STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the SWMP. Provide the page number to the left of each item.

This cover sheet MUST be attached to the front of the SWMP.

Operator:

Operator name on NOI: City of San Marcos

Assessment of program elements:

☐ Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.

☑ N/A, If newly regulated MS4.

MCM 1: Public Education, Outreach, and Involvement

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

Page # (s)	
12 - 17	1. SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater.
12 - 17	2. Defines the goals and objectives of the program based on high-priority community-wide issues.
12	3. Identifies the target audiences.
12 - 17	4. Appropriate educational material is developed or used.
12 - 17	5. Education material is distributed.
A.1-A.2	SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Classroom Education
- Use of media
- Education/Outreach for Commercial Activities
- Lawn and garden activities
- Promotional giveaways
- Water conservation practices for homeowners
- Outreach programs tailored to specific communities and children
- Stormwater educational materials
- Educational displays, pamphlets, booklets, and utility stuffers
- Webpage
- Storm drain stenciling
- Speakers to community groups
- Encouragement of proper lawn and garden care
- Encouragement of low impact development
- Support of pollution prevention for businesses

A.1-A.2

- Encouragement of water conservation practices
- Encouragement of pet waste management
- Stormwater hotlines

9 - 11

6. SWMP includes a program that complies with state and local public notice requirements.

9

7. May include using public input in the implementation of the program.

9

8. May include opportunities for citizen to participate in implementation of control measures.

9

9. Ensure the public easily can find information about the SWMP.

A.1-A.2

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Stakeholder meetings
- Community hotline
- Coordination with school groups/scouting
- Listserver
- Stream cleanup and monitoring
- Adopt-A-Stream programs
- Incentives for businesses to participate, such as web links
- Volunteer monitoring
- Watershed Organization
- Storm drain stenciling programs
- Advisory/partner committees
- Mailing list development and use
- Reforestation programs
- Wetland plantings
- Coordinate volunteer programs.

A.1-A.2

SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality

A.1-A.2

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 2: Illicit Discharge Detection and Elimination

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

17-21

1. Description of program that will be used to detect, investigate and eliminate illicit discharges

17

2. MS4 map:
    a. Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.
    b. Location and name of all surface waters receiving discharge from the MS4s outfalls.
    c. Priority areas, if applicable.

18

3. Methods for informing and training MS4 field staff.

20-21

4. Procedures for tracing the source of an illicit discharge.

20-21	5. Procedures for removing the source of the illicit discharge.
20-21	6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.
20-21	7. Procedures for responding to illicit discharges and spills.
20-21	8. Inspections in response to complaints.
19	**Additional Requirements for Level 2, 3, and 4 small MS4s:** For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.
20-21	**Additional Requirements for Level 3 and 4 small MS4s:** Follow-up investigation after the illicit discharge has been eliminated.
N/A	**Additional Requirements for Level 4 small MS4s:** 1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges. 2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.
A.3-A.4	SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs may include the following: • List of non-stormwater discharges that will not be considered illicit • Procedures to address illegal dumping • Hazardous materials disposal opportunities • Industrial/Business connections • Addressing wastewater connections to MS4 • Addressing recreational sewage (boats/camping/etc.) • System inspections • Dye testing • Recycling programs • Informing public/employees/businesses of hazards associated with illicit discharges • Identification of illicit discharges • Used oil collection centers • Public outreach and education programs regarding illicit discharges • Publicize and facilitate public reporting
A.3-A.4	SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality.
A.3-A.4	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 3: Construction Site Stormwater Runoff Control

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

21 1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).

21 2. Ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

21 3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants.
   a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters.
   b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.
   c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.

22 4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.

22 5. Procedures for construction site plan review to consider water quality impacts.

23 6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.

23-24 7. Procedures for receipt and consideration of information submitted by the public.

23 8. Procedures for MS4 staff training.

21 **Additional Requirements for Level 3, and 4 small MS4s:**

Includes an inventory of all permitted active construction sites greater than one acre or less than one acre if part of a larger common plan of development.

A.5-A.6 SWMP lists BMPs used to fulfill this MCM. Examples may include:

- Requirement to comply with TPDES CGP
- Notification to discharger of responsibilities under TPDES CGP
- Hire staff to review construction site plans
- Provide a web page for public input on construction activities
- Require overall construction site waste management
- Perform site inspections and enforcement
- Provide education and training for construction site operators
- Notify dischargers of requirement to obtain TPDES permit coverage
- Mechanism to prohibit discharges into MS4 where necessary

A.5-A.6 SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

A.5-A.6 SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

24 - 25	1. Description of program that will be developed, implemented and enforced, to address stormwater runoff 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.
24	2. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects.
24 - 25	3. 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.
25	4. Document and maintain records of enforcement actions.
25	5. Long-term operation and maintenance of post construction stormwater control measures is addressed.
25	6. Operation and maintenance is documented.

N/A	**Additional Requirements for Level 4 small MS4s:** 1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. 2. Inspections are documented.
A.7	SWMP lists BMPs used to fulfill this MCM. Examples may include: • Local ordinance in place or planned • Guidance document for developers to utilize • Specific BMPs established for particular watersheds • List of appropriate BMPs provided to operators • Elimination of curbs and gutters is encouraged • Zoning takes into account stormwater issues • Incentives for use of permeable choices, such as porous pavement • Requirements for wet ponds or other BMPs for certain size sites • Xeriscaping
A.7	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
A.7	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

26 - 29	1. An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included 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.
26	2. Develop and maintain an inventory of the MS4's facilities and stormwater controls.
26	3. Inform or train staff involved in good housekeeping practices.
	4. Waste from the MS4 is removed and properly disposed.
26 - 27	5. Contractors hired by the MS4 must be required to comply with operating procedures. a. MS4 develop contractor oversight procedures.
27 - 28	6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc. a. MS4 identifies pollutants of concern that could be discharged from the O&M activities. b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities. c. MS4s inspects pollution prevention measures at MS4 facilities.
27	7. MS4 maintains structural controls.

Additional requirements for Level 3 and 4 small MS4s:

28	1. Storm sewer system O&M. a. MS4 develops and implements an O&M program to reduce the collection of pollutants in catch basins and other surface structures. b. MS4 develops a list of potential problem areas for increased inspection (for example, areas with recurrent illegal dumping).
28	2. Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure.
26	3. MS4 map identify MS4 facilities and stormwater controls.
27 - 28	4. MS4 assess its facilities for their potential to discharge pollutants into stormwater. a. The MS4 identifies high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharge in stormwater. b. The MS4 documents the result of the assessments.
27	5. The MS4 develops stormwater management Standard Operation Procedures for high priority facilities.
27	6. The MS4 implements stormwater controls at high priority facilities that address: a. Good housekeeping

27

b. De-icing and anti-icing storage
c. Fueling operations and vehicle maintenance
d. Equipment and vehicle washing

26-27

7. The MS4 develops and implements an inspection program that includes high priority facilities.

N/A

Additional requirements for Level 4 small MS4s:

MS4 has an application and management program for pesticides, herbicides, and fertilizers that address:

a. Evaluating materials and activities used at public open spaces.
b. Implementing the following practices to minimize generating pollutants related to landscaping.
   i. Education for applicators and distributers
   ii. Encouragement of non-chemical solutions for pest management
c. Development of schedules that minimizes discharge of pollutants.
d. Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.

A.8-A.10

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- BMPs which address fleet vehicle maintenance/washing
- BMPs which address parking lot and street cleaning
- Catch basin and storm drain system cleaning
- Landscaping and lawn care (e.g. xeriscaping)
- Waste materials management
- Road salt application and storage practices
- Used oil recycling
- Pest management practices
- Fire training facilities
- BMPs which address roadway and bridge maintenance
- Golf course maintenance/waste disposal
- Disposal of cigarette butts
- Park maintenance (e.g., providing trash bags)

A.8-A.10

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

A.8-A.10

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 6: Industrial Stormwater Sources

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

N/A

Requirements for Level 4 MS4 only:

Program to identify and control industrial stormwater sources that at least includes:

a. MS4 landfills, other treatment, storage, or disposal facilities for municipal waste, hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).
b. Priorities and procedures for inspections and for implementing control measures for such discharges.

Optional 7th MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

Page # (s) – Provide the page number (s) to the left of each item.

If this MCM is applicable, the SWMP includes the following information:

N/A	1. 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.
N/A	2. 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).
N/A	3. 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.
N/A	4. Description provided for one of the following: a. 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 b. How the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed.
N/A	5. General description of how a construction SWP3 will be developed for each construction site.
N/A	6. Records of municipal construction activities authorized under this optional MCM.

