like distributed material and stormwater website. Continue documenting each call and dispatching to appropriate department for proper response. Conduct a review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect stormwater quality, and update the written procedures accordingly. **Documentation** • Total number of stormwater related calls received by subject • Methods of publicizing and facilitating public reporting • Copy of written procedures for receipt and consideration of information submitted by the public	**Measurable Goal** Continue to educate the public about the existence of the stormwater reporting line through various educational outlets like distributed material and stormwater website. Continue documenting each call and dispatching to appropriate department for proper response. Conduct a review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect stormwater quality, and update the written procedures accordingly. **Documentation** • Total number of stormwater related calls received by subject • Methods of publicizing and facilitating public reporting • Copy of written procedures for receipt and consideration of information submitted by the public

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 4	Waste Cleanup	III.B.1. Public Education, Outreach, and Involvement (b) Public Involvement **See Appendix B page 1 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate opportunities and public receptiveness for additional waste cleanup activities. **Documentation** • The implementation approach • Number of cleanup events offered by the City, as applicable • Approximate amount of collected materials, as applicable	**Measurable Goal** Continue offering waste cleanup activities (e.g., bulk waste cleanup, household hazardous waste collection, park cleanup). Evaluate opportunities and public receptiveness for additional waste cleanup activities. **Documentation** • Number of cleanup events offered by the City • Approximate amount of collected materials	**Measurable Goal** Continue offering waste cleanup activities (e.g., bulk waste cleanup, household hazardous waste collection, park cleanup). Evaluate opportunities and public receptiveness for additional waste cleanup activities. **Documentation** • Number of cleanup events offered by the City • Approximate amount of collected materials	**Measurable Goal** Continue offering waste cleanup activities (e.g., bulk waste cleanup, household hazardous waste collection, park cleanup). Evaluate opportunities and public receptiveness for additional waste cleanup activities. **Documentation** • Number of cleanup events offered by the City • Approximate amount of collected materials	**Measurable Goal** Continue offering waste cleanup activities (e.g., bulk waste cleanup, household hazardous waste collection, park cleanup). Evaluate opportunities and public receptiveness for additional waste cleanup activities. **Documentation** • Number of cleanup events offered by the City • Approximate amount of collected materials
BMP 5	Illicit Discharge Prohibition/ Elimination Ordinance	III.B.2. Illicit Discharge and Elimination (a)(1) Program Development (c)(5)c Corrective Action **See Appendix B pages 2 and 3 for detailed requirements**	**Measurable Goal** Continue enforcement of the illicit discharge ordinance. Develop an approach to review existing ordinances to determine need for additional ordinance requirements to provide permittee with adequate legal authority to control pollutant discharges. **Documentation** • The implementation approach • Instances of enforcement and action taken to eliminate the illicit discharge	**Measurable Goal** Continue enforcement of the illicit discharge ordinance. Review existing ordinances to determine need for additional ordinance requirements to provide permittee with adequate legal authority to control pollutant discharges. If necessary, begin drafting revised/new illicit discharge prohibition ordinance. Consider soliciting input from the public for the draft ordinance. **Documentation** • Instances of enforcement and action taken to eliminate the illicit discharge • Results of the review by stating if a revised/new illicit discharge ordinance is necessary • Method for developing a revised/new illicit discharge ordinance, if necessary	**Measurable Goal** Continue enforcement of the illicit discharge ordinance. If necessary, begin finalizing revised/new illicit discharge prohibition ordinance. Consider soliciting input from the public for the draft ordinance. Conduct education activities, as needed, to inform the public about new ordinance requirements. **Documentation** • Instances of enforcement and action taken to eliminate the illicit discharge • Method for developing a revised/new illicit discharge ordinance, if necessary • Method for educating the public about new ordinance requirements, if necessary	**Measurable Goal** Continue enforcement of the illicit discharge ordinance. Issue final illicit discharge prohibition ordinance, if necessary. Conduct education activities, as needed, to inform the public about new ordinance requirements. **Documentation** • Instances of enforcement and action taken to eliminate the illicit discharge • Date the final ordinance was issued, if necessary • Method for educating the public about new ordinance requirements, if necessary	**Measurable Goal** Continue enforcement of the illicit discharge ordinance. Conduct education activities, as needed, to inform the public about new ordinance requirements. **Documentation** • Instances of enforcement and action taken to eliminate the illicit discharge • Method for educating the public about new ordinance requirements, if necessary

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 6	Storm Sewer System Map	III.B.2. Illicit Discharge and Elimination (c)(1) MS4 mapping **See Appendix B page 2 for detailed requirements**	**Measurable Goal** Develop an approach to review existing map of the stormwater outfall drainage system to determine if an update is needed. **Documentation** • The implementation approach	**Measurable Goal** Develop written procedures to identify regulated stormwater outfalls and drainage system features and update the storm sewer system map. **Documentation** • Written procedures	**Measurable Goal** Begin identification of regulated stormwater outfalls in the City and the names and locations of all waters of the U.S. receiving discharges from the MS4. **Documentation** • Written procedures • Location of outfalls that discharge into waters of the U.S. • Location and name of surface waters receiving discharges	**Measurable Goal** Complete identification of stormwater outfalls in the City and the names and locations of any waters of the U.S. receiving discharges from the MS4. Begin updating a map of the stormwater outfall drainage system of the City, and document the source of information used to develop map. **Documentation** • Written procedures • Source of information used to develop map • Location of outfalls that discharge into waters of the U.S. • Location and name of surface waters receiving discharges	**Measurable Goal** Complete the update of the map of the stormwater outfall drainage system of the City, and document the source of information used to develop map. **Documentation** • Written procedures • Source of information used to develop map • Location of outfalls that discharge into waters of the U.S. • Location and name of surface waters receiving discharges
BMP 7	IDDE Training	III.B.2. Illicit Discharge Detection and Elimination (c)(2) Education and Training **See Appendix B page 2 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate the activities requiring personnel training related to IDDE (Storm Sewer System Mapping, IDDE inspections, IDDE response and investigations, Spill Response, Stormwater Reporting Line, etc.). **Documentation** • The implementation approach	**Measurable Goal** Evaluate the activities requiring personnel training related to IDDE (Storm Sewer System Mapping, IDDE inspections, IDDE response and investigations, Spill Response, Stormwater Reporting Line, etc.). **Documentation** • Summary of the evaluation • A list of personnel needing IDDE training	**Measurable Goal** Develop written procedures for IDDE training. The procedures will include a summary of the action, the responsible personnel, and the type and frequency of training. **Documentation** • Written procedures	**Measurable Goal** Begin IDDE training according to written procedures. **Documentation** • Training program materials • Attendance lists • Date(s) of training • Trainer source	**Measurable Goal** Continue IDDE training according to written procedures. **Documentation** • Training program materials • Attendance lists • Date(s) of training • Trainer source

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 8	IDDE Response, Investigation, and Inspections	III.B.2. Illicit Discharge Detection and Elimination (c)(4) Procedures (c)(5) Source Investigation and Elimination (c)(6) Inspections **See Appendix B page 3 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate procedures for responding to illicit discharges, investigating illicit discharges, enforcing the corrective action of the responsible party, reporting to TCEQ if a threat to human health or the environment is detected, and performing scheduled inspections. **Documentation** • The implementation approach	**Measurable Goal** Evaluate procedures for responding to illicit discharges, investigating illicit discharges, enforcing the corrective action of the responsible party, reporting to TCEQ if a threat to human health or the environment is detected, and performing scheduled inspections. Determine if additional staff or programs are necessary. **Documentation** • Summary of the evaluation • Additional staff or program needs, as applicable	**Measurable Goal** Develop written procedures for responding to illicit discharges, field investigations to identify the source of the discharge, elimination of the discharge, enforcing the corrective action of the responsible party, reporting to TCEQ if a threat to human health or the environment is detected , and performing scheduled inspections. Prioritize the investigation of discharges based on relative risk of pollution. Develop a standard report template to be completed after each investigation/inspection that documents the date(s) the illicit discharge was observed, the methods used to eliminate the discharge, and the date the incident was resolved. **Documentation** • Written procedures • Investigation/inspection report template	**Measurable Goal** Begin implementation of illicit discharge response, investigation, and inspection activities. Prioritize the investigation of discharges based on relative risk of pollution. **Documentation** • Investigation/inspection reports with the date observed, elimination method, and date resolved	**Measurable Goal** Continue illicit discharge response and investigation activities including documenting the events on the investigation form. Prioritize the investigation of discharges based on relative risk of pollution. **Documentation** • Investigation/inspection reports with the date observed, elimination method, and date resolved

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 9	Spill Response	III.B.2. Illicit Discharge Detection and Elimination (c)(4) Procedures (c)(5) Source Investigation and Elimination **See Appendix B page 3 for detailed requirements**	**Measurable Goal** Continue implementation of spill response procedures and training through the Fire Department. Develop an approach to evaluate existing spill response procedures and training. **Documentation** • The implementation approach	**Measurable Goal** Continue implementation of spill response procedures and training through the Fire Department. Evaluate existing spill response procedures and training, and modify as necessary to protect water quality. **Documentation** • Date of spill response events completed by the Fire Department • Type of spill • Method of cleaning spill • Date of resolution	**Measurable Goal** Continue implementation of spill response procedures and training through the Fire Department. Evaluate existing spill response procedures and training, and modify as necessary to protect water quality. **Documentation** • Date of spill response events completed by the Fire Department • Type of spill • Method of cleaning spill • Date of resolution	**Measurable Goal** Continue implementation of spill response procedures and training through the Fire Department. Evaluate existing spill response procedures and training, and modify as necessary to protect water quality. **Documentation** • Date of spill response events completed by the Fire Department • Type of spill • Method of cleaning spill • Date of resolution	**Measurable Goal** Continue implementation of spill response procedures and training through the Fire Department. Evaluate existing spill response procedures and training, and modify as necessary to protect water quality. **Documentation** • Date of spill response events completed by the Fire Department • Type of spill • Method of cleaning spill • Date of resolution

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 10	Erosion Control Ordinance and Requirements for Construction Site Contractors	III.B.3. Construction Site Stormwater Runoff Control (a)(1) Ordinance (b)(2) Contractor Requirements (b)(3) Prohibited Discharges **See Appendix B pages 5 and 6 for detailed requirements**	**Measurable Goal** Continue enforcement of erosion control ordinance. Develop an approach to review existing ordinances to identify adequacy of erosion control, soil stabilization, and prohibited discharges. **Documentation** • The implementation approach • Instances of enforcement and action taken for erosion control	**Measurable Goal** Continue enforcement of erosion control ordinance. Review existing ordinances to identify need for additional ordinance requirements for erosion control, soil stabilization, and prohibited discharges. If necessary, begin drafting revised/new erosion control ordinance for public review and comment. Solicit input from the public for the draft ordinance. Develop procedures for construction site operators including erosion and sediment controls, soil stabilization, and BMPs. Develop methods for monitoring prohibited discharges. **Documentation** • Results of review by stating if a revised/new ordinance is necessary • Procedures for construction site operators • Methods for monitoring prohibited discharges • Instances of enforcement and action taken for erosion control • Public comments, if applicable	**Measurable Goal** Continue enforcement of erosion control ordinance. If necessary, begin finalizing revised/new ordinance for public review and comment. Solicit input from the public for the draft ordinance. Conduct educational activities, as needed, to inform the public about the new ordinance requirements. Monitor erosion and sediment controls, soil stabilization, and BMPs through established procedures. Monitor prohibited discharges through established procedures. **Documentation** • Method for educating the public about new ordinance requirements, if necessary • Instances of enforcement and action taken for erosion control • Actions taken to eliminate prohibited discharges through established procedures • Evaluation of erosion and sediment controls, soil stabilization, and BMPs through established procedures • Public comments, if applicable	**Measurable Goal** Continue enforcement of erosion control ordinance. Issue final ordinance erosion control ordinance, if necessary. Conduct educational activities, as needed, to inform the public about the new ordinance requirements. Monitor erosion and sediment controls, soil stabilization, and BMPs through established procedures. Monitor prohibited discharges through established procedures. **Documentation** • Method for educating the public about new ordinance requirements, if necessary • Instances of enforcement and action taken for erosion control • Date the final ordinance was issued, if necessary • Evaluation of erosion and sediment controls, soil stabilization, and BMPs through established procedures • Actions taken to eliminate prohibited discharges through established procedures	**Measurable Goal** Continue enforcement of erosion control ordinance. Conduct educational activities, as needed, to inform the public about the new ordinance requirement Monitor erosion and sediment controls, soil stabilization, and BMPs through established procedures. Monitor prohibited discharges through established procedures. **Documentation** • Method for educating the public about new ordinance requirements, if necessary. • Instances of enforcement and action taken for erosion control • Evaluation of erosion and sediment controls, soil stabilization, and BMPs through established procedures • Actions taken to eliminate prohibited discharges through established procedures

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 11	Erosion Control Plan Review	III.B.3. Construction Site Stormwater Runoff Control (b)(4) Construction Plan Review Procedures **See Appendix B page 7 for detailed requirements**	**Measurable Goal** Develop an approach to maintain and implement construction site plan review procedures that consider potential water quality impacts and site specific erosion and sediment control measures. **Documentation** • The implementation approach	**Measurable Goal** Evaluate existing construction site plan review procedures, including documentation procedures, to determine if modifications are necessary to consider potential water quality impacts and site specific erosion and sediment control measures. **Documentation** • Results of the evaluation	**Measurable Goal** Modify the construction site plan review procedures, as needed, to consider potential water quality impacts and site specific erosion and sediment control measures. **Documentation** • Written procedures	**Measurable Goal** Implement revisions to the construction site plan review procedures, as necessary, and begin documenting the reviews. **Documentation** • Number of construction site plans reviewed Number of construction site plans requiring revisions for water quality impacts and site specific control measures	**Measurable Goal** Continue construction site plan review procedures. **Documentation** • Number of construction site plans reviewed • Number of construction site plans requiring revisions for water quality impacts and site specific control measures
BMP 12	Construction Site Inspection and Enforcement	III.B.3. Construction Site Stormwater Runoff Control (b)(5) Construction Site Inspections **See Appendix B page 7 for detailed requirements**	**Measurable Goal** Develop an approach to implement and maintain procedures for inspecting large and small construction projects during the active construction phase, including enforcement procedures. **Documentation** • The implementation approach	**Measurable Goal** Evaluate existing construction site inspection and enforcement procedures and determine if the inspection procedures adequately address TPDES permit coverage, effectiveness of control measures, compliance with local ordinances and regulations, and necessary follow-up inspection and enforcement actions. **Documentation** • Results of the evaluation	**Measurable Goal** Update construction site inspection and enforcement procedures, as needed, to adequately address TPDES permit coverage, effectiveness of control measures, compliance with local ordinances and regulations, and necessary follow-up inspection and enforcement actions. **Documentation** • Written procedures	**Measurable Goal** Begin implementing construction site inspection and enforcement procedures, including documentation of the inspections and enforcement activities. **Documentation** • Written procedures • Inspections • Instances of enforcement • Reason(s) for non-compliance • Follow-up inspections	**Measurable Goal** Continue implementing construction site inspection and enforcement procedures, including documentation of the inspections and enforcement activities. **Documentation** • Written procedures • Inspections • Instances of enforcement • Reason(s) for non-compliance • Follow-up inspections