Municipal Separate Storm Sewer System (MS4)

Stormwater Management Program

TPDES No. TXR040000

April 28, 2014

City of San Marcos
Municipal Separate Storm Sewer System (MS4)
Stormwater Management Program

April 28, 2014

Table of Contents

1 Background 1
1.1 Purpose and Scope 1
1.2 City of San Marcos 2
1.2.1 Legal Authority 3
1.3 Stormwater Management Program Requirements 4
1.4 Recordkeeping and Reporting Requirements 5
1.4.1 Noncompliance Notification 5
1.4.2 Annual Report 6
1.5 Definitions 6
1.6 SWMP Changes 7
2 Plan Development Process 8
2.1 BMP Selection 8
2.1.1 Measurable Goals and Implementation Schedule 8
2.2 Development and Review Process 9
3 Minimum Control Measures (MCMs) 12
3.1 MCM 1: Public Education, Outreach, and Involvement 12
3.1.1 Current Programs 12
3.1.2 Best Management Practices 12
3.2 MCM 2: Illicit Discharge Detection and Elimination 17
3.2.1 Current Programs 17
3.2.2 Best Management Practices 17
3.3 MCM 3: Construction Site Stormwater Runoff Control 21
3.3.1 Current Programs 21
3.3.2 Best Management Practices 21
3.4 MCM 4: Post Construction Stormwater Management in New Development and Redevelopment 24
3.4.1 Current Programs 24

3.4.2 Best Management Practices 24
3.5 MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations 25
3.5.1 Best Management Practices 26
Appendix A – List of BMPs by MCM ..... A
Appendix B – Phase II Permit Notice of Intent (NOI) ..... B
Appendix C – TPDES General Permit TXR040000 C
Appendix D – Annual Report Form and Checklist ..... D
Appendix E – Year 1 Annual Report ..... E
Appendix F – Year 2 Annual Report ..... F
Appendix G – Year 3 Annual Report ..... G
Appendix H – Year 4 Annual Report ..... H
Appendix I – Year 5 Annual Report I

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1 Background

Through the requirements of the Public Law 92-500, the Clean Water Act (CWA), the U.S. Environmental Protection Agency (EPA) is required to protect the water quality for natural waters throughout the country. Working to reduce or eliminate the pollutants from the waters of the U.S., the EPA established the program known as the National Pollutant Discharge Elimination System (NPDES) to identify water pollution sources.

The EPA has delegated responsibility for the NPDES program in Texas to the Texas Commission on Environmental Quality (TCEQ). In addition to issuing discharge permits to traditional *point sources*, such as wastewater treatment plants, TCEQ is also responsible for minimizing pollution from *non-point sources,* such as stormwater runoff from construction sites, industrial facilities and municipal stormsewer systems.

The TCEQ has issued requirements for minimizing stormwater pollution from construction sites and industrial facilities through the issuance of general permits. Sites and facilities comply with these requirements by developing and implementing site-specific stormwater pollution prevention plans (SWPPP).

To protect storm water quality from pollution entering municipal separate stormsewer systems (MS4s) in highly populated areas, TCEQ has developed a general permit with specific conditions that apply to MS4s.

1.1 Purpose and Scope

The EPA issued regulations in 1999 intended to protect stormwater quality in small cities and urbanized areas. EPA delegated responsibility for implementing the regulations in Texas, commonly called the Phase II Stormwater Program, to the TCEQ. The regulations applied to cities with populations greater than 50,000, or those located within an urbanized area according to the 2000 Census.

The EPA required the TCEQ to develop storm water quality permit conditions for regulated public entities that maintain municipal separate storm sewer systems (MS4). The first permit term for Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 ended on August 12, 2012. The new General Permit issued on December 13, 2013 applies to all cities and urbanized areas based on populations recorded in the 2010

Census. The City of San Marcos is one of several entities that are now required to develop a program to protect stormwater quality under TPDES General Permit No. TXR040000.

The City of San Marcos has developed a stormwater management program (SWMP) that includes a list of Best Management Practices (BMP's) that will be implemented by the city in order to achieve the regulatory standard of reducing pollutants in the city's stormwater to the "maximum extent practicable." Existing City of San Marcos stormwater programs and activities designed to protect the city's water quality will be supplemented with new BMP activities.

Measurable goals and an implementation schedule were developed for each of the BMP's in the SWMP. The BMP's, measurable goals, implementation schedule, and final SWMP were developed with input from the city's departments and review by the city council. They were also selected based upon a general assessment of BMP effectiveness, applicability in the San Marcos environment, costs associated with implementation of the BMP's, and consistency with ongoing water quality initiatives, such as the Habitat Conservation Plan (HCP) developed through the Edwards Aquifer Recover and Implementation Plan (EARIP). Effectiveness of the selected BMP's, and success in achieving the selected measurable goals will be reviewed annually.

1.2 City of San Marcos

San Marcos is located in Hays, Caldwell, Guadalupe, and Comal counties. According to the results of the 2010 Census, the city was designated as an urbanized area (UA) and is, therefore, eligible for coverage under TPDES general permit TXR040000 for Phase II (small) Municipal Separate Stormsewer Systems (MS4s).

The city is located along intersection of the Edwards Plateau and the Texas Blackland Prairies ecoregions. Located along the southern Edwards Plateau, that portion of the city located in the Balcones Canyonlands ecoregion is characterized by thin, rocky soils, springs, streams, canyons and sinkholes. Along and east of IH 35, the city within the Northern Blackland Prairie is characterized by clay soils and natural prairie vegetation. The San Marcos River and the Blanco River flow through the city along with several creeks, including Cottonwood Creek, Purgatory Creek, Sink Creek, and Willow Springs Creek.

Climate for the area is characterized by a humid, subtropical, continental climate with hot summers and mild winters. Rainfall averages approximately 35 inches per year with most occurring in spring and early autumn.

1.2.1 Legal Authority

The City of San Marcos is a chartered home-rule municipality, operated by a council - manager form of government. Elected officials include the mayor and six at-large city council members. The city regulates activities within its boundaries through ordinances designed to protect the health, safety, and welfare of its citizens. There are various ordinances that may support various aspects of the Storm Water Management Plan (Table 1).

Table 1: Current SWMP Support Ordinances

City of San Marcos Municipal Code of Ordinances (2012)				
Subpart	**Chapter**	**Article**	**Division**	**Subject**
A	34			Environment
A	58	2		Parks
A	86	3	2	Industrial Waste Discharge Regulations
A	86	3	3	Fats, Oils, and Grease
A	86	3	4	On-Site Sewage Facilities
B	5	3		Environmental Regulations

1.2.1.1 Legal Authority Required Under the General Permit

Under the terms of the general permit, the city must review existing ordinances and consider additional ordinances as described in the SWMP. Legal authority must include:

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 in the MS4].
c. Authority to require compliance with conditions in the city's ordinances, permits, contracts, or directives.
d. Authority to require installation, implementation, and maintenance of control measures.
e. Authority to receive and collect information [from construction site operator, land developments, and industrial and commercial facilities], such as stormwater plans and inspection reports, necessary to assess compliance with the general permit.
f. Authority to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the MS4.
g. Authority to respond to non-compliance with BMPs required by the city.
h. Authority to assess penalties, including monetary, civil, or criminal penalties.
i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

Beginning on the effective date of the TCEQ acceptance of the city's NOI and SWMP for coverage under the General Permit, the city will undertake a process to review and revise (if necessary) relevant ordinances that provide legal authority to control pollutant discharges into the MS4 in order to meet the requirements of the general permit or develop such ordinances that establish the city's legal authority.

Progress in the review of existing ordinances will be reported in the Annual Reports and will be completed within the first two years of the SWMP, with the exception of a ordinances that address development and redevelopment. This will be part of a comprehensive review of the city's land development code that will be completed within the five year permit term. New ordinances required to fully establish the city's legal authority under the General permit will be drafted and adopted prior to the end of the five year permit term.

1.3 Stormwater Management Program (SWMP) Requirements

The City is required to develop a SWMP that describes specific actions that will be taken over a five-year period to reduce pollutants and protect stormwater quality. The SWMP must also define measurable goals and provide a schedule for the implementation of BMPs over the next five years.

Phase II MS4s are categorized by population:

- Level 1: Small MS4 operators that serve a population of less than 10,000 within an Urbanized Area (UA);
- Level 2: Small MS4 operators that serve a population of at least 10,000 but less than 40,000 within a UA;
- Level 3: Small MS4 operators that serve a population of at least 40,000 but less than 100,000 within a UA; and
- Level 4: Small MS4 operators that serve a population of 100,000 or more within a UA.

According to the results of the 2010 Census, San Marcos is within the category of Level 3.

Implementation of the MEP standard requires the development and implementation of best management practices (BMPs) and the achievement of measurable goals to satisfy six minimum control measures (MCMs). It is expected that when these MCMs are addressed in concert, it will result in significant reductions of pollutants being discharged into receiving water bodies.

The six MS4 program MCMs are:

1. Public Education, Outreach, and Involvement.
2. Illicit Discharge Detection and Elimination (IDDE).
3. Construction Site Stormwater Runoff Control.
4. Post-Construction Stormwater Management in New Development and Redevelopment.
5. Pollution Prevention and Good Housekeeping for Municipal Operations.
6. Industrial Stormwater Sources (*required only of Level 4 MS4s*).

The sixth MCM (Industrial Stormwater Sources) and an optional seventh minimum control measure, to address municipal construction activities through their SWMP, have not been selected for inclusion in this SWMP.

1.4 Recordkeeping and Reporting Requirements

A primary component of the MS4 general permit is recordkeeping that allows for periodic evaluation of the management plan and for annual reporting to the TCEQ on the status of the plan. Specifically, Phase II MS4s are required to:

- Retain all records, a copy of the TCEQ general permit, and records of all data used to complete the NOI for a period of three years or for the term of the TCEQ permit, whichever is longer.
- Retain a copy of the SWMP at a location accessible to the TCEQ.
- Make the records, including the Notice of Intent (NOI) and SWMP, available to the public if requested to do so in writing. The SWMP must be made available within ten (10) working days following a written request. Other records must be provided in accordance with the Texas Public Information Act.
- 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.

The following subsections summarize the general reporting requirements for MS4s.

1.4.1 Noncompliance Notification

Under the terms of the general permit, the city must develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. Any noncompliance which may endanger human health or safety, or the environment, in accordance with 30 TAC Chapter 305.125(9), must be reported by the MS4 to the TCEQ. Oral and/or facsimile notification of the noncompliance must be made within 24 hours of becoming aware of

the issue. A written report must be provided to the TCEQ within five working days. Additionally, the MS4 must promptly submit to TCEQ any facts or information relevant to an NOI, Notice of Termination (NOT), Notice of Change (NOC), or any other report.

1.4.2 Annual Report

The city will submit a concise annual report to the executive director within 90 days of the end of each reporting year. The annual report must address the previous reporting year. The general permit provides three options for MS4 operators to designate as the reporting year: the permit year, the permittee's fiscal year or the calendar year. The City of San Marcos has elected to use the city's fiscal year as the reporting year, making **annual reports to TCEQ due by December 30 of each year** beginning December 30, 2015.

The annual report will include:

1. 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;
2. 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;
3. A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;
4. Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements; and
5. Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);

The annual report will also include a summary of any proposed changes to the SWMP planned for the next reporting cycle.

1.5 Definitions

The definition of terms within this SWMP are those within TPDES General Permit TXR040000, Part I – Definitions (See Appendix C).

1.6 SWMP Changes

This SWMP may be changed by the city at any time. According to the general permit, adding components, controls, or requirements to the SWMP, or replacing a BMP with an equivalent or better BMP only requires notification of TCEQ.

When considering eliminating a BMP, the list of BMPs by Regulatory Requirement presented in Appendix A must be reviewed to ensure that removal of the BMP will not result in non-compliance for any of the minimum control measures. If the BMP to be eliminated is the only BMP that provides compliance for a specific permit provision, then a new BMP that continues to meet the relevant permit requirement must be added to the SWMP.

A Notice of Change (NOC) must be submitted to the TCEQ for review and approval when changing the SWMP to replace an unsuccessful BMP with an alternative BMP (*e.g.* replacing a structural BMP with a non-structural BMP). An NOC and TCEQ approval are not required for:

- Adding BMPs.
- Replacing a BMP with a BMP that is substantially similar in nature to the BMP.
- Making non-substantive changes, such as minor clarifications to the SWMP (for example, updating for department reorganization, minor clarifications of BMPs, or correction of typographical errors).
- Adding or subtracting areas such as by annexation or de-annexation.

Specific requirements for SWMP changes and documentation of plan updates involving changes in BMPs, measurable goals, or the implementation schedule can be found in the general permit contained in Appendix C.

2 Plan Development Process

2.1 BMP Selection

The Public Services Department provided guidance in the selection of BMP's and the development of San Marcos' SWMP. Each city department was involved in the identification and assessment of existing and proposed BMPs. Various structural and non-structural BMP's will be implemented throughout the five year permit term authorized under the general permit. A two-step process was used to select the BMP's to be included in San Marcos' SWMP.

The city has historically been conscientious about all types of pollution prevention programs and has been proactive in developing and implementing measures intended to protect the water quality of the San Marcos River and the Edwards Aquifer. Whenever it has been feasible, the city has sought to be a part of regional water quality initiatives. The City of San Marcos has historically implemented various stormwater related BMP's intended specifically to protect the water quality of the San Marcos River and its tributaries.

An important aspect of developing an effective, compliant, and cost efficient TPDES Small MS4 SWMP is to acknowledge these on-going programs and identify how each is related to the MCMs of the general permit. Details of the city's existing stormwater related programs were collected, summarized, and categorized into one of the five MCM's required by the general permit. Several of the city's existing programs meet specific general permit requirements and contribute toward fulfilling the general permit requirement to reduce pollutants to the maximum extent practicable. Additional BMP's were selected to supplement the city's existing programs and to fulfill the requirements of the general permit. BMP's were evaluated for each of the five MCM's.

Alternative or future BMP's should be assessed relative to the following criteria:

- Does the BMP fulfill general permit requirements?
- What is the perceived effectiveness of the BMP?
- Is the BMP appropriate for San Marcos?
- What is the estimated cost of implementing the BMP?

2.1.1 Measurable Goals and Implementation Schedule

Selection of the BMPs, measurable goals, and an implementation schedule was based on what was seen as necessary and achievable by those city departments who will be responsible for accomplishing the activities supporting the BMPs. Consideration was also given to whether or

not inclusion of the activities in the SWMP would meet the permit requirements. Obviously, costs associated with implementing the various BMPs and measurable goals will be evaluated on an annual basis. Implementation of each BMP will be tracked as required during each year of the permit. Adjustments to the BMPs and implementation schedules will be made as necessary according to permit requirements.

The implementation schedule is based on the city's fiscal year (ending September 30). BMP implementation is scheduled for the month of September in each fiscal year.

2.2 Development and Review Process

The city departments involved in the implementation, tracking, enforcement, and assessment of the SWMP include:

- Community Services
- Public Services
- Engineering and CIP
- Development Services
- City Management
- Public Information

Meetings of the city departments involved in BMP selection were held on August 6, 2012. The meetings culminated in the development of a Draft Stormwater Management Plan. A public meeting to solicit comments regarding the Draft Stormwater Management Plan was held on April 16, 2014 and the draft plan posted on the city's website for general public comment.

Public Notice Process for SWMP and NOI Submittal

Following the public review and comment period for the draft SWMP, the NOI will be prepared for submission to TCEQ along with the final SWMP. The city will then publish notice of the preliminary decision on the NOI and SWMP in accordance with TCEQ instructions. Public access to both the draft and final SWMP will be maintained through the city's website.

As an applicant under the TPDES General Permit No.TXR040000, the city must adhere with the following public notice procedures described in Part II, Section E (12) of the general permit.

(a) The city must submit an NOI and SWMP to the executive director of TCEQ. The SWMP must include information about:
   1) BMPs the city will implement for each of the five 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 city's SWMP.

(b) After the city receives written instructions from the TCEQ's Office of Chief Clerk, the city 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 city as the MS4 operator;
2) Indication that the NOI is for a new authorization;
3) The address of the city;
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 city is located. Being located in multiple counties, the city must publish the notice at least once in a newspaper of general circulation in the 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 city to publish a notice of the public meeting and to hold the public meeting. The city must 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 city will describe the contents of the NOI and SWMP. The city will also provide maps and other data on the small MS4. The city will 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 city will 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.

3 Minimum Control Measures (MCMs)

3.1 MCM 1: Public Education, Outreach, and Involvement

General Permit Requirement: ***Part B.1.(a)***
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.

3.1.1 Current Programs

The City of San Marcos provides public education and outreach opportunities to the residents, business community, and visitors through informational signs, printed materials, and website information. Through the Parks, Solid Waste, and Environmental Health divisions of the Community Services department and through the Transportation and Water & Wastewater Utilities divisions of the Public Services Department, the city provides printed informational signs in public parks and printed brochures that are distributed by mail and through personal contact on a routine basis throughout the year. Conservation and pollution prevention materials are made available at various city facilities and events, and at the San Marcos Visitors Center.

3.1.2 Best Management Practices

Target Audiences

Best management practices for public education are focused on residents, businesses, university students, and visitors to San Marcos. Public involvement efforts are designed to engage residents and businesses in ongoing stormwater programs supported by the city. The city will determine and then coordinate education and outreach efforts as appropriate with Texas State University to maximize the program and cost effectiveness of the Public Education, Outreach, and Involvement Control Measure.

BMP 1.01 Stormwater Quality Outreach Materials

The City of San Marcos has developed a variety of educational brochures, utility bill inserts, and door hangars that are designed to inform residents and visitors of the effects of polluted stormwater runoff on the San Marcos River and the Edwards Aquifer and how individuals can minimize impacts on the local environment. Current publications are provided to the community in both English and Spanish and include:

- *What Not to Flush*
- Household hazardous waste brochure
- River water quality brochures
- Door hangars for neighborhoods following storm sewer cleaning

Measurable Goals:

- Identify target audiences and develop outreach materials accordingly.
- Continue to develop and distribute stormwater quality education materials.
- Distribute printed materials and promotional items throughout the community as appropriate in order to inform residents, visitors, businesses, and public service personnel on the importance of stormwater management activities.
- Distribute printed materials to local hotels, restaurants, and river outfitters that have contact with visitors.

Evaluation:

- Record the quantity of materials distributed throughout the community and report the data as part of the SWMP annual report.

BMP 1.02 Pet Waste Management in Parks

The Parks Division of the Community Services Department will maintain pet waste collection dispensers in public parks to promote proper owner disposal of pet wastes. The dispensers include informative signage that encourages pet owners to make use of the dispensers regularly.

Measurable Goals:

- Install fifteen (15) pet waste collection dispensers in city parks along the San Marcos River and tributaries.

Evaluation:

- Record the number of pet waste collection bags distributed annually and report the data as part of the SWMP annual report.

BMP 1.03 . Trash & Debris Management

The City of San Marcos has long been proactive in creating opportunities for community volunteers. These opportunities include annual community cleanup events and the city's curbside recycling program. The annual events include:

- The San Marcos River Cleanup.
- *Keep San Marcos Beautiful* Community Cleanups
- Don't Mess with Texas Trash-Off with Bobcat Build Event: This is the single largest one-day cleanup for the state of Texas. This event serves as Texas' signature event for the Great American Cleanup.
- *Adopt a Spot*: In order to encourage litter reduction and beautification throughout the community, the City of San Marcos implemented the *Adopt a Spot* program. Volunteers adopt a spot, park, or a section of the river. The adoption process involves cleaning and beautifying the spot at least four times a year. The program strives to raise public awareness; educate citizens about the source of debris; and generate public support for community involvement.