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 13	Engineering and Construction Staff Training	III.B.3. Construction Site Stormwater Runoff Control (b)(7) MS4 Staff Training **See Appendix B page 7 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate training procedures for staff with duties related to construction permitting, plan reviews, inspections, or enforcement activities. **Documentation** • The implementation approach	**Measurable Goal** Evaluate the existing procedures for training staff with duties related to construction permitting, plan reviews, inspections, or enforcement activities. **Documentation** • Results of the evaluation • Updates needed to have training specific for construction site stormwater runoff in the SWMP	**Measurable Goal** Develop training procedures, including procedures to track and document training, for staff with duties related to construction permitting, plan reviews, inspections, or enforcement activities. **Documentation** • Training procedures	**Measurable Goal** Begin providing appropriate training to staff with duties related to the construction stormwater program prior to them conducting unassisted permitting, plan reviews, inspections, or enforcement activities. **Documentation** • Training methods • Training program materials, if applicable • Attendance lists • Date(s) of training • Trainer source	**Measurable Goal** Provide appropriate training to staff with duties related to the construction stormwater program prior to them conducting unassisted permitting, plan reviews, inspections, or enforcement activities. **Documentation** • Training methods • Training program materials, if applicable • Attendance lists • Date(s) of training • Trainer source

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 14	Post-Construction Stormwater Ordinance	III.B.4. Post-Construction Stormwater Management in New Development and Redevelopment (a)(2) Ordinance (b)(2) Enforcement **See Appendix B page 9 for detailed requirements**	**Measurable Goal** Continue enforcement of the post-construction stormwater ordinance. Develop an approach to review the existing ordinance and guidance documents. **Documentation** • The implementation approach • Instances of enforcement	**Measurable Goal** Continue enforcement of the post-construction stormwater ordinance. Review the existing ordinance and guidance documents to identify if revisions are necessary to effectively control stormwater discharges from new development and redeveloped sites and to require long-term maintenance. If necessary, begin drafting updated language for the ordinance for public review and comment. Solicit input from the public for the draft ordinance. **Documentation** • Instances of enforcement • Results of the review by stating if a revised/new ordinance is necessary • Draft ordinance language, if necessary • Method for developing a revised/new ordinance, if necessary	**Measurable Goal** Continue enforcement of the post-construction stormwater ordinance. If necessary, begin finalizing updated ordinance for public review and comment. Solicit input from the public for the draft ordinance. Conduct education activities, as needed, to inform the public about new ordinance requirements. **Documentation** • Instances of enforcement • Method for developing a revised/new ordinance, if necessary • Method for educating the public about new ordinance requirements, if necessary	**Measurable Goal** Continue enforcement of the post-construction stormwater ordinance. Issue final post-construction stormwater ordinance, if necessary. Conduct education activities, as needed, to inform the public about new ordinance requirements. **Documentation** • Instances of enforcement • Date the final ordinance was issued, if necessary • Method for educating the public about new ordinance requirements, if necessary .	**Measurable Goal** Continue enforcement of the post-construction stormwater ordinance. Conduct education activities, as needed, to inform the public about new ordinance requirements. **Documentation** • Instances of enforcement • Method for educating the public about new ordinance requirements, if necessary
BMP 15	Development Review	III.B.4. Post-Construction Stormwater Management in New Development and Redevelopment (b)(2) Enforcement **See Appendix B page 9 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate the existing design review process for planned construction projects one acre or more in size to protect stormwater quality. **Documentation** • The implementation approach	**Measurable Goal** Evaluate the existing design review process for planned construction projects one acre or more in size to protect stormwater quality. **Documentation** • Results of the evaluation	**Measurable Goal** If needed, begin revising the design review process for all planned construction projects at least one acre in size. **Documentation** • Draft of the design review process	**Measurable Goal** If needed, finalize the design review process for all planned construction projects at least one acre in size. **Documentation** • Final design review process	**Measurable Goal** Implement the design review process. **Documentation** • Number of sites reviewed

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 16	Structural Control Maintenance	III.B.4. Post-Construction Stormwater Management in New Development and Redevelopment (b)(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures **See Appendix B pages 9 and 12 for detailed requirements**	**Measurable Goal** Develop an approach to implement maintenance procedures for structural controls at a frequency that maintains effectiveness. **Documentation** • The implementation approach	**Measurable Goal** Develop procedures to implement maintenance activities for structural controls at a frequency that maintains their effectiveness. If the owners or operators of privately owned structural controls are required to maintain their structural controls, include procedures for filing maintenance plans in the real property records of the county and documentation of operation and maintenance activities. If applicable, develop procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans. **Documentation** • Structural control maintenance procedures • Education procedures, if applicable	**Measurable Goal** Begin implementation of maintenance activities according to the developed procedures. If applicable, begin procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans. **Documentation** • Structural control maintenance activities • Education activities, if applicable	**Measurable Goal** Continue implementation of maintenance activities according to the developed procedures. If applicable, continue procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans. **Documentation** • Structural control maintenance activities • Education activities, if applicable	**Measurable Goal** Continue implementation of maintenance activities according to the developed procedures. If applicable, continue procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans. **Documentation** • Structural control maintenance activities • Education activities, if applicable
BMP 17	Inventory of Facilities and Stormwater Controls	III.B.5. Pollution Prevention and Good Housekeeping for Municipal Operations (b)(1) Permittee-owned Facilities and Control Inventory **See Appendix B page 11 for detailed requirements**	**Measurable Goal** Develop an approach to identify all City-owned and operated facilities and stormwater controls. **Documentation** • The implementation approach	**Measurable Goal** Evaluate the activities and personnel necessary to identify all City-owned and operated facilities and stormwater controls. **Documentation** • Results of the evaluation	**Measurable Goal** Develop written procedures to identify and inventory City-owned and operated facilities and stormwater controls, including periodic updates to the inventory. Include documentation procedures to keep track of what has been inventoried. **Documentation** • Written procedures	**Measurable Goal** Begin developing a printable inventory of City-owned and operated facilities and stormwater controls according to the written procedures. **Documentation** • Printable inventory • Areas that need to be inventoried	**Measurable Goal** Continue developing a printable inventory of City-owned and operated facilities and stormwater controls according to the written procedures. **Documentation** • Printable inventory • Areas that need to be inventoried

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 18	Employee Training	III.B.5. Pollution Prevention and Good Housekeeping for Municipal Operations (b)(2) Training and Education **See Appendix B page 11 for detailed requirements**	**Measurable Goal** Develop an approach to evaluate the existing employee training methods. **Documentation** • The implementation approach	**Measurable Goal** Evaluate the existing employee training methods. **Documentation** • Results of the evaluation	**Measurable Goal** Identify municipal operations in which activities have the potential to impact stormwater. Identify effort and method necessary to properly train affected City employees in implementing pollution prevention and good housekeeping practices. **Documentation** • Identified employees or departments to receive training • Identified training methods	**Measurable Goal** Begin conducting BMP training for the municipal employees responsible for activities that may impact stormwater quality. **Documentation** • Training methods • Training program materials • Attendance lists • Date(s) of training • Trainer source	**Measurable Goal** Conduct BMP training for the municipal employees responsible for activities that may impact stormwater quality. **Documentation** • Training method • Training program materials • Attendance lists • Date(s) of training • Trainer source
BMP 19	Disposal of Collected Waste	III.B.5. Pollution Prevention and Good Housekeeping for Municipal Operations (b)(3) Disposal of Waste Material **See Appendix B page 12 for detailed requirements**	**Measurable Goal** Develop an approach to implement proper disposal of waste removed from the MS4. **Documentation** • The implementation approach	**Measurable Goal** Begin identifying sources of waste requiring disposal as part of stormwater management program activities. **Documentation** • Identified sources of waste requiring proper disposal and temporary storage	**Measurable Goal** Continue identifying sources of waste requiring disposal as part of stormwater management program activities. **Documentation** • Identified sources of waste requiring proper disposal and temporary storage	**Measurable Goal** Develop written procedures to properly dispose of collected waste materials according to water quality protection goals, including proper temporary storage of waste. **Documentation** • Written procedures	**Measurable Goal** Properly dispose of waste materials according to the developed procedures. **Documentation** • Written procedures • Locations of waste disposal and temporary storage of waste

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BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 20	Contractor Oversight Procedures	III.B.5. Pollution Prevention and Good Housekeeping for Municipal Operations (b)(4) Contractor Requirements and Oversight **See Appendix B page 12 for detailed requirements**	**Measurable Goal** Develop an approach to oversee contractors hired by the City to perform maintenance activities on city-owned facilities and to contractually require the contractors to comply with the stormwater management program. **Documentation** • The implementation approach	**Measurable Goal** Evaluate the actions necessary to develop procedures to oversee contractors hired by the City to perform maintenance activities on city-owned facilities and to contractually require the contractors to comply with the stormwater management program. **Documentation** • Results of the evaluation	**Measurable Goal** Develop written procedures to contractually require contractors to comply with the City's stormwater management program best management practices. Include procedures for the City to provide oversight of contractor activities and a means to document the oversight. **Documentation** • Written procedures	**Measurable Goal** Begin implementation of written procedures to contractually require contractors to comply with the City's stormwater management program best management practices and to provide oversight of contractor activities. **Documentation** • Written procedures • Actions taken to oversee contractor activities • Copy of a contract with requirements for the contractor to comply with stormwater management program best management activities	**Measurable Goal** Continue implementation of written procedures to contractually require contractors to comply with the City's stormwater management program best management practices and to provide oversight of contractor activities. **Documentation** • Written procedures • Actions taken to oversee contractor activities • Copy of a contract with requirements for the contractor to comply with stormwater management program best management activities

Stormwater Management Program BMP Activities and Documentation List

BMP ID	Best Management Practices	Applicable Minimum Control Measure(s)*	Permit Year 1 Implementation Schedule	Permit Year 2 Implementation Schedule	Permit Year 3 Implementation Schedule	Permit Year 4 Implementation Schedule	Permit Year 5 Implementation Schedule
BMP 21	Municipal Operations and Maintenance Activity	III.B.5. Pollution Prevention and Good Housekeeping for Municipal Operations (b)(5) Municipal Operation and Maintenance Activities **See Appendix B page 12 for detailed requirements**	**Measurable Goal** Develop an approach to implement pollution prevention measures identified through municipal operation and maintenance activity assessments. **Documentation** • The implementation approach	**Measurable Goal** Evaluate municipal operation and maintenance activities for their potential to discharge pollutants into stormwater, and identify pollutants of concern used by the City. Begin developing written procedures to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended. **Documentation** • Results of the evaluation • List of municipal operations that that may have the potential to discharge pollutants into stormwater • List of identified pollutants of concern	**Measurable Goal** Continue developing written procedures, as needed, to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended. **Documentation** • Written procedures for all municipal operation and maintenance activities that may have the potential to discharge pollutants into stormwater	**Measurable Goal** Continue developing written procedures, as needed, to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended. Begin implementation of scheduled assessments and inspections of municipal operation and maintenance activities. Begin incorporation of pollution prevention measures, as recommended in the assessments and inspections. **Documentation** • Written procedures • Date and location of assessments and inspections completed • Observations and recommendations made during assessments and inspections • Newly incorporated pollution prevention measures	**Measurable Goal** Continue developing written procedures, as needed, to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended. Continue implementation of scheduled assessments and inspections of municipal operation and maintenance activities. Continue incorporation of pollution prevention measures, as recommended in the assessments and inspections. **Documentation** • Written procedures • Date and location of assessments and inspections completed • Observations and recommendations made during assessments and inspections • Newly incorporated pollution prevention measures

Appendix B

BMPs by Permit Requirement

Stormwater Management Program BMPs By Permit Requirement

1. Public Education, Outreach, and Involvement (Part III.B.1.)	BMP Name
(a) Public Education and Outreach (1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater. Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. The program must, at a minimum: a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer); b. Identify the target audience(s); c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites; d. Determine cost effective and practical methods and procedures for distribution of materials. (2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually. (3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures discussed in Sections 3 and 4 of this SWMP. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ. (4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.	1. Distribute Educational Material 2. Web Site 3. Stormwater Reporting Line 4. Waste Cleanup
(b) Public Involvement All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM. Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. At a minimum, all permittees shall: (1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program; (2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities; (3) Ensure the public can easily find information about the SWMP.	3. Stormwater Reporting Line 4. Waste Cleanup

Stormwater Management Program BMPs By Permit Requirement

2. Illicit Discharge Detection and Elimination (IDDE) (Part III.B.2.)	BMP Name
(a) Program Development (1) All permittees shall develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system. Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Section 3.3 of this SWMP. The Illicit Discharge Detection and Elimination (IDDE) program must include the following: a. An up-to-date MS4 map (see below); b. Methods for informing and training MS4 field staff (see below); c. Procedures for tracing the source of an illicit discharge (see Appendix B page 3); d. Procedures for removing the source of the illicit discharge (see Appendix B page 3); e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4; f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (see Appendix B page 4); g. For Level 4 small MS4s, field screening to detect illicit discharges (see Appendix B page 4). (2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection. (3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified on page 4 of Appendix B. (4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures discussed in Sections 3 and 4 of this SWMP. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ. (b) Allowable Non-Stormwater Discharges Non-stormwater flows listed in Section 4.6 of this SWMP do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.	3. Stormwater Reporting Line 5. Illicit Discharge Prohibition/ Elimination Ordinance 6. Storm Sewer System Map 7. IDDE Training 8. IDDE Response, Investigation, and Inspections 9. Spill Response
(c) Requirements for all Permittees All permittees shall include the requirements described below on pages 2-3 of Appendix B. (1) MS4 mapping All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information: a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S; b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; c. Priority areas identified as discussed on page 4 of Appendix B, if applicable.	6. Storm Sewer System Map
(2) Education and Training All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.	7. IDDE Training

Stormwater Management Program BMPs By Permit Requirement

2. Illicit Discharge Detection and Elimination (IDDE) (Part III.B.2.)	BMP Name
(3) Public Reporting of Illicit Discharges and Spills To the extent feasible, all permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.	3. Stormwater Reporting Line
(4) All permittees shall develop and maintain on site procedures for responding to illicit discharges and spills. (5) Source Investigation and Elimination a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable. (i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge. (ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment. (iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed. b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division.	8. IDDE Response, Investigation, and Inspections 9. Spill Response
c. Corrective Action to Eliminate Illicit Discharge (i) If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.	5. Illicit Discharge Prohibition/ Elimination Ordinance 8. IDDE Response, Investigation, and Inspections
(6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.	8. IDDE Response, Investigation, and Inspections
(d) Additional Requirements for Level 3 and 4 small MS4s In addition to the requirements described on pages 2-3 of Appendix B, permittees who operate level 3 and 4 small MS4s shall meet the following requirements: (1) Source Investigation and Elimination Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with page 4 of Appendix B, to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Section 4.5 of this SWMP, and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action as described in Section 4.5 of this SWMP. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described Section 4.6 of this SWMP, no further action is required.	8. IDDE Response, Investigation, and Inspections