Measurable Goals:

- Advertise and host four (4) community cleanup events each year.
- Track number of households participating in curbside recycling.
- Develop and distribute outreach materials to enhance program visibility and participation.

Evaluation:

- Annually report the number of participants in each community cleanup event.
- Annually report the number of participants at active *Adopt a Spot* locations.
- Record the names of participating organizations and the number of volunteer hours each organization contributes to the program.
- Record the volume of trash and debris collected at each event and at each *Adopt a Spot.*

BMP 1.04 Classroom Education

The San Marcos Nature Center hosts regular outdoor education programs that provide students with information about watersheds and water quality. These programs include:

- *What's a Watershed?* How the land surrounding our river affects the health and well-being of the San Marcos River. How does litter affect the river from miles away? What can individuals do at home to help the river stay clean?

- *A River Runs Through It:* Exploring the San Marcos River by discussing the history of San Marcos and why the river is so important to the community
- *Down and Dirty:* Introduction to soil science. Topics include different kinds of dirt, animals that live underground, and erosion.

Measurable Goals:

- Conduct a minimum of four (4) outdoor education camps each year.

Evaluation:

- Track and report the number of program participants in the Nature Center Programs.

BMP 1.05 River Visitor Education

The city's *Conservation Crew* will meet with river visitors and residents to discuss stormwater and water quality in the San Marcos River.

Measurable Goals:

- Maintain a presence during months of peak river recreational activity.

Evaluation:

- Track and report the number of people contacted by the *Conservation Crew*.

BMP 1.06 Promote San Marcos River Water Quality

The City of San Marcos performs monthly bacteriological testing of the San Marcos River. The city's environmental health department has used the results of the tests to issue warnings regarding contact recreation in the river when testing revealed high concentrations of fecal coliform and fecal strep bacteria.

Measurable Goals:

- Post monthly test results on the city website.

Evaluation:

- Track and report the number of times the test results are accessed each month.

BMP 1.07 Media Access for Stormwater Education

Videos that have been used in presentations to community groups will be made available to public access through the local access cable channel and through the city's website.

Measurable Goals:

- Provide public access to "*Reduce Runoff*" and "*After the Storm*" videos through the city website.
- Provide public access to "*Reduce Runoff*" and "*After the Storm*" videos through the local public access cable channel.

Evaluation:

- Track and report the number of times each video is shown on the local public access channel.
- Track and report the number of times each video is accessed through the city website.

BMP 1.08 Storm Drain Marking

Storm sewer outlets will be stenciled with messages indicating that stormwater collected by the inlet flows to the San Marcos River. The city will develop a new storm sewer manhole design with an anti-pollution message. The redesigned manhole covers will be incorporated into new installations with new construction and infrastructure rehabilitation projects.

Measurable Goals:

- Coordinate selection of a manhole cover design with Texas State University.
- Use volunteer organizations to stencil 25 inlets per year.
- Develop a new stormsewer manhole cover design.
- Install redesigned manhole covers as part of new construction and rehabilitation projects.

Evaluation:

- Track and report number of inlets stenciled each year.
- Track and report number of redesigned manhole covers installed each year.

BMP 1.09 Public Notice for Stormwater Management Program Development

Notice of the TCEQ executive director's preliminary determination of the NOI and SWMP will be published in the *San Marcos Daily Record*.

Measurable Goals:

- Publish the notice provided by TCEQ and submit an affidavit of publication.

BMP 1.10 Community Cleanup Events

Community cleanup events are an important part of promoting ways to protect water quality and engaging volunteers from the community.

Measurable Goals:

- Conduct the annual San Marcos River Cleanup.
- Conduct the annual *Don't Mess with Texas Trash Off* and *Bobcat Build* events.
- Conduct the *Adopt a Spot* program for litter collection.

Evaluation:

- Track and report the number of events.
- Track and report the number of participants in each event.
- Track and report the volume/weight of litter or debris collected and removed.

3.2 MCM 2: Illicit Discharge Detection and Elimination

General Permit Requirement: ***Part B.2.(a)***
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.

3.2.1 Current Programs

Current programs of the city include maintenance of an inventory of on-site septic system (OSSF) within the city limits and operation of an annual household hazardous waste collection program.

3.2.2 Best Management Practices

BMP 2.01 Stormsewer System Mapping

The city will develop and update a map of the stormsewer system, including the location of all outfalls and the name and location of surface water receiving stormsewer outfall.

Measurable Goals:

- Map 20% of the city's stormsewer system and outfalls each year.
- Develop policies and procedures for updating the stormsewer system map with new, altered, and newly located stormsewer features.
- Update the stormsewer system map with new, altered and newly discovered storm sewer features.

Evaluation:

- Annually track and report the approximate percentage of the city's stormsewer system mapped.
- Distribute policies and procedures to each department involved in development review and stormsewer maintenance and operation.
- Annually track and report updates to the stormsewer system map.

BMP 2.02 Illicit Discharge Detection and Elimination Legal Authority

City staff will conduct a review of existing legal authority and submit proposals to the city council for ensuring the legal authority exists to effectively prohibit non-storm water discharges into the city's stormsewer system.

Measurable Goals:

- Develop and adopt an illicit discharge ordinance and enforcement procedures.
- Notify residents, businesses, and industries of the illicit discharge ordinance and investigation and enforcement procedures using the city's website, utility bill inserts, and other public notice means.
- Implement reporting procedures and enforcement of the illicit discharge regulations.

BMP 2.03 Employee Information and Training

The city will develop a program for informing and training employees in recognizing and reporting illicit discharges and connections to the MS4.

Measurable Goals:

- Develop a list of employee positions to be trained on the identification and reporting of illicit discharges and other reporting requirements of the SWMP.
- Develop a training program, including materials and internal reporting forms and procedures.

- Develop a training schedule and conduct training of identified personnel.
- Conduct training for new and additional employees.

Evaluation:

- Annually track and report the number of employees receiving IDDE training.

BMP 2.04 Septic System Ordinance

Maintain an inventory of on-site sewage facilities (OSSFs) within the city limits with procedures to require correction of leaking or overflowing OSSFs.

Measurable Goals:

- Maintain the existing inventory of OSSFs within the city limits.
- Update OSSF service records with an annual audit of OSSFs.

Evaluation:

- Track and report the number of OSSFs audited.
- Track and report the number of OSSFs removed as a result of sanitary sewer system extension or structure demolition.

BMP 2.05 Grease Trap Management (FOG Program)

Apply the requirements of the fats, oil, and grease (FOG) ordinance for grease trap installation and maintenance at non-domestic food handling establishments.

Measurable Goals:

- Continue to require grease traps for new establishments.
- Inspect new grease trap installations.
- Monitor grease trap maintenance records for conformance with the provisions of the FOG ordinance.

Evaluation:

- Track and report the number of new grease trap installations.
- Track and report the number of grease trap installation maintenance reports.

BMP 2.06 Inspect Sanitary Sewers on the Edwards Aquifer Recharge Zone

Conduct inspections of sanitary sewers on the EARZ at 5 year intervals.

Measurable Goals:

- Track and report the number of linear feet of sanitary sewers located on the EARZ inspected in each year.

Evaluation:

- Assess the condition of sanitary sewers on the EARZ inspected to be included in the city's program of collection system repairs.

BMP 2.07 Sanitary Sewer Overflow Initiative (SSOI) Participation

The city participates in the TCEQ Sanitary Sewer Overflow Initiative (SSOI).

Measurable Goals:

- Continue the program of Sanitary Sewer Evaluation Studies (SSES) and sewer rehabilitation and repair projects as addressed in the city's SSOI plan.

BMP 2.08 Proper Disposal of Household Hazardous Wastes

The city of San Marcos conducts regular collections of household hazardous wastes and recyclable materials twice each week. Household cleaners, latex paint, household batteries, pesticides, and other materials accepted at a central location. The regular schedule for accepting materials is intended to provide convenient drop-off location for residents to ensure encourage residents to properly dispose of their wastes. This service is advertised through the city's website and brochures that are distributed at city events.

Measurable Goals:

- Collect household hazardous wastes at a central location.
- Distribute informational brochures to inform residents of the service.

Evaluation:

- Track and report the number of residents who drop off materials at the collection station.
- Report the volume of materials collected.

BMP 2.09 Establish Written IDDE Procedures

The city will develop written procedures for illicit discharge detection and discharge elimination.

Measurable Goals:

- Develop and maintain written procedures for implementing the BMPs for Illicit Discharge Detection and Elimination.

3.3 MCM 3: Construction Site Stormwater Runoff Control

General Permit Requirement: ***Part B.3.(a)***
All permittees shall develop, implement and enforce a program requiring operators of small and large construction activities, as defined in Part I of the 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.

3.3.1 Current Programs

The city maintains an active program of construction plan review and project inspection. The city's Land Development Code specifically addresses temporary erosion control for development of land located on hillsides, in the Edwards Aquifer recharge, transition, and upland zones, in the San Marcos River Corridor (SMRC), and in the other river, stream and waterway corridors, within the city limits and within the city's extraterritorial jurisdiction.

3.3.2 Best Management Practices

BMP 3.01 Active Construction Site Inventory

The city will develop a system for maintaining an inventory of permitted active construction sites ≥ 1 acre. This inventory will not include active construction sites managed by Texas State University on university-owned property.