Stormwater Management Program BMPs By Permit Requirement

2. Illicit Discharge Detection and Elimination (IDDE) (Part III.B.2.)	BMP Name
(e) Additional Requirements for Level 4 small MS4s In addition to the requirements described on pages 2-3 of Appendix B, permittees who operate level 4 small MS4s shall meet the following requirements: (1) Identification of Priority Areas Permittees who operate level 4 small MS4s shall identify priority areas and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.	N/A for Level 1
(2) Dry Weather Field Screening By the end of the permit term, permittees who operate level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) as needed, field screening. If dry weather field screening is necessary, at a minimum, the permittee shall: a. Conduct dry weather field screening in priority areas as identified by the permittee. By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened. b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures should include the basis used to determine which outfalls would be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits or stains. c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants as determined by the permittee. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

3. Construction Site Stormwater Runoff Control (Part III.B.3.)	BMP Name
(a) Requirements and Control Measures (1) All permittees shall develop, implement and enforce a program requiring operators of small and large construction activities, as defined in Section 7 of this SWMP, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control. Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. If TCEQ waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s).	3. Stormwater Reporting Line 10. Erosion Control Ordinance and Requirements for Construction Site Contractors 11. Erosion Control Plan Review 12. Construction Site Inspection and Enforcement 13. Engineering and Construction Staff Training

Stormwater Management Program BMPs By Permit Requirement

3. Construction Site Stormwater Runoff Control (Part III.B.3.)	BMP Name
(b) Requirements for all Permittees All permittees shall include the requirements described below on pages 6-7 of Appendix B. (1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ. (2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4. a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought- stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to: (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters; (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and (iii) Minimize the discharge of pollutants from spills and leaks. d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable. (3) Prohibited Discharges - The following discharges are prohibited: a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control; b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials; c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and, d. Soaps or solvents used in vehicle and equipment washing; e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.	10. Erosion Control Ordinance and Requirements for Construction Site Contractors

Stormwater Management Program BMPs By Permit Requirement

3. Construction Site Stormwater Runoff Control (Part III.B.3.)	BMP Name
(4) Construction Plan Review Procedures To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements: a. The site plan review procedures must incorporate consideration of potential water quality impacts. b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described on page 5 of Appendix B or in the TPDES CGP, TXR150000. The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.	11. Erosion Control Plan Review
(5) Construction Site Inspections and Enforcement To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at minimum conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area. a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site. b. Inspections must occur during the active construction phase. (i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ. (ii) Inspections of construction sites must, at a minimum: 1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage. 2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements. 3. Assess compliance with the permittee's ordinances and other regulations. 4. Provide a written or electronic inspection report. c. Based on site inspection findings, all permittees shall take all necessary follow- up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ. For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Section 4.5 of this SWMP.	12. Construction Site Inspection and Enforcement
(6) Information submitted by the Public All permittees shall develop, implement and maintain procedures for receipt and consideration of information submitted by the public.	3. Stormwater Reporting Line
(7) MS4 Staff Training All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.	13. Engineering and Construction Staff Training

Stormwater Management Program BMPs By Permit Requirement

3. Construction Site Stormwater Runoff Control (Part III.B.3.)	BMP Name
(c) Additional Requirements for Level 3 and 4 small MS4s In addition to the requirements described on pages 6-7 of Appendix B, permittees who operate level 3 and 4 small MS4s shall meet the following requirements: (1) Construction Site Inventory Permittees who operate level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

4. Post-Construction Stormwater Management in New Development and Redevelopment (Part III.B.4.)	**BMP Name**
(a) Post-Construction Stormwater Management Program (1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement. Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of the permit term.	14. Post-Construction Stormwater Ordinance 15. Development Review 16. Structural Control Maintenance
(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term. (b) Requirements for all Permittees All permittees shall include the requirements described below (1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ. (2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.	14. Post-Construction Stormwater Ordinance 15. Development Review
(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches: a. Maintenance performed by the permittee. See pages 11-13 of Appendix B. b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.	16. Structural Control Maintenance

Stormwater Management Program BMPs By Permit Requirement

4. Post-Construction Stormwater Management in New Development and Redevelopment (Part III.B.4.)	**BMP Name**
(c) Additional Requirements for Level 4 small MS4s In addition to the requirements described on page 9 of Appendix B, permittees who operate level 4 small MS4s shall meet the following requirements: (1) Inspections - Permittees who operate level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area. a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

5. Pollution Prevention and Good Housekeeping for Municipal Operations (Part III.B.5.)	BMP Name
(a) Program development (1) All permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations. Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See Section 3.3 of this SWMP.	16. Structural Control Maintenance 17. Inventory of Facilities and Stormwater Controls 18. Employee Training 19. Disposal of Collected Waste 20. Contractor Oversight Procedures 21. Municipal Operations and Maintenance Activity
(b) Requirements for all Permittees All permitees shall include the requirements described below on pages 11-12 of Appendix B: (1) Permittee-owned Facilities and Control Inventory All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. If feasible, the inventory may include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable: a. Composting facilities; b. Equipment storage and maintenance facilities; c. Fuel storage facilities; d. Hazardous waste disposal facilities; e. Hazardous waste handling and transfer facilities; f. Incinerators; g. Landfills; h. Materials storage yards; i. Pesticide storage facilities; j. Buildings, including schools, libraries, police stations, fire stations, and office buildings; k. Parking lots; l. Golf courses; m. Swimming pools; n. Public works yards; o. Recycling facilities; p. Salt storage facilities; q. Solid waste handling and transfer facilities; r. Street repair and maintenance sites; s. Vehicle storage and maintenance yards; and t. Structural stormwater controls.	17. Inventory of Facilities and Stormwater Controls
(2) Training and Education All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.	18. Employee Training
(3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.	19. Disposal of Collected Waste

Stormwater Management Program BMPs By Permit Requirement

5. Pollution Prevention and Good Housekeeping for Municipal Operations (Part III.B.5.)	BMP Name
(4) Contractor Requirements and Oversight a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility- specific stormwater management operating procedures described on pages 11-12 of Appendix B. b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.	20. Contractor Oversight Procedures
(5) Municipal Operation and Maintenance Activities a. Assessment of permittee-owned operations All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to: (i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving; (ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting; (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation. b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash). c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples: (i) Replacing materials and chemicals with more environmentally benign materials or methods; (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and (iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters. d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.	21. Municipal Operations and Maintenance Activity
(6) Structural Control Maintenance If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.	16. Structural Control Maintenance
(c) Additional Requirements for Level 3 and 4 small MS4s: In addition to the requirements described on pages 11-12 of Appendix B, permittees who operate level 3 or 4 small MS4s shall meet the following requirements: (1) Storm Sewer System Operation and Maintenance a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures. b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

5. Pollution Prevention and Good Housekeeping for Municipal Operations (Part III.B.5.)	BMP Name
(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants. a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program. b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.	N/A for Level 1
c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

5. Pollution Prevention and Good Housekeeping for Municipal Operations (Part III.B.5.)	BMP Name
(3) Mapping of Facilities Permittees who operate level 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located. (4) Facility Assessment Permittees who operate level 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee: a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified as required on page 12 of Appendix B once per permit term for their potential to discharge pollutants into stormwater. b. Identification of high priority facilities - Based on the assessment, the permittee shall identify as high priority those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater. c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken. (5) Development of Facility Specific SOPs Permittees who operate level 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information: a. For each high priority facility identified as described above, the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility. b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

5. Pollution Prevention and Good Housekeeping for Municipal Operations (Part III.B.5.)	BMP Name
(6) Stormwater Controls for High Priority Facilities Permittees who operate level 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities as identified according to page 14 of Appendix B. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP: a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible. b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit. c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities. d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit. (7) Inspections Permittees who operate level 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

5. Pollution Prevention and Good Housekeeping for Municipal Operations (Part III.B.5.)	BMP Name
(d) Additional Requirements for Level 4 small MS4s: In addition to all the requirements described on pages 11-16 of Appendix B, permittees who operate level 4 small MS4s shall meet the following requirements: (1) Pesticide, Herbicide, and Fertilizer Application and Management a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris. b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee: (i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors. (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include: (a) Use of native plants or xeriscaping; (b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling; (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety. c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation. d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.	N/A for Level 1

6. Industrial Stormwater Sources (Part III.B.6.)	BMP Name
(a) Permittees operating a level 4 small MS4 shall include the requirements described below. This requirement is only applicable to level 4 MS4s. (1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.	N/A for Level 1

Stormwater Management Program BMPs By Permit Requirement

7. Authorization for Construction Activities where the Small MS4 is the Site Operator (Part III.B.7.)	**BMP Name**
The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non- stormwater from construction activities where the MS4 operator meets the definition of a construction site operator (see Section 7 of this SWMP). When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and pages 5-8 of Appendix B. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit. This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, a NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit. Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit. This MCM is only available for projects where the small MS4 is a construction site operator or owner, and the MCM does not provide any authorization for other construction site operators at a municipal project. Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state. (a) The MCM must include: (1) A description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations; (2) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary); (3) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges; (4) A general description of how a SWP3 will be developed for each construction site, according to Part VI (requirements applicable only if the 7th Optional MCM is selected) of this general permit, "Authorization for Municipal Construction Activities"; and (5) Records of municipal construction activities authorized under this optimal MCM, in accordance with Part VI (requirements applicable only if the 7th Optional MCM is selected) of this general permit.	Optional

Appendix C

Individual BMP Descriptions

BMP 1 Distribute Educational Material

Description

Provide educational material to the public such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites.

Recordkeeping

Permit Year 1

- Develop approach to evaluate current stormwater quality educational materials and distribute to public employees, businesses, and the general public.
- Document the implementation approach.
- Educational materials distributed, as applicable

Permit Year 2

- Evaluate the current stormwater quality educational material.
- Document the goals and objectives of the program and target audiences.
- Document educational materials distributed, as applicable.
- Document methods and procedures for distribution of materials.
- Document public input, as applicable.
- Document updates to program.

Permit Year 3

- Distribute stormwater quality educational information to public employees, businesses, and the general public a minimum of once per year.
- Document the target audiences.
- Document educational materials distributed.
- Document methods and procedures for distribution of materials.
- Document public input, as applicable.
- Document updates to program.

Permit Year 4-5

- Continue to distribute stormwater quality educational information to public employees, businesses, and the general public a minimum of once per year.
- Document the target audiences.
- Document educational materials distributed.
- Document methods and procedures for distribution of materials.
- Document public input, as applicable.
- Document updates to program.

Stormwater Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 2 Website

Description

Develop stormwater-related content for the website. The website will include stormwater education information. The website will provide specific information regarding the Phase II MS4 permit, educational and participatory opportunities, and links to other local, state, and national stormwater-related websites.

Recordkeeping

Permit Year 1

- Develop approach to evaluate the existing stormwater website and confirm the content and links are current and applicable.
- Document the implementation approach.

Permit Year 2

- Evaluate existing stormwater website and confirm content and links are current and applicable.
- Research and identify additional content for the stormwater webpage as needed.
- Document the goals and objectives of the program and target audiences.
- Document public input, as applicable.
- Document updates to website.

Permit Year 3

- Revise, update, and maintain stormwater related material on the website as needed.
- Solicit input and feedback from the public for stormwater quality issues and opportunities in the City.
- Document the target audiences.
- Document public input, as applicable.
- Document updates to website.

Permit Year 4-5

- Continue to revise, update, and maintain stormwater related material on the website as needed.
- Continue to solicit input and feedback from the public for stormwater quality issues and opportunities in the City.
- Document the target audiences.
- Document public input, as applicable.
- Document updates to website.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 3 Stormwater Reporting Line

Description

Develop and advertise a stormwater reporting line to solicit information related to illicit discharges and illegal dumping, complaints, and general comments regarding the stormwater management program.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate the current stormwater reporting line program and procedures and educate the public about the stormwater reporting line.
- Document the implementation approach.

Permit Year 2

- Evaluate the current stormwater reporting line program and procedures, and revise/update the procedures as needed. The procedures should include details addressing documentation, dispatching to appropriate personnel, and an annual review of the program.
- Retain a copy of written procedures for receipt and consideration of information submitted by the public

Permit Year 3

- Educate the public about the existence of the stormwater reporting line through various educational outlets like distributed material and stormwater website.
- Document each call and dispatch to appropriate department for proper response.
- Conduct a review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect stormwater quality, and update the written procedures accordingly.
- Document the total number of stormwater related calls received by the subject.
- Document the methods of publicizing and facilitating public reporting.
- Retain a copy of written procedures for receipt and consideration of information submitted by the public.

Permit Year 4-5

- Continue to educate the public about the existence of the stormwater reporting line through various educational outlets like distributed material and stormwater website.
- Continue documenting each call and dispatch to appropriate department for proper response.
- Conduct a review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect stormwater quality, and update the written procedures accordingly.
- Document the total number of stormwater related calls received by the subject.
- Document the methods of publicizing and facilitating public reporting.
  Retain a copy of written procedures for receipt and consideration of information submitted by the public.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 4 Waste Cleanup

Description

Continue existing volunteer waste cleanup activities to reduce floatables and other debris that pollute the stormwater system and receiving waters.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate opportunities and public receptiveness for additional waste cleanup activities.
- Document the implementation approach.
- Document the number of cleanup events offered by the City, as applicable.
- Document the approximate amount of collected materials, as applicable.

Permit Year 2-5

- Continue offering waste cleanup activities (e.g., bulk waste cleanup, household hazardous waste collection, park cleanup).
- Evaluate opportunities and public receptiveness for additional waste cleanup activities.
- Document the number of cleanup events offered by the City, as applicable.
- Document the approximate amount of collected materials, as applicable.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 5 Illicit Discharge Prohibition/Elimination Ordinance

Description

Illicit Discharge Prohibition/Elimination Ordinance is an ordinance that prohibits and requires elimination of non-stormwater discharges, including illegal dumping, that significantly contribute pollutants to the municipal storm sewer system.

Recordkeeping

Permit Year 1

- Continue enforcement of the existing illicit discharge ordinance.
- Develop an approach to review existing ordinances to determine need for additional ordinance requirements to provide permittee with adequate legal authority to control pollutant discharges.
- Document the implementation approach.
- Document the instances of enforcement and action taken to eliminate the illicit discharge.

Permit Year 2

- Continue enforcement of the illicit discharge ordinance.
- Review existing ordinances to determine need for additional ordinance requirements to provide permittee with adequate legal authority to control pollutant discharges.
- If necessary, begin drafting revised/new illicit discharge prohibition ordinance for public review and comment. Consider soliciting input from the public for the draft ordinance.
- Document the instances of enforcement and action taken to eliminate the illicit discharge.
- Document the results of the review by stating if a revised/new illicit discharge ordinance is necessary.
- Document the method for developing a revised/new illicit discharge ordinance, if necessary.