Measurable Goals:

- Develop a system for maintaining an inventory of active construction sites ≥ 1 acre or less than 1 acre if part of a larger common plan, development, or sale.
- Implement the system for permitted active private and public construction sites.

Evaluation:

- Reports from the inventory of permitted sites list both active sites and sites that became inactive during the fiscal year.

BMP 3.02 Review and Maintain Legal Authority for Construction Site Runoff Control

The city will review existing regulations to ensure that the legal authority to address construction site storm water runoff from development and redevelopment construction sites is in place and is enforceable.

Measurable Goals:

- Review and update regulations as needed to reflect changes in technology and to clarify requirements of the city's code of ordinances.
- Review and update regulations to require soil stabilization whenever clearing, grading, excavation or other earth disturbing activities have temporarily or permanently ceased.
- Review and update regulations to address prohibited construction related discharges.

Evaluation:

- Reports from the inventory of permitted sites will list both active sites and sites that became inactive during the fiscal year.

BMP 3.03 Construction Plan Review

Review site plans and construction plans for all new development and redevelopment and for capital construction.

Measurable Goals:

- Construction plans are reviewed prior to construction to verify compliance with the city’s temporary erosion control ordinances for new development and redevelopment.

Evaluation:

- The number of plan submittals and approvals will be tracked and reported.

BMP 3.04 Drainage and Water Quality Criteria Review

City staff will review the city's drainage and water quality design criteria for consistency and compliance with city goals and objectives and state and federal mandates. The criteria will be updated as needed.

Measurable Goals:

- Update the drainage design and water quality criteria in response to the city's comprehensive planning process, and state and federal mandates.

BMP 3.05 Construction Site Compliance Monitoring

The city will continue its current program of construction site inspection and enforcement of the use and maintenance of construction site BMPs.

Measurable Goals:

- Continue to inspect construction sites for erosion and sedimentation control BMPs.
- Enforce compliance with city regulations regarding temporary erosion control.

BMP 3.06 Training

The city will train city personnel and construction contractors on the installation and maintenance of temporary erosion control BMPs at private development and redevelopment sites.

Measurable Goals:

- Develop a list of local contractors to be invited for training on the installation and maintenance of temporary erosion BMPs.
- Develop a training program, including materials and internal reporting forms and procedures.
- Develop a training schedule and conduct training of identified contractors and city staff.
- Conduct annual training sessions for contractors and city staff.

Evaluation:

- Track and report the dates that the training classes are held and the list of attendees.

BMP 3.07 Written Procedures

The city will develop and maintain written procedures for requiring construction BMPs for small and large construction activities.

Measurable Goals:

- Develop and maintain written procedures for implementing the BMPs for construction activities.

3.4 MCM 4: Post Construction Stormwater Management in New Development and Redevelopment

General Permit Requirement: ***Part B.4.(a)***
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.

3.4.1 Current Programs

The city's current post construction stormwater management practices include the requirement for site revegetation following construction.

3.4.2 Best Management Practices

BMP 4.01 Post Construction Stormwater Management Legal Authority

The city will conduct a review of the city's legal authority to require and inspect post construction storm water management of new development and redevelopment construction projects using structural and non-structural BMPs.

Measurable Goals:

- Review and update the city's current development code for requirements for post-construction maintenance of BMPs for new development and redevelopment construction sites of 1 acre or more, and in projects of less than 1 acre that are part of a larger common plan of development, redevelopment, or sale.

BMP 4.02 Long-Term Maintenance of Post Construction Stormwater Control Measures

The city will review the city's legal authority to require long-term maintenance and operation of structural storm water control measures by a) city maintenance, or b) maintenance agreement with property owners.

Measurable Goals:

- Establish the criteria and procedures through which the city may consider acceptance of structural stormwater control measures for city maintenance.
- Establish the criteria and procedures for approval of the continuing maintenance of structural stormwater control measures.

BMP 4.03 Post-Construction Site Inspection and Project Acceptance

The city will review, update, and implement project acceptance procedures to address Post Construction Storm Water Management for new development and re-development.

Measurable Goals:

- Post construction inspection of private construction sites for revegetation OR maintenance bond OR deferred landscape agreement.

BMP 4.04 Written Procedures

The city will develop and maintain written procedures for the city's program for requiring post-construction BMPs for small and large construction activities.

Measurable Goals:

- Develop and maintain written procedures for implementing the BMPs for new development and redevelopment.

3.5 MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

General Permit Requirement: ***Part B.5.(a)***
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.

3.5.1 Best Management Practices

BMP 5.01 Municipal Facilities and Stormwater Control Inventory

The city will inventory and map city-owned and operated facilities and stormwater controls. The pollutant discharge potential of each facility will be assessed as a part of this inventory.

Measurable Goals:

- Inventory all municipal facilities and storm water controls.
- Map municipal facilities and storm water controls inventoried.
- Assess the pollutant discharge potential of each facility.
- Document the results of the assessment.

BMP 5.02 Training and Education

The city will develop and implement an employee training program that addresses stormwater quality issues, pollution prevention, and good housekeeping procedures for city operations.

Measurable Goals:

- Develop a list of departments/divisions and employee positions to be trained in implementing pollution prevention and good housekeeping practices.
- Develop a training program, including materials and internal reporting forms and procedures.
- Develop a training schedule and conduct training of identified personnel.
- Conduct training for new and additional employees.

BMP 5.03 Contractor Requirements and Oversight

The city will initiate contractual requirements in city maintenance contracts that require contractors to comply with Pollution Prevention & Good Housekeeping BMPs adopted by the city.

Measurable Goals:

- Identify maintenance services performed by contractors.
- Draft contract provisions that establish contractual requirements for compliance with Pollution Prevention and Good Housekeeping practices and facility-specific stormwater management operating procedures.
- Implement contract requirements in new contracts and by amendment to existing contracts.

BMP 5.04 High Priority Facility-Specific SOPs

High Priority Facilities are defined in the general permit as those facilities with a high potential to generate stormwater pollutants. The city will identify city-owned high priority facilities and implement stormwater controls at those facilities.

Measurable Goals:

- Develop facility-specific SOPs that identify BMPs to be installed, implemented, and maintained.
- Maintain a hard or electronic copy of each facility-specific SOP.
- Develop and implement a program of periodic inspections of high priority facilities and document the results of the inspections.

BMP 5.05 High Priority Facility Storm Water Controls

The city will implement stormwater controls at high priority facilities.

Measurable Goals:

- Establish general good housekeeping procedures.
- Develop Spill Prevention and Response Plans for vehicle and equipment fueling and maintenance locations.
- Develop Spill Prevention and Response Plans for vehicle & equipment fueling and maintenance locations.

BMP 5.06 City Operations Assessment

Evaluate operations and maintenance (O&M) activities for potential to discharge pollutants.

Measurable Goals:

- Evaluate pavement repair and maintenance operations.
- Develop procedures and documentation for inspection of pollution prevention measures at city-owned facilities.
- Perform inspections of pollution prevention measures at city owned and operated facilities.

BMP 5.07 Stormsewer System O&M

The city will develop, document, and implement an O&M program to reduce the accumulation of pollutants in stormsewers, catch basins and other surface drainage structures.

Measurable Goals:

- Develop a stormsewer waste material disposal standard operating procedure (SOP).
- Develop written procedures and documentation for periodic inspection and cleaning of catch basins.
- Continue city's Storm Sewer Maintenance Program for inspection and cleaning of inlets and storm sewers.
- After completion of the stormsewer system map (BMP 2.01), identify areas for increased inspection to detect accumulations of sediment and debris or illegal dumping.

BMP 5.08 Street Sweeping

The city presently operates a program of street sweeping for streets of each classification. The city will continue the street sweeping program to reduce accumulations of sediment and litter on city streets.

Measurable Goals:

- Continue sweeping up to 310 lane miles of arterials; collectors; and residential streets each year.
- After areas of sediment/debris accumulation have been identified (BMP 5.07), increased sweeping of those areas will be conducted.

BMP 5.09 Post Construction Site Inspection and Project Acceptance

The city will review, update, and implement project acceptance procedures to address Post Construction Stormwater Management for public infrastructure projects.

Measurable Goals:

- Continue to conduct warranty inspections of public infrastructure projects for conformance with contract specifications for revegetation.
- Continue to conduct post construction inspection of private construction sites for revegetation OR maintenance bond OR deferred landscape agreement.

BMP 5.10 Waterway Litter Removal

The city removes underwater litter removal on a quarterly basis from the San Marcos River from City Park downstream to Thompsons Island and for short distances upstream along key river tributaries.

Measurable Goals:

- Conduct quarterly underwater litter removals downstream of City Park to Thompson's Island.
- Conduct quarterly litter pickups in tributaries to the San Marcos River.

SWMP Attachment 1

Portions of the City of San Marcos are located in the Edwards Aquifer Recharge Zone. A Water Pollution Abatement Plan (WPAP), as required by the Edwards Aquifer Rule (30 TAC Chapter 213), will be developed and submitted for approval prior to any construction taking place over these areas.