Permit Year 3

- Continue enforcement of the illicit discharge ordinance.
- If necessary, begin finalizing revised/new illicit discharge prohibition ordinance for public review and comment. Consider soliciting input from the public for the draft ordinance.
- Conduct education activities, as needed, to inform the public about new ordinance requirements.
- Document the instances of enforcement and action taken to eliminate the illicit discharge.
- Document the method for developing a revised/new illicit discharge ordinance, if necessary
- Document the method for educating the public about new ordinance requirements, if necessary.

Permit Year 4

- Continue enforcement of the illicit discharge ordinance.
- Issue final illicit discharge prohibition ordinance, if necessary.
- Conduct education activities, as needed, to inform the public about new ordinance requirements.
- Document the instances of enforcement and action taken to eliminate the illicit discharge.

- Document the date the final ordinance was issued, if necessary.
- Document the method for educating the public about new ordinance requirements, if necessary

Permit Year 5

- Continue enforcement of the illicit discharge ordinance.
- Conduct education activities, as needed, to inform the public about new ordinance requirements.
- Document the instances of enforcement and action taken to eliminate the illicit discharge. Document the method for educating the public about new ordinance requirements, if necessary.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 6 Storm Sewer System Map

Description

Develop a storm sewer map in accordance with TCEQ requirements. Update the storm sewer system map as needed to record new pipes or systems created by new development.

Recordkeeping

Permit Year 1

- Develop an approach to review existing map of the stormwater outfall drainage system to determine if an update is needed.
- Document the implementation approach.

Permit Year 2

- Develop written procedures to identify regulated stormwater outfalls and drainage system features and update the storm sewer system map.
- Document the written procedures.

Permit Year 3

- Begin identification of regulated stormwater outfalls in the City and the names and locations of all waters of the U.S. receiving discharges from the MS4.
- Document the written procedures.
- Document the location of outfalls that discharge into waters of the U.S.
- Document the location and names of surface waters receiving discharges.

Permit Year 4

- Complete identification of stormwater outfalls in the City and the names and locations of any waters of the U.S. receiving discharges from the MS4.
- Begin updating a map of the stormwater outfall drainage system of the City.
- Document the written procedures.
- Document the source of information used to develop and update the map.
- Document the location of outfalls that discharge into waters of the U.S.
- Document the location and names of surface waters receiving discharges.

Permit Year 5

- Complete the update of the map of the storm water outfall drainage system of the City.
- Document the written procedures.
- Document the source of information used to develop the map.
- Document the location of outfalls that discharge into waters of the U.S.
- Document the location and names of surface waters receiving discharges.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 7 IDDE Training

Description

Implement a method for informing or training all the field staff that may come into contact with, or otherwise observe an illicit discharge or illicit connection to, the small MS4 as part of their normal job responsibilities.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate the activities requiring personnel training related to IDDE (Storm Sewer System Mapping, IDDE inspections, IDDE response and investigations, Spill Response, Stormwater Reporting Line, etc.).
- Document the implementation approach.

Permit Year 2

- Evaluate the activities requiring personnel training related to IDDE (Storm Sewer System Mapping, IDDE inspections, IDDE response and investigations, Spill Response, Stormwater Reporting Line, etc.).
- Document the summary of the evaluation
- Document a list of personnel needing IDDE training..

Permit Year 3

- Develop written procedures for IDDE training. The procedures will include a summary of the action, the responsible personnel, and the type and frequency of training.
- Document the written procedures.

Permit Year 4

- Begin IDDE training according to written procedures.
- Document the training program materials.
- Document the attendance lists.
- Document the date(s) of training.
- Document the trainer and trainer source.

Permit Year 5

- Continue IDDE training according to written procedures.
- Document the training program materials.
- Document the attendance lists.
- Document the date(s) of training.
- Document the trainer and trainer source.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 8 Illicit Discharge Response, Investigation, and Inspections

Description

Develop and maintain on site procedures for responding to illicit discharges and spills. Conduct investigations to identify and locate the source illicit discharges and follow up procedures. Place additional efforts to reduce waste sources of bacteria. Conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate procedures for responding to illicit discharges, investigating illicit discharges, enforcing the corrective action of the responsible party, reporting to TCEQ if a threat to human health or the environment is detected, and performing scheduled inspections.
- Document the implementation approach.

Permit Year 2

- Evaluate procedures for responding to illicit discharges, investigating illicit discharges, enforcing the corrective action of the responsible party, reporting to TCEQ if a threat to human health or the environment is detected, and performing scheduled inspections.
- Determine if additional staff or programs are necessary.
- Document the summary of the evaluation.
- Document additional staff or program needs, as applicable.

Permit Year 3

- Develop written procedures for responding to illicit discharges, field investigations to identify the source of the discharge, elimination of the discharge, enforcing the corrective action of the responsible party, reporting to TCEQ if a threat to human health or the environment is detected , and performing scheduled inspections.
- Prioritize the investigation of discharges based on relative risk of pollution.
- Develop a standard report template to be completed after each investigation/inspection that documents the date(s) the illicit discharge was observed, the methods used to eliminate the discharge, and the date the incident was resolved.
- Document the written procedures.
- Document the investigation/inspections report template.

Permit Year 4

- Begin implementation of illicit discharge response, investigation, and inspection activities.
- Prioritize the investigation of discharges based on relative risk of pollution.
- Document the investigation/inspection reports with the date observed, elimination method, and date resolved.

Permit Year 5

- Continue illicit discharge response and investigation activities including documenting the events on the investigation form.
- Prioritize the investigation of discharges based on relative risk of pollution.
- Document the investigation/inspection reports with the date observed, elimination method, and date resolved.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 9 Spill Response

Description

Respond to spills of chemicals or other materials in public areas in a manner that remains protective of water quality to the extent safely possible.

Recordkeeping

Permit Year 1

- Continue implementation of spill response procedures and training through the Fire Department.
- Develop an approach to evaluate existing spill response procedures and training.
- Document the implementation approach.

Permit Year 2-5

- Continue implementation of spill response procedures and training through the Fire Department.
- Evaluate existing spill response procedures and training, and modify as necessary to protect water quality.
- Document the date of spill response events completed by the Fire Department.
- Document the type of spill.
- Document the method of cleaning spill.
- Document the date of resolution.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 10 Erosion Control Ordinance and Requirements for Construction Site Contractors

Description

Develop and implement an ordinance that prevents illicit discharges from small and large construction activities. The construction program must ensure at a minimum erosion and sediment controls, soil stabilization, and BMPs to minimize discharge of pollution into the small SM4. Develop procedures to monitor prohibited discharges.

Recordkeeping

Permit Year 1

- Continue enforcement of erosion control ordinance.
- Develop an approach to review existing ordinances to identify adequacy of erosion control, soil stabilization, and prohibited discharges.
- Document the implementation approach.
- Document instances of enforcement and action taken for erosion control.

Permit Year 2

- Continue enforcement of erosion control ordinance.
- Review existing ordinances to identify need for additional ordinance requirements for erosion control, soil stabilization, and prohibited discharges.
- If necessary, begin drafting revised/new erosion control ordinance for public review and comment. Solicit input from the public for the draft ordinance.
- Develop procedures for construction site operators including erosion and sediment controls, soil stabilization, and BMPs.
- Develop methods for monitoring prohibited discharges.
- Document the results of review by stating if a revised/new ordinance is necessary.
- Document the procedures for construction site operators.
- Document the methods for monitoring prohibited discharges.
- Document the instances of enforcement and action taken for erosion control.
- Document public comments, if applicable.

Permit Year 3

- Continue enforcement of erosion control ordinance.
- If necessary, begin finalizing revised/new ordinance for public review and comment. Solicit input from the public for the draft ordinance.
- Conduct educational activities, as needed, to inform the public about the new ordinance requirements.
- Monitor erosion and sediment controls, soil stabilization, and BMPs through established procedures.
- Monitor prohibited discharges through established procedures.
- Document the method for educating the public about new ordinance requirements, if necessary.

- Document the instances of enforcement and action taken for erosion control
- Document the actions taken to eliminate prohibited discharges through established procedures.
- Document the evaluation of erosion and sediment controls, soil stabilization, and BMPs through established procedures.
- Document public comments, if applicable.

Permit Year 4

- Continue enforcement of erosion control ordinance.
- Issue final ordinance erosion control ordinance, if necessary.
- Conduct educational activities, as needed, to inform the public about the new ordinance requirements.
- Monitor erosion and sediment controls, soil stabilization, and BMPs through established procedures.
- Monitor prohibited discharges through established procedures.
- Document the method for educating the public about new ordinance requirements, if necessary.
- Document the instances of enforcement and action taken for erosion control
- Document date the final ordinance was issued, if necessary.
- Document the actions taken to eliminate prohibited discharges through established procedures.
- Document the evaluation of erosion and sediment controls, soil stabilization, and BMPs through established procedures.

Permit Year 5

- Continue enforcement of erosion control ordinance.
- Conduct educational activities, as needed, to inform the public about the new ordinance requirement
- Monitor erosion and sediment controls, soil stabilization, and BMPs through established procedures.
- Monitor prohibited discharges through established procedures.
- Document the method for educating the public about new ordinance requirements, if necessary.
- Document the instances of enforcement and action taken for erosion control
- Document the actions taken to eliminate prohibited discharges through established procedures.
- Document the evaluation of erosion and sediment controls, soil stabilization, and BMPs through established procedures.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 11 Erosion Control Plan Review

Description

Procedures to review construction plans for erosion control that may discharge runoff to the storm sewer system.

Recordkeeping

Permit Year 1

- Develop an approach to maintain and implement construction site plan review procedures that consider potential water quality impacts and site specific erosion and sediment control measures
- Document the implementation approach.

Permit Year 2

- Evaluate existing construction site plan review procedures, including documentation procedures, to determine if modifications are necessary to consider potential water quality impacts and site specific erosion and sediment control measures.
- Document results of the evaluation.

Permit Year 3

- Modify the construction site plan review procedures, as needed, to consider potential water quality impacts and site specific erosion and sediment control measures.
- Document the written procedures.

Permit Year 4

- Implement revisions to the construction site plan review procedures, as necessary, and begin documenting the reviews.
- Document number of construction site plans reviewed
  Document the number of plans requiring revisions for water quality impacts and site specific control measures

Permit Year 5

- Continue review of construction plans.
- Document number of construction site plans reviewed
- Document the number of plans requiring revisions for water quality impacts and site specific control measures

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 12 Construction Site Inspection and Enforcement

Description

Procedures to conduct construction site inspections for large and small construction inspections based on factors that are a threat to water quality. Inspections will include necessary follow-up actions.

Recordkeeping

Permit Year 1

- Develop an approach to implement and maintain procedures for inspecting large and small construction projects during the active construction phase, including enforcement procedures.
- Document the implementation approach.

Permit Year 2

- Evaluate existing construction site inspection and enforcement procedures and determine if the inspection procedures adequately address TPDES permit coverage, effectiveness of control measures, compliance with local ordinances and regulations, and necessary follow-up inspection and enforcement actions.
- Document the results of the evaluation.

Permit Year 3

- Update construction site inspection and enforcement procedures, as needed, to adequately address TPDES permit coverage, effectiveness of control measures, compliance with local ordinances and regulations, and necessary follow-up inspection and enforcement actions.
- Document the written procedures.

Permit Year 4

- Begin implementing construction site inspection and enforcement procedures, including documentation of the inspections and enforcement activities.
- Document the written procedures.
- Document the inspections.
- Document the instances of enforcement.
- Document the reason(s) for non-compliance.
- Document the follow-up inspections.

Permit Year 5

- Continue implementing construction site inspection and enforcement procedures, including documentation of the inspections and enforcement activities.
- Document the written procedures.
- Document the inspections.
- Document the instances of enforcement.
- Document the reason(s) for non-compliance.
- Document the follow-up inspections.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 13 Engineering and Construction Staff Training

Description

Staff whose primary job duties are related to implementing the construction stormwater program, including permitting, plan review, construction site inspections, and enforcement, are informed or trained to conduct these activities.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate training procedures for staff with duties related to construction permitting, plan reviews, inspections, or enforcement activities.
- Document the implementation approach.

Permit Year 2

- Evaluate the existing procedures for training staff with duties related to construction permitting, plan reviews, inspections, or enforcement activities.
- Document the results of the evaluation.
- Document the updates needed to have training specific for construction site stormwater runoff in the SWMP.

Permit Year 3

- Develop training procedures, including procedures to track and document training, for staff with duties related to construction permitting, plan reviews, inspections, or enforcement activities.
- Document training procedures.

Permit Year 4

- Begin providing appropriate training to staff with duties related to the construction stormwater program prior to them conducting unassisted permitting, plan reviews, inspections, or enforcement activities.
- Document the training program materials, if applicable.
- Document the attendance lists.
- Document the date(s) of training.
- Document the trainer source.

Permit Year 5

- Provide appropriate training to staff with duties related to the construction stormwater program prior to them conducting unassisted permitting, plan reviews, inspections, or enforcement activities.
- Document the training program materials, if applicable.
- Document the attendance lists.
- Document the date(s) of training.
- Document the trainer source.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 14 Post-Construction Stormwater Ordinance

Description

Implement an ordinance that addresses post-construction runoff from new development and redevelopment projects and requires adequate long-term maintenance and protection of stormwater quality.

Recordkeeping

Permit Year 1

- Continue enforcement of the post-construction stormwater ordinance.
- Develop an approach to review the existing ordinance and guidance documents.
- Document the implementation approach.
- Document the instances of enforcement.

Permit Year 2

- Continue enforcement of the post-construction stormwater ordinance.
- Review the existing ordinance and guidance documents to identify if revisions are necessary to effectively control stormwater discharges from new development and redeveloped sites and to require long-term maintenance.
- If necessary, begin drafting updated language for the ordinance for public review and comment. Solicit input from the public for the draft ordinance.
- Document the instances of enforcement.
- Document the results of the review by stating if a revised/new ordinance is necessary.
- Document the draft ordinance language, if necessary.
- Document the method for developing a revised/new ordinance, if necessary.

Permit Year 3

- Continue enforcement of the post-construction stormwater ordinance.
- If necessary, begin finalizing updated ordinance for public review and comment. Solicit input from the public for the draft ordinance.
- Conduct education activities, as needed, to inform the public about new ordinance requirements.
- Document the instances of enforcement.
- Document the method for developing a revises/new ordinance, if necessary.
- Document the method for educating the public about new ordinance requirements, if necessary.

Permit Year 4

- Continue enforcement of the post-construction stormwater ordinance.
- Issue final post-construction stormwater ordinance, if necessary.
- Conduct education activities, as needed, to inform the public about new ordinance requirements.
- Document instances of enforcement.
- Document date the final ordinance was issued, if necessary.

- Document method for educating the public about new ordinance requirements, if necessary.

Permit Year 5

- Continue enforcement of the post-construction stormwater ordinance.
- Conduct education activities, as needed, to inform the public about new ordinance requirements.
- Document the instances of enforcement.
- Document the method for educating the public about new ordinance requirements, if necessary.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 15 Development Review

Description

Review new development and redevelopment plans for adequate stormwater quality protection.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate the existing design review process for planned construction projects one acre or more in size to protect stormwater quality.
- Document the implementation approach.

Permit Year 2

- Evaluate the existing design review process for planned construction projects one acre or more in size to protect stormwater quality.
- Document results of the evaluation.

Permit Year 3

- If needed, begin revising the design review process for all planned construction projects at least one acre in size.
- Document draft of the design review process..

Permit Year 4

- If needed, finalize the design review process for all planned construction projects at least one acre in size.
- Document the final design review process.

Permit Year 5

- Implement the design review process.
- Document the number of sites reviewed.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 16 Structural Control Maintenance

Description

Implement long-term operation and maintenance of structural stormwater control measures.

Recordkeeping

Permit Year 1

- Develop an approach to implement maintenance procedures for structural controls at a frequency that maintains effectiveness.
- Document the implementation approach.

Permit Year 2

- Develop procedures to implement maintenance activities for structural controls at a frequency that maintains their effectiveness. If the owners or operators of privately owned structural controls are required to maintain their structural controls, include procedures for filing maintenance plans in the real property records of the county and documentation of operation and maintenance activities.
- If applicable, develop procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans.
- Document the structural control maintenance procedures.
- Document educational procedures, if applicable.

Permit Year 3

- Begin implementation of maintenance activities according to the developed procedures.
- If applicable, begin procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans.
- Document the structural control maintenance procedures.
- Document educational procedures, if applicable.

Permit Year 4-5

- Continue implementation of maintenance activities according to the developed procedures.
- If applicable, continue procedures for educating the public that operation and maintenance activities must be documented and retained on site to be made available for review to show compliance with long-term maintenance plans.
- Document the structural control maintenance procedures.
- Document educational procedures, if applicable.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 17 Inventory of Facilities and Stormwater Controls

Description

Develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4.

Recordkeeping

Permit Year 1

- Develop an approach to identify all City-owned and operated facilities and stormwater controls.
- Document the implementation approach.

Permit Year 2

- Evaluate the activities and personnel necessary to identify all City-owned and operated facilities and stormwater controls.
- Document the results of the evaluation.

Permit Year 3

- Develop written procedures to identify and inventory City-owned and operated facilities and stormwater controls, including periodic updates to the inventory. Include documentation procedures to keep track of what has been inventoried.
- Document written procedures.

Permit Year 4

- Begin developing a printable inventory of City-owned and operated facilities and stormwater controls according to the written procedures.
- Document a printable inventory.
- Document areas that need to be inventoried.

Permit Year 5

- Continue developing a printable inventory of City-owned and operated facilities and stormwater controls according to the written procedures.
- Document a printable inventory.
- Document areas that need to be inventoried.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 18 Employee Training

Description

Conduct good housekeeping and pollution prevention training as part of existing employee training program. Tailor training to practices of employees that have the potential to impact stormwater quality.

Recordkeeping

Permit Year 1

- Develop an approach to evaluate the existing employee training methods.
- Document the implementation approach.

Permit Year 2

- Evaluate the existing employee training methods.
- Document the results of the evaluation.

Permit Year 3

- Identify municipal operations in which activities have the potential to impact stormwater.
- Identify effort and method necessary to properly train affected City employees in implementing pollution prevention and good housekeeping practices.
- Document the identified employees or departments to receive training.
- Document the identified training methods.

Permit Year 4

- Begin conducting BMP training for the municipal employees responsible for activities that may impact stormwater quality.
- Document the training program materials.
- Document the attendance lists.
- Document the date(s) of training.
- Document the trainer source.

Permit Year 5

- Conduct BMP training for the municipal employees responsible for activities that may impact stormwater quality.
- Document the training program materials.
- Document the attendance lists.
- Document the date(s) of training.
- Document the trainer source.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 19 Disposal of Collected Waste

Description

Develop procedure to dewater and dispose of street sweeper waste material and shall ensure that the water and material will not reenter the small MS4.

Recordkeeping

Permit Year 1

- Develop an approach to implement proper disposal of waste removed from the MS4.
- Document the implementation approach.

Permit Year 2

- Begin identifying sources of waste requiring disposal as part of stormwater management program activities.
- Document identified sources of waste requiring proper disposal and temporary storage.

Permit Year 3

- Continue identifying sources of waste requiring disposal as part of stormwater management program activities.
- Document the identified sources of waste requiring proper disposal and temporary storage

Permit Year 4

- Develop written procedures to properly dispose of collected waste materials according to water quality protection goals, including proper temporary storage of waste.
- Document the written procedures.

Permit Year 5

- Properly dispose of waste materials according to the developed procedures.
- Document the written procedures.
- Document the locations of waste disposal and any temporary storage of waste.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 20 Contractor Oversight Procedures

Description

Contractors hired by the permittee to perform maintenance activities on permitee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and specific stormwater management operating procedures. Provide oversight of contractor activities to ensure that contractors are using appropriate control measures.

Recordkeeping

Permit Year 1

- Develop an approach to oversee contractors hired by the City to perform maintenance activities on city-owned facilities and to contractually require the contractors to comply with the stormwater management program.
- Document the implementation approach.

Permit Year 2

- Evaluate the actions necessary to develop procedures to oversee contractors hired by the City to perform maintenance activities on city-owned facilities and to contractually require the contractors to comply with the stormwater management program.
- Document the results of the evaluation.

Permit Year 3

- Develop written procedures to contractually require contractors to comply with the City's stormwater management program best management practices. Include procedures for the City to provide oversight of contractor activities and a means to document the oversight.
- Retain a copy of the written procedures.

Permit Year 4

- Begin implementation of written procedures to contractually require contractors to comply with the City's stormwater management program best management practices and to provide oversight of contractor activities.
- Retain a copy of the written procedures.
- Document actions taken to oversee contractor activities.
- Document a copy of a contract with requirements for the contractor to comply with stormwater management program best management activities.

Permit Year 5

- Continue implementation of written procedures to contractually require contractors to comply with the City's stormwater management program best management practices and to provide oversight of contractor activities.
- Retain a copy of the written procedures.
- Document actions taken to oversee contractor activities.
- Document a copy of a contract with requirements for the contractor to comply with stormwater management program best management activities.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

BMP 21 Municipal Operations and Maintenance Activity

Description

Evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater.

Recordkeeping

Permit Year 1

- Develop an approach to implement pollution prevention measures identified through municipal operation and maintenance activity assessments.
- Document the implementation approach.

Permit Year 2

- Evaluate municipal operation and maintenance activities for their potential to discharge pollutants into stormwater, and identify pollutants of concern used by the City.
- Begin developing written procedures to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended.
- Document the results of the evaluation.
- Document a list of municipal operations that may have the potential to discharge pollutants into stormwater.
- Document a list of identified pollutants of concern.

Permit Year 3

- Continue developing written procedures, as needed, to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended.
- Document the written procedures for all municipal operation and maintenance activities that may have the potential to discharge pollutants into stormwater.

Permit Year 4

- Continue developing written procedures, as needed, to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended.
- Begin implementation of scheduled assessments and inspections of municipal operation and maintenance activities.
- Begin incorporation of pollution prevention measures, as recommended in the assessments and inspections.
- Document the written procedures.

- Document the date and location of assessments and inspections completed.
- Document the observations and recommendations made during assessments and inspections.
- Document newly incorporated pollution prevention measures.

Permit Year 5

- Continue developing written procedures, as needed, to perform assessments on municipal operation and maintenance activities and implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater. Include visual inspection procedures and documentation procedures to confirm pollution prevention measures are functioning as intended.
- Continue implementation of scheduled assessments and inspections of municipal operation and maintenance activities.
- Continue incorporation of pollution prevention measures, as recommended in the assessments and inspections.
- Document the written procedures.
- Document the date and location of assessments and inspections completed.
- Document the observations and recommendations made during assessments and inspections.
- Document newly incorporated pollution prevention measures.

Stormwater Management Program

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Stormwater Coordinator at (682) 831-4600.

Appendix D

Blank BMP Annual Report Forms

Appendix E

Stormwater Permit Authorization for Town-Owned Facilities

Appendix F

TPDES Small MS4 General Permit

Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued August 13, 2007

Small Municipal Separate Storm Sewer Systems

located in the state of Texas

may discharge directly to surface water in the state

only according to requirements and conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years after the permit effective date.

EFFECTIVE DATE: DEC 13 2013

ISSUED DATE: DEC 13 2013

Bryan W. Shaw

For the Commission

TCEQ GENERAL PERMIT NUMBER TXR040000 RELATING TO DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Table of Contents

Part I. Definitions 5
Part II. Permit Applicability and Coverage 11
Section A. Small MS4s Eligible for Authorization under this General Permit 11
1. Small MS4s Located in an Urbanized Area 11
2. Designated Small MS4s 11
3. Operators of Previously Permitted Small MS4s 11
4. Regulated Portion of Small MS4 12
5. Categories of Regulated Small MS4s 12
Section B. Available Waivers from Coverage 12
1. Waiver Option 1: 13
2. Waiver Option 2: 13
Section C. Allowable Non-Stormwater Discharges 14
Section D. Limitations on Permit Coverage 15
1. Discharges Authorized by Another TPDES Permit 15
2. Discharges of Stormwater Mixed with Non-Stormwater 15
3. Compliance with Water Quality Standards 15
4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements 15
5. Discharges to the Edwards Aquifer Recharge Zone 19
6. Discharges to Specific Watersheds and Water Quality Areas 20
7. Protection of Streams and Watersheds by Home Rule Municipalities 20
8. Indian Country Lands 20
9. Endangered Species Act 20
10. Other 21
Section E. Obtaining Authorization 21
1. Application for Coverage 21
2. Late Submission of the NOI and SWMP 22
3. Stormwater Management Program (SWMP) 22
4. Contents of the NOI 23
5. Notice of Change (NOC) 24
6. Change in Operational Control of a Small MS4 24

7. Notice of Termination (NOT) 24
8. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms 24
9. Fees 24
10. Permit Expiration 25
11. Suspension of Permit Coverage 25
12. Public Notice Process for NOI submittal 25
Section F. Permitting Options 27
1. Authorization Under the General Permit 27
2. Alternative Coverage under an Individual TPDES Permit 27
Part III. Stormwater Management Program (SWMP) 28
Section A. Developing a Stormwater Management Program (SWMP) 28
1. SWMP Development and Schedule 28
2. Content of the SWMP 28
3. Legal Authority 29
4. Resources 30
5. Effluent Limitations 30
6. Enforcement Measures 30
Section B. Minimum Control Measures 30
1. Public Education, Outreach, and Involvement 31
2. Illicit Discharge Detection and Elimination (IDDE) 32
3. Construction Site Stormwater Runoff Control 35
4. Post-Construction Stormwater Management in New Development and Redevelopment 38
5. Pollution Prevention and Good Housekeeping for Municipal Operations 40
6. Industrial Stormwater Sources 45
7. Authorization for Construction Activities where the Small MS4 is the Site Operator 46
Section C. General Requirements 47
Part IV. Recordkeeping and Reporting 47
Section A. Recordkeeping 47
Section B. Reporting 47
1. General Reporting Requirements 47
2. Annual Report 48
Part V. Standard Permit Conditions 49

Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th Optional MCM is selected 51
Section A. Eligible Construction Sites 51
Section B. Discharges Eligible for Authorization 51
1. Stormwater Associated with Construction Activity 51
2. Discharges of Stormwater Associated with Construction Support Activities 51
3. Non-Stormwater Discharges 52
4. Other Permitted Discharges 52
Section C. Limitations on Permit Coverage 53
Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements 53
Section E. Stormwater Runoff from Concrete Batch Plants 53
1. Benchmark Sampling Requirements 53
2. BMPs and SWP3 Requirements 55
3. Prohibition of Wastewater Discharges 57
4. Concrete Truck Wash Out Requirements 58
Section F. Effective Date of Coverage 58
Section G. Deadlines for SWP3 Preparation and Compliance 58
Section H. Plan Review and Making Plans Available 59
Section I. Keeping Plans Current 59
Section J. Contents of SWP3 59
1. Site Description 59
2. Structural and non-structural controls 60
3. Stabilization Practices 60
4. Structural Control Practices 61
5. Permanent Stormwater Controls 62
6. Other Controls 62
7. Effluent Limits 62
8. Approved State and Local Plans 62
9. Maintenance 62
10. Inspections of Controls 63
11. Pollution Prevention Measures 64
Section K. Additional Retention of Records 64

Part I. Definitions

Arid Areas - Areas with an average annual rainfall of less than ten (10) inches.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Catch basins - Storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

Classified Segment - A water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.

Clean Water Act (CWA) - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Common Plan of Development or Sale - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Construction Activity - Soil disturbance, including clearing, grading, and excavating; and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

> **Small Construction Activity** is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.
>
> **Large Construction Activity** is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

Construction Site Operator - The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:

(a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or

(b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution

prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure - Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Discharge – When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

Edwards Aquifer - As defined in 30 TAC §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ or the TCEQ website.

Final Stabilization - A construction site where any of the following conditions are met:

(a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

(b) For individual lots in a residential construction site by either:

(1) The homebuilder completing final stabilization as specified in condition (a) above; or

(2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

(c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

(d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

(2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

General Permit - A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) §26.040.

Groundwater Infiltration - For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

High Priority Facilities - High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Hyperchlorinated Water – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

Illicit Connection - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge - Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

Impaired Water - A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Indian Country - Defined in 18 USC § 1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Indicator Pollutant - An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

Industrial Activity - Any of the ten (10) categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

Maximum Extent Practicable (MEP) - The technology-based discharge standard for municipal separate storm sewer systems (MS4s) to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

MS4 Operator - For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA §208 that discharges to surface water in the state;

(b) That is designed or used for collecting or conveying stormwater;

(c) That is not a combined sewer; and

(d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

Non-traditional Small MS4 - A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons and universities.

Notice of Change (NOC) - A written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent.

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) - A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

Outfall - A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-or-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Permittee - The MS4 operator authorized under this general permit.

Point Source - (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant(s) of Concern – For the purpose of this permit, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Redevelopment - Alterations of a property that changed the ”footprint” of a site or building in such a way that there is a disturbance of equal to or greater than one (1) acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

Semiarid Areas - Areas with an average annual rainfall of at least ten (10) inches, but less than 20 inches.

Small Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer;

(d) Which is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2; and

(e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to a small MS4 that is also operated by that public entity.

Stormwater and Stormwater Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity - Stormwater runoff from an area where there is either a large construction or a small construction activity.

Stormwater Management Program (SWMP) - A comprehensive program to manage the quality of discharges from the municipal separate storm sewer system.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Total Maximum Daily Load (TMDL) - The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Traditional Small MS4 - A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

Urbanized Area (UA) - An area of high population density that may include multiple small MS4s as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial census.