Appendix A – List of BMPs by MCM

MCM No. 1

Public Education, Outreach, and Involvement

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year 1	2	3	4	5	Responsible Department/Division
1.01	Storm Water Quality Outreach Materials	Distribute informational brochures for the purpose of educating residents, visitors, and businesses on issues that impact storm water quality	Identify target audiences and develop outreach materials accordingly.						Transportation
			Distribute Household Hazardous Waste information brochures at community events and on the city's website.						Community Services/Solid Waste
			Distribute brochures containing river and watershed water quality information to visitors and students at the Nature Center						Community Services
			Distribute informational door hangers to residents following local storm sewer cleaning.						Transportation
			Annual utility bill inserts for FOG and "What Not to Flush"						Water & Wastewater Utility
1.02	Pet Waste Management in Parks	Provide pet waste collection dispensers in city parks to promote proper owner disposal of pet waste.	Provide 15 pet waste collection dispensers in 11 city parks.						Community Services/Parks
			Record number of pet waste collection bags distributed annually.						
1.03	Trash & Debris Management	Host and advertise community cleanup events	Host and advertise 4 events per year						Community Services/Environmental Health
		Continue recycling program	Continue the curbside recycling program.						Community Services/Solid Waste
1.04	Classroom Education	Include information about watersheds and water quality in annual Nature Center outdoor education camps	Conduct a minimum of 4 outdoor education camps per year						Community Services/Parks
1.05	River Visitor Education	The Conservation Crew will meet and talk to river visitors & residents about storm water and water quality	Report the number of people contacted annually.						Community Services/Parks
1.06	Promoting San Marcos River water quality	Post bacteriological test results on the city website to inform public of river water quality	Post test results monthly.						Community Services/Environmental Health

MCM No. 1

Public Education, Outreach, and Involvement

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year 1	2	3	4	5	Responsible Department/Division
1.07	Media Access for Storm Water Education	Provide public access to videos through CATV and city website.	Promote "Reduce Runoff" and "After the Storm" videos on city website						Transportation
			Provide "Reduce Runoff" and "After the Storm" videos for public access cable TV						
1.08	Storm Drain Marking	Decide on inlet marker design	Coordinate selection of a manhole cover design with Texas State University.						Transportation
			Purchase inlet markers						
		Apply inlet markers to storm sewer inlets	Stencil 25 inlets per year with volunteers.						Transportation; CIP
		Redesign storm sewer manhole covers to include "Don't Pollute" message	Develop new design.						
		Incorporate redesigned storm sewer MH covers	Install redesigned MH covers in new installations						
1.09	Public Notice for SWMP Development	Comply with public notice requirements when implementing the SWMP.	Maintain a record of the public notice and method of advertisement						Transportation
1.10	Community Cleanup Events	Conduct annual volunteer events for debris and litter removal	Conduct the annual San Marcos River Cleanup						Community Services/Parks
		Conduct a variety of volunteer clean-up events	Conduct *Keep San Marcos Beautiful* and *Bobcat Build* events						Community Services
		Program for volunteers to participate in collecting litter at designated locations throughout the community	*Adopt a Spot* program adoptions/trash collected.						Community Services/Parks

MCM No. 2

Illicit Discharge Detection and Elimination

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year 1	2	3	4	5	Responsible Department/Division
2.01	Stormsewer System Mapping	The city will develop a map of the stormsewer system, including the location of all outfalls and the name and location of surface water receiving stormsewer outfall	Map 20% of the city's storm sewer system and outfalls each year.	■	■	■	■	■	Transportation
			Develop policies and procedures for updating the storm sewer system map with new, altered, and newly located storm sewer features.			■			Transportation; CIP; Planning & Development Services
			Update the storm sewer system map with new, altered and newly discovered storm sewer features.				■	■	
2.02	Illicit Discharge Detection and Elimination Legal Authority	Conduct a review of existing legal authority and submit proposals to the city council for ensuring the legal authority exists to effectively prohibit non-storm water discharges into the city's stormsewer system..	Develop and adopt an illicit discharge ordinance and enforcement procedures		■				Transportation; Legal
			Notify residents, businesses, and industries of the illicit discharge ordinance and investigation and enforcement procedures using the city's website, utility bill inserts, and other public notice means.			■	■	■	
			Implement reporting procedures and enforcement of the illicit discharge regulations.				■	■	Transportation; Environmental Health; Water & Wastewater Utility; Planning & Development Services; Community Services; Code Enforcement
2.03	Employee Information and Training	Develop a program for informing and training employees in recognizing and reporting illicit discharges & connections to the MS4.	Develop a list of employee positions to be trained on the identification and reporting of illicit discharges and other reporting requirements of the SWMP.	■					Transportation; Environmental Health; Water & Wastewater Utility; Planning & Development Services; Community Services; Code Enforcement
			Develop a training program, including materials and internal reporting forms and procedures.		■				
			Develop a training schedule and conduct training of identified personnel.			■			
			Conduct training for new and additional employees.				■	■	

MCM No. 2

Illicit Discharge Detection and Elimination

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year					Responsible Department/Division
				1	2	3	4	5	
2.04	Septic System Ordinance	Maintain an inventory of OSSFs within the city limits.	Maintain the inventory; service records; and annual audit of OSSFs within the city limits.						Community Services/Environmental Health
2.05	Grease Trap Management (FOG Program)	Apply the requirements of the FOG ordinance for grease trap installation and maintenance at non-domestic food handling establishments.	Continue to require grease traps for new establishments and to enforce the provisions of the FOG ordinance.						Water & Wastewater Utility; Community Services/Environmental Health
2.06	Inspect sanitary sewers on Edwards Recharge	Inspect sanitary sewers located on the EARZ.	Conduct inspections of sanitary sewers on the EARZ at 5 year intervals.						Water & Wastewater Utility
2.07	Sanitary Sewer Overflow Initiative (SSOI) Participation	Participate in the TCEQ SSOI.	Continue the program of Sanitary Sewer Evaluation Studies (SSES) and sewer rehabilitation and repair projects.						Water & Wastewater Utility
2.08	Proper Disposal of Household Hazardous Wastes (HHW)	Maintain an annual program for collection of household hazardous wastes.	Collect Household Hazardous Waste on designated dates and report number of participants..						Solid Waste
2.09	Establish Written IDDE Procedures	Develop & maintain written procedures for IDDE.	Develop and maintain written procedures for implementing the BMPs for Illicit Discharge Detection and Elimination.						Transportation; Community Services

MCM No. 3

Construction Site Stormwater Runoff Control

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year					Responsible Department/Division
				1	2	3	4	5	
3.01	Active Construction Site Inventory	Develop a system for maintaining an inventory of active construction sites ≥ 1 acre.	Develop a system for maintaining an inventory of active construction sites ≥ 1 acre or less than 1 acre if part of a larger common plan, development, or sale.						CIP; Permit Center
			Implement the system for active private and public construction sites.						
3.02	Review and Maintain Legal Authority for Construction Site Runoff Control	Maintain legal authority to address construction site storm water runoff from development and redevelopment construction sites.	Review and update regulations as needed to reflect changes in technology and to clarify requirements of the city's code of ordinances.						Planning & Development Services; CIP; Legal
			Review and update regulations to require soil stabilization whenever clearing, grading, excavation or other earth disturbing activities have temporarily or permanently ceased.						
			Review and update regulations to address prohibited construction related discharges.						
3.03	Construction Plan Review	Review site plans and construction plans for all new development and redevelopment and for capital construction.	Continue to require submission of construction plans for review to verify compliance with temporary erosion control ordinances for new development and redevelopment.						CIP; Permit Center; Community Services
3.04	Drainage and Water Quality Criteria Review	Review the city's drainage and water quality design criteria for consistency and compliance with City goals and objectives and state and federal mandates.	Update the drainage design and water quality criteria in response to the city's comprehensive planning process, and state and federal mandates.						Planning & Development Services; CIP; Legal; Community Services
3.05	Construction Site Compliance Monitoring	Continue construction site inspection and enforcement of the use and maintenance of construction site BMPs.	Continue to inspect construction sites for erosion and sedimentation control BMPs.						CIP; Permit Center; Community Services

MCM No. 3

Construction Site Stormwater Runoff Control

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year					Responsible Department/Division
				1	2	3	4	5	
3.06	Training	Train city personnel and construction contractors on the installation and maintenance of temporary erosion control BMPs at private development and redevelopment sites.	Develop a list of local contractors to be invited for training on the installation and maintenance of temporary erosion BMPs.						Permit Center; CIP; Transportation
			Develop a training program, including materials and internal reporting forms and procedures.						
			Develop a training schedule and conduct training of identified contractors and city staff.						
			Conduct annual training sessions for contractors and city staff.						
3.07	Written Procedures	Develop & maintain written procedures for the city's program for requiring construction BMPs for small and large construction activities.	Develop and maintain written procedures for implementing the BMPs for Construction Activities						CIP; Permit Center; Community Services

MCM No. 4

Post Construction Stormwater Management in New Development and Redevelopment

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year					Responsible Department/Division
				1	2	3	4	5	
4.01	Post Construction Storm Water Management Legal Authority	Review of the city's legal authority to require and inspect post construction storm water management of new development and redevelopment construction projects using structural and non-structural BMPs.	Review the city's current development code for requirements for post-construction maintenance of BMPs for new development and redevelopment construction sites of 1 acre or more, and in projects of less than 1 acre that are part of a larger common plan of development, redevelopment, or sale.						Planning & Development Services; CIP; Legal; Parks
			Update the city's current development code to incorporate findings of code review.						
4.02	Long-Term Maintenance of Post-Construction Storm Water Control Measures	Review the city's legal authority to require long-term maintenance and operation of structural stormwater control measures by a) city maintenance, or b) maintenance agreement with property owner.	Establish criteria and procedures through which structural stormwater control measures may be accepted for city maintenance.						Transportation; Planning & Development Services; CIP; Legal
			Establish criteria and procedures for private maintenance of structural stormwater control measures.						
4.03	Post Construction Site Inspection and Project Acceptance	Review, update, and implement project acceptance procedures to address Post Construction Storm Water Management for new development and re-development.	Post construction inspection of private construction sites for revegetation OR maintenance bond OR deferred landscape agreement.						Permit Center; CIP
4.04	Written Procedures	Develop & maintain written procedures for the city's program for requiring post-construction BMPs for small and large construction activities.	Develop and maintain written procedures for implementing the BMPs for new development and redevelopment.						CIP; Permit Center; Community Services

MCM No. 5

Pollution Prevention & Good Housekeeping for Municipal Operations

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year 1	2	3	4	5	Responsible Department/Division
5.01	Municipal Facilities & Storm Water Control Inventory	Maintain an inventory of city-owned and operated facilities and storm water controls; and assess the pollutant discharge potential of each facility.	Inventory all municipal facilities and storm water controls						Transportation; CIP; Community Services; SMEU; Water/Wastewater
			Map municipal facilities and storm water controls inventoried.						Transportation
			Assess the pollutant discharge potential of each facility.						
			Document the results of the assessment.						
5.02	Training and Education	Develop and conduct training for city employees that addresses storm water quality issues, pollution prevention, and good housekeeping procedures for city operations.	Develop a list of departments/divisions and employee positions to be trained in implementing pollution prevention and good housekeeping practices.						Transportation
			Develop a training program, including materials and internal reporting forms and procedures.						
			Develop a training schedule and conduct training of identified personnel.						
			Conduct training for new and additional employees.						Transportation; Water/Wastewater; SMEU; CIP; Community Services; Fire
5.03	Contractor Requirements and Oversight	Initiate contractual requirements for city maintenance contractors to comply with Pollution Prevention & Good Housekeeping BMPs.	Identify maintenance services performed by contractors.						Transportation; Community Services; Water/Wastewater; SMEU; Legal; Human Resources; Purchasing
			Draft contract provisions that establish contractual requirements for compliance with Pollution Prevention and Good Housekeeping practices and facility-specific stormwater management operating procedures.						
			Implement contract requirements in new contracts and by amendment to existing contracts.						

MCM No. 5

Pollution Prevention & Good Housekeeping for Municipal Operations

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year 1	2	3	4	5	Responsible Department/Division
5.04	High Priority Facility-Specific SOPs	Develop facility-specific SOPs and storm water controls for high priority facilities.	Develop facility-specific SOPs that identifies BMPs to be installed, implemented, and maintained.						Transportation; Water/Wastewater; SMEU; Community Services; Fire
			Maintain a hard or electronic copy of each facility-specific SOP.						
			Develop and implement a program of periodic inspections of high priority facilities and document the results of the inspections.						Transportation
5.05	High Priority Facility Stormwater Controls	Implement stormwater controls at high priority facilities.	Establish general good housekeeping procedures.						Transportation; Water/Wastewater; SMEU; Community Services; Fire; Police
			Develop Spill Prevention and Response Plans for vehicle & equipment fueling and maintenance locations.						
			Develop equipment and vehicle washing SOPs to ensure that wastewater is not discharged.						
5.06	City Operations Assessment	Evaluate O&M activities for potential to discharge pollutants.	Evaluate pavement repair and maintenance operations.						Transportation; Community Services
			Develop procedures and documentation for inspection of pollution prevention measures at city-owned facilities.						
			Perform inspections of pollution prevention measures at city owned & operated facilities.						

MCM No. 5

Pollution Prevention & Good Housekeeping for Municipal Operations

BMP	Description	Implementation Activities	Measurable Goals	Implementation Schedule (Fiscal) Year					Responsible Department/Division
				1	2	3	4	5	
5.07	Stormsewer System O&M	Develop and implement an O&M program to reduce the accumulation of pollutants in catch basins and other surface drainage structures.	Develop a stormsewer waste material disposal SOP.						Transportation
			Develop written procedures and documentation for periodic inspection and cleaning of catch basins.						
			Continue city's Storm Sewer Maintenance Program for inspection and cleaning of inlets and storm sewers.						
			After completion of the stormsewer system map (BMP 2.01), identify areas for increased inspection to detect accumulations of sediment and debris or illegal dumping.						
5.08	Street Sweeping	Continue the street sweeping program to reduce accumulations of sediment and litter on city streets.	Continue sweeping up to 310 lane miles of arterials; collectors; and residential streets each year.						Transportation
5.09	Post Construction Site Inspection and Project Acceptance	Review, update, and implement project acceptance procedures to address Post Construction Stormwater Management for public infrastructure projects.	Continue to conduct warranty inspections of public infrastructure projects for conformance with contract specifications for revegetation.						CIP; Community Services; Transporation
			Continue to conduct post construction inspection of private construction sites for revege OR maintenance bond OR deferred landscape agreement.						Permit Center; CIP
5.10	Waterway Litter Removal	Underwater litter removal from San Marcos River.	Conduct quarterly underwater litter removals downstream of City Park to Thompson's Island.						Community Services
		Key drainageway litter removal.	Conduct quarterly litter pickups in drainageways adjacent to the San Marcos River.						

Appendix B – Phase II Permit Notice of Intent (NOI)

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

RESET FORM

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the INSTRUCTIONS to fill out each question in this form.
- Use the CHECKLIST to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to https://www3.tceq.texas.gov/epay/index.cfm
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?
(Note: An authorization cannot be renewed after June 11, 2014.)

☐ Yes The existing authorization number is: TXR04_____
(If an authorization number is not provided, a new number will be assigned.)

☑ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600521272

b. What is the Legal Name of the entity (applicant) applying for this permit?
City of San Marcos
(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Jared Miller Suffix: _____
Title: City Manager Credential: _____

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (512) 393-8036 Ext: _____ Fax Number: (855) 759-2839
E-mail: pw_info@sanmarcostx.gov
Mailing Address: 630 E. Hopkins
Internal Routing (Mail Code, Etc.): Attn: Public Services - Transportation
City: San Marcos State: Texas ZIP Code: 78666
If outside USA: Territory: _____ Country Code: _____ Postal Code: _____

e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☑ City Government ☐ Other Government

f. Number of Employees:
☐ 0-20; ☐ 21-100; ☐ 101-250; ☐ 251-500; or ☑ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?
☑ Yes, go to Section 3).

☐ No, complete section below

Phone Number: _____ Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

a. TCEQ issued RE Reference Number (RN): RN_____

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of San Marcos MS4

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

Area within the City of San Marcos limits that is located within the San Marcos urbanized area.

d. City where the largest residential population exists within the regulated MS4 boundaries:
San Marcos

e. ZIP code where the largest residential population exists within the regulated MS4 boundaries:
78666

f. County where the largest residential population exists within the regulated MS4 boundaries:
Hays

Is the MS4 located within additional counties?

☑ Yes – If Yes, what county (or counties)?
Caldwell, Guadalupe, Comal

☐ No

g. Latitude: 29.88270 Longitude: -97.940691

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?

☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9199

c. What is the category or level of the MS4 based on the population served?

☐ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☐ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration 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 an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

☑ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 09/30/14

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Sabas Avila
   Title: Assistant Director of Public Services
   Company: City of San Marcos
   Phone Number: (512) 393-8036 Ext: _____ Fax Number: (855) 759-2839
   E-mail: pw_info@sanmarcostx.gov
   Mailing Address: 630 E. Hopkins
   Internal Routing (Mail Code, Etc.): Public Services - Transportation
   City: San Marcos State: TX ZIP Code: 78666

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?
   - ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

     _____
   - ☑ No
2. 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 (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☐ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   San Marcos River and Blanco River
2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?
   1814 - Upper San Marcos River; 1813 - Upper Blanco River
3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:

     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Upper San Marcos River

     What are the pollutants of concern?
     Total Dissolved Solids
   - ☐ No
4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     Texas State University; Texas Department of Transportation
   - ☐ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☑ Yes - If Yes, complete certification below by checking "Yes".
- ☐ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☑ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   - ☑ Yes
   - ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Sabas Avila
   Title: Assistant Director of Public Services
   Company: City of San Marcos
   Phone Number: (512) 393-8036 Ext: _____ Fax Number: (855) 759-2839
   E-mail: pw_info@sanmarcostx.gov
   Mailing Address: 630 E. Hopkins
   Internal Routing (Mail Code, Etc.): Public Services - Transportation
   City: San Marcos State: TX ZIP Code: 78666

3. What is the name and location of 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?

   Name of Public Place:
   San Marcos Public Library

   Address of Public Place:
   625 E. Hopkins
   San Marcos, TX 78666

   County of Public Place:
   Hays

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

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)

ePay
Texas Commission on Environmental Quality

Shopping Cart

Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

Transaction Information

Voucher Number: 210148
Trace Number: 582EA000168036
Date: 06/02/2014 02:51 PM
Payment Method: CC - Authorization 0000037553
Amount: $100.00
Fee Type: General Permit Water Discharge Application
ePay Actor: Shawn Wolfshohl
Actor Email: swolfshohl@sanmarcostx.gov
IP: 66.90.243.158

Payment Contact Information

Name: Shawn Wolfshohl
Company: City Of San Marcos
Address: 630 E Hopkins, San Marcos, TX 78666
Phone: 512-393-8019

Site Information

Site Name: CITY OF SAN MARCOS
Site Address: 630 E HOPKINS, SAN MARCOS, TX 78666
Site Location: SAN MARCOS CITY OF LIMITS WITHIN THE URBANIZED AREA

Customer Information

Customer Name: CITY OF SAN MARCOS
Customer Address: 630 E HOPKINS, SAN MARCOS, TX 78666

Close

Appendix C – TPDES General Permit TXR040000

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 D – Annual Report Form and Checklist

Annual Reporting Requirements for Phase II (Small) MS4s
TPDES General Permit Number TXR040000

Within 90 days of the end of each year, regulated Phase II Municipal Separate Storm Sewer Systems (MS4s) must submit annual reports to the Texas Commission of Environmental Quality (TCEQ) for that year. As required by the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000, an MS4 operator must annually review its Storm Water Management Program (SWMP) in conjunction with the preparation of the annual report. This document contains a suggested format for annual reporting.