Waters of the United States - (According to 40 CFR § 122.2) Waters of the United States or waters of the U.S. means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

Part II. Permit Applicability and Coverage

This general permit provides authorization for stormwater and certain non-stormwater discharges from small municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains requirements applicable to all small MS4s that are eligible for coverage under this general permit.

Section A. Small MS4s Eligible for Authorization under this General Permit

Discharges from a small MS4 must be authorized if any of the following criteria are met and may be authorized under this general permit if coverage is not otherwise prohibited.

1. Small MS4s Located in an Urbanized Area

Operators of small MS4s that are fully or partially located within an urbanized area (UA), as determined by the 2000 or 2010 Decennial Census by the U.S. Bureau of Census, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

2. Designated Small MS4s

A small MS4 that is outside an urbanized area that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR § 122.32(a)(2) or 40 CFR § 122.26(a)(1)(v) and adopted by reference in Title 30, TAC § 281.25, is eligible for coverage under this general permit. Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

3. Operators of Previously Permitted Small MS4s

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXR040000, Issued and Effective on August 13, 2007) must reapply for permit coverage, or must obtain a waiver if applicable (see Part II.B, related to Obtaining a Waiver.)

4. Regulated Portion of Small MS4

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the UA as defined and used by the U.S. Census Bureau in the 2000 or 2010 census, as well as any portion of the small MS4 that is designated by TCEQ.

For the purpose of this permit, the regulated portion of a small MS4 for a transportation entity is the land owned by the permittee within the UA which functions as, or is integral to a transportation system with drainage conveyance. Non-contiguous property that does not drain into the transportation drainage system is not subject to this general permit.

5. Categories of Regulated Small MS4s

This permit defines MS4 operators by the following categories, or levels, based on the population served within the 2010 UA. The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area, such as by annexing land or if land is annexed away. However, the level of a small MS4 will not change during the permit term based on population fluctuation.

(a) Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within a UA;

(b) Level 2: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served;

(c) Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within a UA;

(d) Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within a UA.

For the purpose of this section "serve a population" means the residential population within the regulated portion of the small MS4 based on the 2010 census, except for non-traditional small MS4s listed in (b) above.

Section B. Available Waivers from Coverage

The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or 2 below. To obtain Waiver Option 1, the MS4 operator must submit the request on a waiver form provided by the executive director. To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions. A provisional waiver from permitting requirements begins 30 days after an administratively complete waiver form is postmarked for delivery to the TCEQ. Following review of the waiver form, the executive director may:(1) Determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number; (2) Determine that the waiver form is incomplete and deny the waiver until a completed waiver form is submitted; or (3) Deny the waiver and require that permit coverage be obtained.

If the conditions of a waiver are not met by the MS4 operator, then the MS4 operator must submit an application for coverage under this general permit or a separate TPDES permit application.

At any time the TCEQ may require a previously waived MS4 operator to comply with this general permit or another TPDES permit if circumstances change so that the conditions of the waiver are no longer met. Changed circumstances can also allow a regulated MS4 operator to request a waiver at any time.

At any time the TCEQ can request to review any waivers granted to MS4 operators to determine whether any of the information required for granting the waiver has changed. At a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining a waiver, the population served refers to the residential population for traditional small MS4s and for certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts). For other non-traditional small MS4s, the population served refers to the number of people using the small MS4 on an average operational day.

1. **Waiver Option 1:**

The small MS4 serves a population of less than 1,000 within a UA and meets the following criteria:

(a) The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES stormwater program (40 CFR § 122.32(d)); and

(b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern.

2. **Waiver Option 2:**

The small MS4 serves a population under 10,000 within a UA and meets the following criteria:

(a) The TCEQ has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;

(b) For all such waters, the TCEQ has determined that stormwater controls are not needed based on wasteload allocations that are part of an approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and

(c) The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas surface water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

(d) For the purpose of this paragraph (2.), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total

suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section C. Allowable Non-Stormwater Discharges

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection or other minimum control measures, unless they are determined by the permittee or the TCEQ to be significant contributors of pollutants to the small MS4, or they are otherwise prohibited by the MS4 operator:

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. Street wash water excluding street sweeper waste water;
15. Discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Section D. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

Discharges authorized by an individual or other general TPDES permit may be authorized under this TPDES general permit only if the following conditions are met:

(a) The discharges meet the applicability and eligibility requirements for coverage under this general permit;

(b) A previous application or permit for the discharges has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the regulated small MS4; and

(c) The executive director has not determined that continued coverage under an individual permit is required based on consideration of an approved total maximum daily loading (TMDL) model and implementation plan, anti-backsliding policy, history of substantive non-compliance or other 30 TAC Chapter 205 considerations and requirements, or other site-specific considerations.

2. Discharges of Stormwater Mixed with Non-Stormwater

Stormwater discharges that combine with sources of non-stormwater are not eligible for coverage by this general permit, unless either the non-stormwater source is described in Part II.C of this general permit or the non-stormwater source is authorized under a separate TPDES permit.

3. Compliance with Water Quality Standards

Discharges to surface water in the state that would cause, has the reasonable potential to cause, or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit except as described in Part II.D.4 below. The executive director may require an application for an individual permit or alternative general permit to authorize discharges to surface water in the state if the executive director determines that an activity will cause has the reasonable potential to cause, or contribute to, a violation of water quality standards or is found to cause, have the reasonable potential to cause, or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for an individual permit based on factors described in Part II.F.2.

4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list, as not meeting Texas Surface Water Quality Standards.

The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below, and shall assess the progress in controlling those pollutants.

(a) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the pollutant(s) of concern as described below:

(1) Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) to reduce the pollutant(s) of concern in the impaired waters.

(2) Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term.

(3) Identification of Benchmarks

The SWMP must identify a benchmark for the pollutant(s) of concern. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant(s) of concern in stormwater discharge(s) from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the pollutant of concern must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on one of the following options:

a. If the MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.4(a)(6).

b. Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmarks for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark.

(4) Annual Report

The annual report must include an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark.

(5) Impairment for Bacteria

If the pollutant of concern is bacteria, the permittee shall include focused BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (I-Plan) is available, the permittee may refer to the I-Plan for appropriate BMPs. The SWMP and annual report must include the selected BMPs. Permitees may not exclude BMPs associated with the minimum control measures required under 40 CFR §122.34 from their list of proposed BMPs. Proposed BMPs will be reviewed by the executive director during the NOI and SWMP review and approval process.

The BMPs shall, as appropriate, address the following:

a. Sanitary Sewer Systems

(i) Make improvements to sanitary sewers to reduce overflows;

(ii) Address lift station inadequacies;

(iii) Improve reporting of overflows; and

(iv) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

b. On-site Sewage Facilities (for entities with appropriate jurisdiction)

(i) Identify and address failing systems; and

(ii) Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).

c. Illicit Discharges and Dumping

Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps.

d. Animal Sources

Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.

e. Residential Education

Increase focus to educate residents on:

(i) Bacteria discharging from a residential site either during runoff events or directly;

(ii) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;

(iii) Decorative ponds; and

(iv) Pet waste.

(6) Monitoring or Assessment of Progress

The permittee shall monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

a. The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality as follows:

(i) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer flows (SSOs); or, (6) increase in illegal discharge detection through dry screening, etc.; or

(ii) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.

b. Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

(7) Observing no Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from program implementation or water quality assessments as described in Part II.D.4(a)(6), the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark for the pollutant(s) of concern for their respective MS4s, as described in Part II.D.4(a)(3)(b) above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub benchmark for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

(b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

(1) Discharging a Pollutant of Concern

a. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.

b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.

c. In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(2) Impairment of Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may implement the BMPs listed in Part II.D.4(a)(5) or proposed alternative BMPs as appropriate.

(3) The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit.

The permittee's agency-approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For discharges originating from the small MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 NOI to the appropriate TCEQ regional office with each WPAP application submitted to TCEQ on or after August 13, 2012.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager
Austin Regional Office
12100 Park 35 Circle, Bldg. A, Rm 179
Austin, Texas 78753
(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater from regulated small MS4s and other non-stormwater discharges are not authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

7. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality provided by § 401.002 of the Texas Local Government Code.

8. Indian Country Lands

Stormwater runoff from small MS4s that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. EPA.

9. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI and SWMP. If adverse impact is determined after submittal of the NOI and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

10. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

Section E. Obtaining Authorization

1. Application for Coverage

When submitting a notice of intent (NOI) and SWMP, for coverage under this general permit, as described in Parts II.E.3., II.E.4, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.12 of this general permit.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form. Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and confirm coverage by providing a notification and an authorization number, 2) The NOI or SWMP are incomplete and deny coverage and require that a new complete NOI and SWMP be submitted, 3) Approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) Deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed and the applicant has followed the public participation provisions in Part II.E.12. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

(a) Small MS4s Located in a 2010 Urbanized Area (UA) (Newly regulated Small MS4s)

Operators of small MS4s described in Part II.A.1 that were not previously regulated under the TPDES General Permit TXR040000, shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Small MS4s Located in a 2000 UA (Previously Regulated Small MS4s)

Operators of small MS4s described in Part II.A.1 that were required to obtain authorization under the previous TPDES General Permit TXR040000 based on the 2000 UA maps shall submit an NOI and revised SWMP within 180 days following the effective date of this general permit.

(c) Designated Small MS4s

Following designation, operators of small MS4s described in Part II.A.2 shall submit an NOI and SWMP, or apply for coverage under an individual TPDES stormwater permit, within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.

(d) Individual Permit Alternative

If an operator of a small MS4 described in Part II.A.1. of this general permit elects to apply for an individual permit, the application must be submitted within 90 days following the effective date of this general permit.

2. Late Submission of the NOI and SWMP

Operators are not prohibited from submitting an NOI and SWMP after the deadlines provided. If a late NOI and SWMP are submitted, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

3. Stormwater Management Program (SWMP)

A SWMP must be developed and submitted with the NOI for eligible discharges that will reach waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to waters of the U.S., according to the requirements of Part III of this general permit. The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

New elements in the program must be completely implemented within five years of the effective date of this general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Previously regulated MS4s shall assess existing program elements set forth in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP.

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which case the permittee will have 90 days to finalize such changes to the SWMP.

Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI. Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made following submittal of a notice of change (NOC) and receipt of written approval of the NOC from the TCEQ, except as follows:

(a) The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP, and must be included in the annual report:

(1) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. An equivalent BMP is one that is intended to address the same concern as the original BMP and is substantially similar in nature to the original BMP;

(2) Nonsubstantive changes, including:

a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;

b. Minor clarifications to the existing BMPs;

c. Correction of typographical errors;

d. Other similar administrative or nonsubstantive comments.

(3) Adding or subtracting area(s) during the permit term, such as by annexing land or if land is de-annexed.

(b) The permittee may replace a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP). Such a change may be implemented within 60 days following submittal of an NOC form, unless the NOC is denied in writing by TCEQ. Such requests must include the following:

(1) An explanation of why the BMP was eliminated;

(2) An explanation of the effectiveness of the replacement BMP; and

(3) An explanation of how the replacement BMP is expected to achieve the goals of the previous BMP.

(c) All other changes must be submitted on an NOC form and may only be implemented following written approval by TCEQ (See Part II.E.5).

4. Contents of the NOI

The NOI must contain the following minimum information:

(a) MS4 Operator Information

(1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and

(2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).

(b) Site Information

(1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;

(2) County or counties where the small MS4 is located;

(3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;

(4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;

(5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;

(6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;

(7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;

(8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;

(9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;

(10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and

(11) Any other information deemed necessary by the executive director.

5. Notice of Change (NOC)

If the MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in a NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change.

Any revisions that are made to the SWMP must be made in accordance with Part II.E.3. above. Changes that are made to the SWMP following NOI approval must be made using an NOC form, in accordance with Part II.E.3. above.

6. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous operator must submit a Notice of Termination (NOT) and the new operator must submit an NOI and SWMP. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

7. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ, or immediately following confirmation of receipt of the electronic NOT form by the TCEQ. A NOT must be submitted within 30 days after the MS4 operator obtains coverage under an individual permit.

8. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms

NOI, NOT, NOC, and Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

9. Fees

An application fee of $100.00 must be submitted with each NOI. A fee is not required for submission of a waiver form, a NOT, or an NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of $100.00 under TWC § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

10. Permit Expiration

(a) This general permit is effective for five (5) years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five (5) years.

(b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC, Chapter 205. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.

(c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.

(d) If the TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

11. Suspension of Permit Coverage

The executive director may suspend an authorization under this general permit for the reasons specified in 30 TAC § 205.4(d) by providing the discharger with written notice of the decision to suspend that authority, and the written notice will include a brief statement of the basis for the decision. If the decision requires an application for an individual permit or an alternative general permit, the written notice will also include a statement establishing the deadline for submitting an application. The written notice will state that the authorization under this general permit is either suspended on the effective date of the commission's action on the permit application, unless the commission expressly provides otherwise, or immediately, if required by the executive director.

12. Public Notice Process for NOI submittal

An applicant under this general permit shall adhere to the following procedures:

(a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:

(1) BMPs the applicant will implement for each of the six MCMs, as appropriate;

(2) The measurable goals for each of the BMPs, including, as appropriate the months and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and

(3) The person or persons responsible for implementing or coordinating the applicants SWMP.

(b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary decision on the NOI and SWMP.

(c) The notice will include the following information, at a minimum:

(1) The legal name of the MS4 operator;

(2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;

(3) The address of the applicant;

(4) A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;

(5) The location and mailing address where the public may provide comments to the TCEQ;

(6) The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and

(7) If required by the executive director, the date, time, and location of the public meeting.

(d) This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.

(e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.

(f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant shall publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.

(g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.

(h) The applicant shall file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.

(i) The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.

(j) Persons whose names and addresses appear legibly on the sign-in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

Section F. Permitting Options

1. Authorization Under the General Permit

An operator of a small MS4 is required to obtain authorization either under this general permit, or under an individual TPDES permit if it is located in a UA or designated by the TCEQ. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same UA, or are located in the same watershed. Each regulated small MS4 will be issued a distinct permit number. These MS4 operators may combine or share efforts in meeting any or all of the SWMP requirements stated in Part III of this general permit. MS4 operators that share SWMP development and implementation responsibilities must meet the following conditions:

(a) Participants

The SWMP must clearly list the name and permit number for each MS4 operator that chooses to contributes to development or implementation of the SWMP, and provide written confirmation that the contributing MS4 operator has agreed to contribute. If a contributing small MS4 has submitted a NOI and SWMP to TCEQ, but has not yet received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or be included in the SWMP.

(b) Responsibilities

Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its small MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define each minimum control measure and the component(s) each entity agrees to implement, within which MS4 area(s) each entity agrees to implement and clearly identify the contributing MS4 operator.

2. Alternative Coverage under an Individual TPDES Permit

An MS4 operator eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a MS4 operator, authorized by this general permit, to apply for an individual TPDES permit because of: the conditions of an approved TMDL or TMDL implementation plan; a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is

entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

Part III. Stormwater Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed, implemented and enforced according to the requirements of Part III of this general permit, for stormwater discharges that reach waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented and enforced to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements best management practices consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in the previous permit effective August 13, 2007.

Section A. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing regulated small MS4s

Permittees who were regulated under the previous TPDES general permit TXR040000, shall update and submit to the TCEQ an updated SWMP under this general permit along with the NOI for coverage. The NOI and SWMP are due within 180 days of the general permit effective date. The permittee shall continue to operate under the conditions of the previous permit and existing SWMP until the revised SWMP is approved.

(b) New regulated small MS4s

Operators of regulated small MS4s that were not required to obtain permit coverage under the previous TPDES general permit TXR040000, have 180 days from the effective date of the general permit to develop and submit their NOI and SWMP.

(c) Implementation of the SWMP

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Previously regulated MS4 operators shall continue to implement existing elements in the approved SWMPs until the revised SWMPs has been approved.

Designated small MS4s must achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation. Newly regulated small MS4s, based on the 2010 Decennial Census, must achieve full implementation of the SWMP as soon as practicable, but no later than five years from the permit effective date.

2. Content of the SWMP

At a minimum, the permittee shall include the following information in its SWMP:

(a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.

(b) A measurable goal that includes the development of ordinances or other regulatory mechanisms, allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;

(c) A summary of written procedures describing how the permittee will implement the provisions in Parts III and IV of this general permit.

(d) A description of a program or a plan of compliance with the requirements in Part II.D.4. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements)

3. Legal Authority

(a) Traditional small MS4s, such as cities

(1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.

(2) To be considered adequate, this legal authority must, at a minimum, address the following:

a. Authority to prohibit illicit discharges and illicit connections;

b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;

c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;

d. Authority to require installation, implementation, and maintenance of control measures;

e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;

f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;

g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);

h. Authority to assess penalties, including monetary, civil, or criminal penalties; and

i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

(b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons and universities

(1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

(2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:

a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,

b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or TCEQs Field Operations Support Division as needed to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this permit.

5. Effluent Limitations

The controls and BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B, which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

Permittees with enforcement authority (i.e. traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, the permittee shall notify either the adjacent MS4 operator with enforcement authority or TCEQ's Field Operations Support Division.

Section B. Minimum Control Measures

Operators of small MS4s seeking coverage under this general permit shall develop and implement a SWMP that includes the following six minimum control measures (MCMs), as applicable.

All program elements must be implemented according to the schedule mentioned in Part III.A. All six MCMs apply to all MS4s regardless of their level as described in Part II.A.5. Specific program elements under each MCM shall be implemented by all MS4 operators, unless it is specifically stated that particular program elements only are applicable for certain levels of small MS4s.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not feasible as described in each MCM.

1. Public Education, Outreach, and Involvement

(a) Public Education and Outreach

(1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. The program must, at a minimum:

a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);

b. Identify the target audience(s);

c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;

d. Determine cost effective and practical methods and procedures for distribution of materials.

(2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

(3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related

to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. At a minimum, all permittees shall:

(1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

(2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities;

(3) Ensure the public can easily find information about the SWMP.

2. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

(1) All permittees shall develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1(c).

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

a. An up-to-date MS4 map (see Part III.B.2.(c)(1));

b. Methods for informing and training MS4 field staff (See Part III.B.2.(c)(2));

c. Procedures for tracing the source of an illicit discharge (see Part III. B.2.(c)(5));

d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));

e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;

f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (See Part III.B.2.(g)(1));

g. For Level 4 small MS4s, field screening to detect illicit discharges (See Part III.B.2.(g)(2)).

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection.

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.

(c) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)

(1) MS4 mapping

All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:

a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;

b. The location and name of all surface waters receiving discharges from the small MS4 outfalls;

c. Priority areas identified under Part III.B.2.(e)(1) if applicable.

(2) Education and Training

All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

To the extent feasible, all permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

(i) If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

(6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

(d) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)-(d) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Identification of Priority Areas

Permittees who operate level 4 small MS4s shall identify priority areas and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) as needed, field screening.

If dry weather field screening is necessary, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.

b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures should include the basis used to determine which outfalls would be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits or stains.

c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants as determined by the permittee. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

3. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

(1) All permittees shall develop, implement and enforce a program requiring operators of small and large construction activities, as defined in Part I of this general permit, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the the progam fully implemented by the end of this permit term.

If TCEQ waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s).

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.3(b)(1)-(7)

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.

b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.

c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

(i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

(ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(iii) Minimize the discharge of pollutants from spills and leaks.

d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

(3) Prohibited Discharges - The following discharges are prohibited:

a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,

d. Soaps or solvents used in vehicle and equipment washing;

e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures, that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

a. The site plan review procedures must incorporate consideration of potential water quality impacts.

b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.

b. Inspections must occur during the active construction phase.

(i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.

(ii) Inspections of construction sites must, at a minimum:

1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.
2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.
3. Assess compliance with the permittee's ordinances and other regulations.
4. Provide a written or electronic inspection report.

c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

(c) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Construction Site Inventory

Permittees who operate level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.

4. Post-Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

(1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges

from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of the permit term.

(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement, that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

(2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

a. Maintenance performed by the permittee. See Part III.B.5

b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.5(b)(1)-(3) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Inspections - Permittees who operate level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.

a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

(1) All permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1.(c))

(b) Requirements for all Permittees

All permitees shall include the requirements described below in Parts III.B.5.(1)-(6) in the program:

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. If feasible, the inventory may include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

a. Composting facilities;

b. Equipment storage and maintenance facilities;

c. Fuel storage facilities;

d. Hazardous waste disposal facilities;

e. Hazardous waste handling and transfer facilities;

f. Incinerators;

g. Landfills;

h. Materials storage yards;

i. Pesticide storage facilities;

j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;

k. Parking lots;

l. Golf courses;

m. Swimming pools;

n. Public works yards;

o. Recycling facilities;

p. Salt storage facilities;

q. Solid waste handling and transfer facilities;

r. Street repair and maintenance sites;

s. Vehicle storage and maintenance yards; and

t. Structural stormwater controls.

(2) Training and Education

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.

(3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:

(i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;

(iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and

(iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).

c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:

(i) Replacing materials and chemicals with more environmentally benign materials or methods;

(ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and

(iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

(c) Additional Requirements for Level 3 and 4 small MS4s:

In addition to the requirements described in Parts.B.5.(b)(1)-(6) above, permittees who operate level 3 or 4 small MS4s shall meet the following requirements:

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.

b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads

Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program,

or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.

b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.

c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

Permittees who operate level 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate level 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.

b. Identification of *high priority* facilities - Based on the Part III.B.5.(c)(4)a. assessment, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.

c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results

of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

Permittees who operate level 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.

b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate level 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part III.B.5.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.

b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.

d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate level 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts III.B.5(b) and III.B.5.(c) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Pesticide, Herbicide, and Fertilizer Application and Management

a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.

b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

(i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.

(ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:

(a) Use of native plants or xeriscaping;

(b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;

(c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;

(d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.

c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.

d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

6. Industrial Stormwater Sources

(a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s

(1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

7. Authorization for Construction Activities where the Small MS4 is the Site Operator

The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non-stormwater from construction activities where the MS4 operator meets the definition of a construction site operator in Part I of this general permit. When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and Part III.B.3 of this permit. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit. This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, a NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit. Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit.

This MCM is only available for projects where the small MS4 is a construction site operator or owner, and the MCM does not provide any authorization for other construction site operators at a municipal project.

Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state.

(a) The MCM must include:

(1) A description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations;

(2) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);

(3) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;

(4) A general description of how a SWP3 will be developed for each construction site, according to Part VI of this general permit, "Authorization for Municipal Construction Activities"; and

(5) Records of municipal construction activities authorized under this optimal MCM, in accordance with Part VI of this general permit.

Section C. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

1. A list of any public or private entities assisting with the development or implementation of the SWMP;
2. If applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
3. A list of all BMPs and measurable goals for each of the MCMs;
4. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.
5. A description of how each measurable goal will be evaluated; and
6. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

Part IV. Recordkeeping and Reporting

Section A. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile

transmission (FAX) to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

(1) A description of the noncompliance and its cause;

(2) The potential danger to human health or safety, or the environment;

(3) The period of noncompliance, including exact dates and times;

(4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, or NOC, or any other report, the permittee shall promptly submit the facts or information to the executive director.

2. Annual Report

The MS4 operator shall submit a concise annual report to the executive director within 90 days of the end of each reporting year. For the purpose of this section, the reporting year may include either the permit year, the permittee's fiscal year or the calendar year, as elected by the small MS4 and notified to the TCEQ in the application submittal. The annual report must address the previous reporting year.

The first reporting year for annual reporting purposes shall begin on the permit effective date, and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2014.

Subsequent calendar years will begin at the beginning of the first reporting year (which will vary based on the previous paragraph) and last for one (1) year. The MS4 operator shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

(a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;

(b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

(c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

(d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;

(e) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

(f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;

(g) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);

(h) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and

(i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

An annual report must be prepared whether or not the NOI and SWMP have been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI and SWMP, then the annual report may include that information.

If permittees share a common SWMP, they shall contribute to and submit a single system-wide report. Each permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

The annual report must be submitted with the appropriate TCEQ reporting forms if available, or as otherwise approved by TCEQ.

The annual report must be submitted to the following address:

Texas Commission on Environmental Quality
Stormwater & Pretreatment Team; MC - 148
P.O. Box 13087
Austin, Texas 78711-3087

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4.

If available, electronic submission of annual reports is encouraged. The Federal Waste Reduction Act and the Government Paperwork Elimination Act encourages governmental agencies to use electronic submission. See the TCEQ website at, www.tceq.texas.gov for additional information and instructions.

Part V. Standard Permit Conditions

A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.

B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.

E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.

F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:

   1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and

   2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.

H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

J. The permittee shall implement its SWMP on any new areas under its jurisdiction that are located in a UA or that are designated by the TCEQ. Implementation of the SWMP in these areas is required the greater of three (3) years from acquiring the new area, or five (5) years from the date of initial permit coverage.

Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th Optional MCM is selected

The MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the MS4 operator that results in a land disturbance of one (1) acre or more of land or less than one (1) acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the MS4 operator may develop the SWMP to include the optional seventh (7th) stormwater MCM listed in Part III.B.7 of this general permit if the eligibility requirements in Part VI.A. below are met. If an MS4 operator decides to utilize this MCM, then the MS4 operator must include this MCM in its SWMP submitted with the NOI or submit an NOC notifying the executive director of the addition of this MCM to its SWMP. The MS4 operator must identify the geographic area or boundary where the construction activities will be conducted under the provisions of this general permit. If the permittee meets the terms and requirements of this general permit, then discharges from these construction activities may be authorized under this general permit as long as they occur within the regulated geographic area of the small MS4. An MS4 operator may utilize this MCM over additional portions of their small MS4 if those areas are also in compliance with all MCMs listed in this general permit. Even if an MS4 operator has developed this optional seventh stormwater MCM, the MS4 operator may apply under TPDES CGP TXR150000 for authorization for particular municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Section A. Eligible Construction Sites

Discharges from construction activities within the regulated area where the MS4 operator meets the definition of construction site operator are eligible for authorization under this general permit. Discharges from construction activities outside of the regulated area, where the MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the MS4 operator meets the requirements of Parts III.B.1. through III.B.6 of this general permit, related to MCMs.

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Discharges of stormwater runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:

(a) The activity is located within a one-mile distance from the boundary of the permitted construction site and directly supports the construction activity;

(b) A SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to control sediment and erosion and discharge of pollutants in stormwater runoff from the supporting construction activity site;

(c) The construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges as required; and

(d) Discharge of stormwater from concrete production facilities must meet the requirements in Section E below

3. Non-Stormwater Discharges

The following non-stormwater discharges from construction sites authorized under this general permit are also eligible for authorization under this MCM:

(a) Discharges from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

(b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

(c) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

(d) Uncontaminated water used to control dust;

(e) Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(f) Uncontaminated air conditioning condensate; and

(g) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

Any discharge authorized under a separate TPDES or TCEQ permit may be combined with discharges from construction sites operated by the small MS4, provided the discharge complies with the associated permit.

Section C. Limitations on Permit Coverage

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under Part VI of the general permit.

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge stormwater associated with construction activities into surface water in the state must:

1. Develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities;
2. Post a signed copy of a TCEQ approved site notice in a location at the construction site where it is readily available for viewing prior to commencing construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;
3. Ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;
4. Ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and
5. Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

Section E. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants at regulated construction sites may be authorized under the provisions of this general permit provided that the following requirements are met for concrete batch plant(s) authorized under this permit. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or an individual permit. This permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at regulated construction sites. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

1. Benchmark Sampling Requirements

(a) Operators of concrete batch plants authorized under this section must sample the stormwater runoff from the concrete batch plants according to the requirements of this section of the general permit, and must conduct evaluations of the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Monitoring

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/quarter (*1)(*2)	Grab (*3)

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Total Suspended Solids	100 mg/L	1/quarter (*1)(*2)	Grab (*3)
pH	6.0-9.0 S.U.	1/quarter (*1)(*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1)(*2)	Grab (*3)

(*1) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*2) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March
April through June
July through September
October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI.

(*3) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

(b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

(1) Any additional potential sources of pollution, such as spills that might have occurred;

(2) Necessary revisions to good housekeeping measures that are part of the SWP3;

(3) Additional BMPs, including a schedule to install or implement the BMPs; and

(4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater run-on to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

2. BMPs and SWP3 Requirements

Minimum Stormwater Pollution Prevention Plan (SWP3) Requirements - The following are required in addition to other SWP3 requirements listed in this section:

(a) Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:

(1) Drainage – The site map must include the following information:

a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;

b. A depiction of the drainage area and the direction of flow to the outfall(s);

c. Structural controls used within the drainage area(s);

d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES Construction General Permit TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

(2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

(3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to

stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

(4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.

(b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part VI.E.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

(1) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

(2) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(3) Inspections - Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

(4) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a

minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

(5) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(6) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

(c) Comprehensive Compliance Evaluation – At least once per year, one (1) or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:

(1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(2) Based on the results of the evaluation, the following must be revised as appropriate within two (2) weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VI.E.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VI.E.2.(b) "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.

(3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC Section 305.128, relating to Signatories to Reports.

(4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part VI.E.2.(b)(3) of this general permit.

3. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater

discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck washout at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

4. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under this section of the general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

(a) Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

(b) Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

(c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

(d) The discharge of wash out water shall not cause or contribute to groundwater contamination.

(e) If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated map.

Section F. Effective Date of Coverage

Construction activities may not commence under this section until the MS4 NOI and SWMP are approved in writing by the TCEQ. Following approval of the NOI and SWMP, operators of construction activities eligible for coverage under this general permit are authorized to discharge stormwater associated with construction activity immediately upon posting the signed construction site notice required under this section.

Section G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

1. Be completed and initially implemented prior to commencing construction activities that result in soil disturbance;

2. Be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices; and

3. Provide for compliance with the terms and conditions of this general permit.

Section H. Plan Review and Making Plans Available

The SWP3 must be retained on-site at the construction site or made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; and to local government officials.

Section I. Keeping Plans Current

The permittee shall amend the SWP3 whenever either of the following occurs:

1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3; or
2. Results of inspections or investigations by site operators, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section J. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. Site Description

A site description, or project description, which must include:

(a) A description of the nature of the construction activity, potential pollutants and sources;

(b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;

(c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;

(d) Data describing the soil type or the quality of any discharge from the site;

(e) A map showing the general location of the site (e.g. a portion of a city or county map);

(f) A detailed site map indicating the following:

(1) Drainage patterns and approximate slopes anticipated after major grading activities;

(2) Areas where soil disturbance will occur;

(3) Locations of all major structural controls either planned or in place;

(4) Locations where temporary or permanent stabilization practices are expected to be used;

(5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;

(6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;

(7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and

(8) Vehicle wash areas.

(g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;

(h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and

(i) A copy of Part VI of this TPDES general permit.

2. Structural and non-structural controls

The SWP3 must describe the structural and the non-structural controls (best management practices) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

(a) Erosion and Sediment Controls

(1) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.

(2) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.

(3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50 per cent.

(4) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.

(5) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

3. Stabilization Practices

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible.

(a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation and other similar measures.

(b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:

(1) The dates when major grading activities occur;

(2) The dates when construction activities temporarily or permanently cease on a portion of the site; and

(3) The dates when stabilization measures are initiated.

(c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.

(1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

The SWP3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

(a) Sites with a drainage area of ten (10) or more acres:

(1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.

(2) Where rainfall data is not available or a calculation cannot be performed the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

(1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt

fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

5. Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

6. Other Controls

(a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.

(b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.

(c) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

7. Effluent Limits

The federal Effluent Limitations Guidelines at 40 CFR Part 450.21(a) apply to all regulated construction activities under this 7th optional MCM, where the small MS4 is the operator.

8. Approved State and Local Plans

(a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.

(b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

9. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated

storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

10. Inspections of Controls

(a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid or semi-arid, or drought stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

(b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VI.J.10(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VI.J.10.(a) above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be

developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(c) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(d) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

(f) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

11. Pollution Prevention Measures

The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge.

Section K. Additional Retention of Records

The permittee shall retain the following records for a minimum period of three (3) years from the date that final stabilization has been achieved on all portions of the site. Records include:

1. A copy of the SWP3; and
2. All reports and actions required by this section, including copies of the construction site notices.

Appendix G

Summary Record of Program Updates

Summary Record of Program Updates

Date	Revision	Signature

Appendix H

Notice of Intent and General Permit Authorization

Appendix I

Notice of Change (NOC) Documentation

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

RESET FORM

Notice of Change (NOC) to an Authorization or Waiver for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT – Please read the following information and INSTRUCTIONS before filling out this form.

This form will be returned for any of the following reasons:

1) The authorization number is not provided, is invalid, or is no longer active,
2) Wet ink signature of person meeting signatory requirements is not provided,
3) The current permittee is not the applicant, and;
4) A requested change in operator name is not a legal name change.

This form cannot be used for a change in Operator. Refer to the general permit for information.

What is the authorization or waiver to be changed? TXR04_____or TXRMW_____

1) OPERATOR (PERMITTEE):

a) What is the full Legal Name of the current Operator as on the authorization?

_____

b) What is the Customer Number (CN) assigned to this operator? You may search for your CN at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN_____

c) What is the Regulated Entity Reference Number (RN) assigned to this site?
RN_____

d) What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in TAC §305.44.
Prefix (Mr. Ms Miss):_____
First/Last Name: _____Suffix: _____
Title: _____Credential: _____

2) APPLICATION CONTACT

If TCEQ needs additional information regarding this application, who should be contacted?

Prefix (Mr. Ms. Miss):_____
First/Last Name: _____Suffix:_____
Title:_____ Credential:_____

Organization Name:_____
Phone Number:_____ Extension:_____ Fax Number:_____
E-mail Address:_____
Mailing Address:_____
Internal Routing (Mail Code, Etc.):_____
City:_____ State:_____ZIP Code:_____
Mailing Information if outside USA
Territory: _____Country Code:_____Postal Code: _____

3) REQUESTED CHANGE TO PERMITTED INFORMATION

What information has changed or needs to be corrected? Check one or more of the following options and enter the new information below.

☐ Operator legal name change with Texas Secretary of State (TX SOS)
Note: Authorizations are not transferable. If a change in entity has occurred, this NOC is not attainable.

☐ Address and contact information for operator or billing for annual fee

☐ Site Information (Regulated Entity).
Note: Authorizations under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.

☐ Change to the approved Stormwater Management Program (SWMP)

a) Operator Legal Name Change

1. What is the NEW active Legal Name with TX SOS or on other legal document?
   New Legal Name: _____

2. What is the TX SOS Filing Number for us to confirm this official name change?
   (This is only applicable to Limited Partnerships or Corporations.)

   TX SOS Filing number: _____

b) Address and Contact Information Change

1. What information has changed? Check one or more as applicable.
   ☐ Operator mailing address for permit correspondence

   ☐ Billing address/contact for receiving Annual Fee Statement

2. Is the updated information the same for each selection?
   Yes - Provide the updated information in the fields below.

   No - Use Attachment 1 of the NOC to provide the updated address.

   Prefix (Mr. Ms. Miss):_____
   First/Last Name: _____Suffix:_____
   Title:_____Credential:_____
   Organization Name:_____
   Phone Number:_____Extension:_____Fax Number:_____
   E-mail Address:_____

Mailing Address:_____
Internal Routing (Mail Code, Etc.):_____
City:_____ State:_____ZIP Code:_____
Mailing Information if outside USA:
Territory: _____Country Code:_____ Postal Code: _____

c) Regulated Entity (RE) Site Information Correction or Update

1. Updated or corrected description of the regulated MS4 boundaries:

2. Other update to regulated entity information. Please explain.

d) Change to the Approved SWMP

Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.

☐ Add the 7th Minimum Control Measure (MCM) to the approved SWMP.

Complete Attachment 2 of the NOC and the following question:
Are you seeking to use the 7th MCM only in the regulated (urbanized) area?

Yes – Attach the MCM with Attachment 2 of the NOC.

No – Attach the MCM with Attachment 2 of the NOC and indicate Yes to the following certification*:

I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7th MCM will be utilized.
☐ Yes

*Failure to indicate YES to this certification will result in denial.

☐ Request to update the approved SWMP, replacing a less effective or infeasible Best Management Practice (BMP) specifically identified in the SWMP with an alternate BMP. The request must include the following:

☐ An explanation of why the BMP was eliminated.

☐ An explanation of the effectiveness of the replacement BMP.

☐ An explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

Are the revisions to the approved SWMP attached?
☐ Yes, enclosed as_____

☐ Other requested changes to the approved SWMP requiring TCEQ approval.

Are the revisions to the approved SWMP attached?

☐ Yes, enclosed as_____

4) OPERATOR CERTIFICATION

I, _____ _____

Typed or printed name *Title*

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature:_____Date:_____

(Use blue ink)

Attachment 1 to a NOC Form for Providing Address & Contact Information Related to a Specific Authorization or Waiver under the Phase II MS4 General Permit TXR040000

Authorization or Waiver Number (required): TXR04_____ or **TXRMW**_____

Provide additional address and contact information below. Incomplete and invalid addresses will not be used. Verify mailing addresses at: https://tools.usps.com/go/ZipLookupAction!input.action

A. Operator

Phone Number:_____ Extension:_____ Fax Number:_____
E-mail Address:_____
Mailing Address:_____
Internal Routing (Mail Code, Etc.):_____
City:_____ State:_____ ZIP Code:_____
Mailing Information if outside USA
Territory: _____ Country Code:_____ Postal Code: _____

B. Billing Contact Information and Address for Receiving Annual Fee Statement

Prefix (Mr. Ms. Miss):_____
First/Last Name: _____ Suffix:_____
Title:_____ Credential:_____
Organization Name:_____
Phone Number:_____ Extension:_____ Fax Number:_____
E-mail Address:_____
Mailing Address:_____
Internal Routing (Mail Code, Etc.):_____
City:_____ State:_____ ZIP Code:_____
Mailing Information if outside USA
Territory: _____ Country Code:_____ Postal Code: _____

Attachment 2 to a NOC Form for adding the Optional 7th Minimum Control Measure Related to a Specific Authorization or Waiver under the Phase II MS4 General Permit TXR040000

7th Minimum Control Measure Cover Sheet

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the MCM. Provide the page number in the left column for each item. The questions relating to the Edwards Aquifer must also be answered.

This cover sheet MUST be attached to the front of the MCM.

Operator Name on NOI:_____

Optional 7th MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

If this MCM is utilized applicable, SWMP must include the following information:

Page # (s)	
	Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations
	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)
	If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
	Description provided for one of the following: • How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or • How the MS4 operator will make certain that contractors have a separate authorization for storm water discharges if needed.
	General description of how a construction SWP3 will be developed for each construction site.

Edwards Aquifer Rule

Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer?

Yes - If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction SWP3(s).

No

Notice of Change (NOC) to an Authorization or Waiver for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

GENERAL INFORMATION

Where to Send the NOC:

BY REGULAR U.S. MAIL:
Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:
Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact List:

Small Business and Local Government Assistance	800/447-2827
Application – status and form questions:	512/239-4671
Technical questions:	512/239-4671
Environmental Law Division:	512/239-0600
Records Management - obtain copies of forms:	512/239-0900
Reports from databases (as available):	512/239-DATA (3282)
Cashier's office:	512/239-0357 or 512/239-0187

NOC Process:

1. **Administrative Review:** The form will be reviewed to ensure the request is from the permittee (operator) on the authorization, the permit is active and initial coverage was acknowledged. Each item on the form will be reviewed for a complete response. In addition, the operator's legal name change must be verified with Texas Secretary of State (if applicable). The address(s) on the form must be verified with the US Postal Service (USPS) as an address receiving regular mail delivery. Never give an overnight/express mailing address.

   If an item is incomplete or not verifiable, the operator may be notified by letter, phone call or email. In some instances as noted at the beginning of the form, the request may simply be returned.

2. **NOC Confirmation:** An updated Acknowledgment Certificate will be mailed to the operator only if the NOC is to change information provided on the acknowledgment certificate. The original coverage effective date will not change.

General Permit (Your Permit) and Forms

You may view and print the general permit on the TCEQ web site http://www.tceq.texas.gov. Search using key word TXR040000. General Permit Forms (NOI, Waiver, NOT, and NOC) and instructions are available on the TCEQ web site http://www.tceq.texas.gov.

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a NOT and the new operator must submit a NOI. The NOI must be submitted not later than 10 days prior to the change in Operator status. Note that the NOT is effective on the postmarked date. It may be necessary to not terminate the existing permit until coverage by the new entity is confirmed.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. You can find the information on the Central Registry web site at http://www12.tceq.texas.gov/crpub/index.cfm.

You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your permit number under the search field labeled *Additional ID*.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all associated authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area for approval to update the CN and RN data in central registry.

INSTRUCTIONS FOR FILLING OUT THE NOC FORM

1) Operator (Permittee)

a) Legal Name. Provide the current legal name of the permittee, as on the permit.

b) Customer Number (CN). TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. You may search for your CN at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch.

If the name(s) provided do not match the current permittee name(s), this form will be returned. It is the responsibility of the permittee(s) to comply with the general permit.

Note: If a change is being made to the CN and the CN has other TCEQ authorization types, it is the entity's responsibility to update those authorizations at the same time. If an authorization has been cancelled or terminated, the name cannot be changed on the permit. Because of this, a new CN may be issued for the new name.

c) Regulated Entity Reference Number (RN). This is a number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not a permit number, registration number, or license number. Search for your RN: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.
If the site has changed or the information provided indicates a new location, this form will be returned. It is the responsibility of the permittee to comply with the general permit.

d) Person Signing this Application. Provide the name and title of the person signing the application. The person must be an executive official meeting signatory requirements in TAC §305.44.

2) APPLICATION CONTACT

Provide the name, title and contact information of the person that TCEQ can contact for additional information regarding this application.

3) REQUESTED CHANGE TO PERMITTED INFORMATION

Check one or more of the available options indicating the information in the form that is to be updated. Provide the updated information for Legal Name Change, Address and Contact Information Change, Regulated Entity Site Information Change, and/or Change to the Approved SWMP.

a) Legal Name Change. Provide the new legal name. The permits are not transferable. If the operator changes, the old entity must terminate their permit and the new entity must submit a form for a new permit.

b) Address and Contact Information Change. Indicate the type of address and contact information that has changed from the original NOI or last NOC submitted to TCEQ.

If the address and/or contact information is the same for all types, then check each type and enter the information in the fields on the form. If some types have different information, then use the NOC ATTACHMENT 1. The permit number MUST be written on ATTACHMENT 1 to indicate it is a part of the NOC form for the permit being updated. The updates cannot be made without reference to the submitted NOC form.

Verify mailing addresses with USPS https://tools.usps.com/go/ZipLookupAction!input.action for regular mail delivery (not overnight express mail). If you find that the address is not verifiable please indicate the address is used by the USPS for regular mail delivery. Failure to provide a valid mailing address will delay or prohibit us from updating the permit.

Please note that address updates relating to a general permit authorization can ONLY be made through a Notice of Change. Address changes submitted through any other form cannot be processed.

c) Regulated Entity Site Information Change. The NOC form is only for use to update or correct information submitted on the original application or last NOC for the authorization. The authorization under a general permit is site specific. If this change is related to a new location, a Notice of Change is not attainable.

d) Change to the Approved SWMP
The optional 7th Minimum Control Measure (MCM) can be added through an NOC after approval of the NOI and SWMP. The MCM is limited to the regulated area, such as the portion of the MS4 located within an urbanized area or the area designated by TCEQ as requiring coverage. This MCM may also be utilized over additional portions of the MS4 as long as the MS4 is in compliance with all of the MCMs listed in the general permit.

If the NOC is to add MCM 7th then Attachment 2 of the NOC must be provided.

Replacing a less effective or infeasible BMP specifically identified in the approved SWMP with an alternate BMP may be requested. The request must include:

- an explanation of why the BMP was eliminated.
- an explanation of the effectiveness of the replacement BMP.
- an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

Unless denied by the TCEQ in writing, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request. Other requested changes to the approved SWMP require written approval from TCEQ prior to implementing.

4) OPERATOR CERTIFICATION

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

IF YOU ARE A CORPORATION:
The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:
The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at 512/239-0600.

30 Texas Administrative Code
§305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

Appendix J

Year 1 Annual Report

Appendix K

Year 2 Annual Report

Appendix L

Year 3 Annual Report

Appendix M

Year 4 Annual Report

Appendix N

Year 5 Annual Report