The annual report must include:

the status of compliance with permit conditions, an assessment of the appropriateness of best management practices (BMPs), a description of progress towards reducing the discharge of pollutants to the maximum extent practicable (MEP), the measurable goals for each of the minimum control measures (MCM), and an evaluation of the program's progress;

(a) if applicable, the status of any control measures implemented by the permittee during the permit year;

(b) a summary of any information (including monitoring data) collected and analyzed during the permit year that was used to evaluate reductions in the discharge of pollutants;

(c) a summary of the storm water activities the MS4 operator plans to undertake during the next permit year;

(d) proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

(e) the number of municipal construction activities authorized under this general permit and the total number of acres disturbed;

(f) the number of non-municipal construction activities that occurred within the jurisdiction of the permittee (as noticed to the permittee by the construction operators); and

(g) if applicable, notification that the MS4 operator is relying on another government entity to satisfy some of its permit obligations.

The annual report must be submitted to the following addresses:

Texas Commission on Environmental Quality
Storm Water & Pretreatment Team; MC-148
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ, Water Program Manager
Austin Regional Office
12100 Park 35 Circle, Bldg. A, Rm 179
Austin, Texas 78753

Guidance for Phase II (Small) MS4 Annual Report
TPDES General Permit Number TXR040000
To assist in completing the MS4 Annual Report Form starting on page 10.

A. General Information

1. Provide the:

    - assigned permit number, beginning and end dates of the annual reporting period (permit year),
    - name of the permittee (municipality or owner/operator of the MS4),
    - name, telephone number, mailing address and e-mail address for the appropriate contact person.

2. If the MS4 is relying on another government entity to satisfy some of the permit obligations, provide the name of the other entity and an explanation of the elements of the SWMP that the entity is responsible for implementing. A description of the agreement or written documentation of the agreement must be included in the SWMP.
3. For a shared SWMP, list all associated permit numbers and permittee names. Add more spaces or pages if needed.

    (a) Indicate if this a system-wide annual report including information for all permittees. If "Yes," all represented permittees must sign the report in accordance with signatory requirements. The regulation governing who may sign an application form is 30 Texas Administrative Code (TAC) §305.128.

4. Indicate whether a copy of the annual report has been submitted to the TCEQ Regional Office in Austin (see pg. 1 for address).

B. SWMP Modifications and Additional Information

1. If changes have been made or are proposed to the SWMP, those modifications must be addressed in the annual report as required in Part II Section D 3 of the permit. If the TCEQ has notified you in writing that changes to the SWMP are necessary, those changes must be included in the report. Be sure to provide the following information in the explanation:

    (a) Describe changes made to or proposed for the SWMP during the permit year, including changes to BMPs, measurable goals, dates, contacts, procedures or details during the permit year.

(b) If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible and why the replacement BMP is expected to achieve the goals of the original BMP.

(c) A Notice of Change (NOC) is required if revisions are proposed to a SWMP that has already been approved by the TCEQ. If the initial SWMP has not been approved, submit a letter describing the change(s) so that information may be considered during the SWMP review process. If an NOC is required, it must be submitted to the address shown on the NOC form. Do not attach the form to this report.

2. If the MS4 has annexed land, attach a description (or map) indicating the newly annexed area located within a regulated area, the BMPs to be implemented, and any resulting updates to the SWMP.

3. If the receiving water body is newly listed as impaired or a Texas Maximum Daily Load (TMDL) has been established, refer to Part II Section C of general permit TXR040000 for additional information about limitations on permit coverage, compliance with water quality standards, and prohibited discharges (Edwards Aquifer Recharge Zone, specific watersheds, etc.).

   - Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act § 303(d) list. Constituents of concern are those for which the water body is listed as impaired. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by the permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. To determine if your receiving water has been listed as impaired, refer to the Texas 2008 List of Impaired Waters on the TCEQ website at <http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/08twqi/twqi08.html>.
   - A TMDL is the maximum amount of a water quality contaminant that can be discharged into a body of surface water on a daily basis without causing an exceedance of surface water quality standards. More information about TMDLs is located on the TCEQ website at <http://www.tceq.state.tx.us/implementation/water/tmdl/tmdlprogram.html>.
   - NOTE: Discharges of constituent(s) of concern to impaired water bodies for which there is a TMDL implementation plan are not eligible for coverage under this general permit unless they are consistent with the approved TMDL and the implementation plan. In order to be eligible for permit coverage, MS4 operators must incorporate into their SWMP the limitations, conditions and requirements applicable to their discharges, including monitoring frequency and reporting as required by the TCEQ rules. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual TPDES permit.

4. Indicate whether the MS4 has conducted analytical monitoring of storm water quality. Provide an explanation along with any monitoring data used to evaluate the success of the SWMP at

reducing pollutants to the maximum extent practicable (MEP). Include a discussion of results with the explanation or summary.

C. Narrative Provisions

1. Provide a brief description on the status of complying with permit conditions, including compliance with the SWMP that TCEQ approved, compliance with record keeping and reporting requirements, and compliance with permit eligibility requirements.
2. Provide a general assessment of the appropriateness of the selected BMPs, including whether any of the selected BMPs are not appropriate.
3. Describe progress towards reducing the discharge of pollutants. Summarize any information used to evaluate reductions in the discharge of pollutants. This information can be included in a tabular format as provided in the form, or described in a narrative format following the table.
4. Provide a general evaluation of the program's progress, including any obstacles or challenges in meeting the SWMP schedule, etc.
5. Provide the number of construction projects in the jurisdiction of the MS4 where the permittee was not the construction site operator (as provided in submittals to the MS4 operator via notices of intent or site notices).
6. Does the permittee utilize the seventh MCM related to construction? To answer "Yes," this must have been requested on the Notice of Intent (NOI) or on an NOC and approved by the TCEQ.

   (a) If "Yes," then provide information about the number of municipal construction activities authorized under this general permit and the total number of acres disturbed for municipal construction projects.

7. Requirements for Specific Minimum Control Measures (MCMs):

   (a) For MCM 1 - Public Education and Outreach, provide documentation of activities conducted and materials used to fulfill the requirements of this MCM.

   (b) Also for MCM 1, provide documentation of the amount of resources used to address each group (e.g., visitors, businesses, etc.).

   (c) For MCM 3 – Illicit Discharge Detection and Elimination (IDDE), include a synopsis of the changes to the SWMP that are necessary to meet any local controls, conditions and/or programs being established for non-storm water discharges. Indicate if not applicable.

8. Other than the SWMP modifications indicated in Section B, describe any proposed changes to the SWMP in the coming reporting year.

9. Describe any activities that are planned for the next permit year that have not already been described above.

D. Storm Water Management Program Status

Each MS4 is required to evaluate compliance with permit requirements and assess the appropriateness of the BMPs in reducing the discharge of pollutants to the maximum extent practicable. The purpose of the annual report is to describe the status of compliance with permit conditions – specifically the implementation of selected BMPs and the progress towards achieving the measurable goals for each BMP. Using Table 1 provided with these instructions, summarize the status of all BMPs specified in the SWMP, as follows:

Minimum Control Measures: Specify the MCM addressed by each BMP. The six MCMs are listed in Part III A of the permit. Some BMPs may address more than one MCM. Include at least one BMP for each MCM.

Best Management Practices: BMPs are the specific long-term activities and practices that will be implemented to prevent or reduce storm water pollution. Examples include public service announcements, outfall inspections, and construction site plan reviews. List all of the BMPs specified in the SWMP, including any new BMPs. For a shared SWMP, include the name of the responsible MS4 operator(s) in this column. See Example 1: BMP Status

Measurable Goals: Measurable goals are the ongoing tasks and interim steps that demonstrate progress toward implementing a specific BMP. List all measurable goals from the SWMP, and include any new measurable goals. If you have developed a storm water ordinance during the permit year, include a description or citation of the ordinance, or simply attach a copy of the ordinance. See Example 2: Measurable Goals Status

New or Revised: Indicate whether the BMP or measurable goal is new or revised. Examples include replacement of a BMP with another, addition of a new measurable goal, revision of a start date, etc. Briefly explain the change.

Start Date: Specify the scheduled start date (month and year) for each BMP as described in the schedule provided in the SWMP.

Implementation Status: Describe the implementation status (such as completed, in progress, or not started) of each BMP as of the end of the permit year. If an activity has been completed, indicate the completion date. If an activity has not yet been started or is in progress, provide the expected completion date. Briefly describe the frequency with which ongoing BMPs are conducted. The following tables are examples of the type of information to be provided in the annual report.

See: Example 1. BMP Status

Example 2. Measurable Goals Status

Example 1 – BMP Status

MCM(s)	BMP	Year 1 Milestone(s)	New or Revised (submit NOC as needed)	Start Date	Status / Completion Date (completed, in progress, not started)
3: Illicit Discharge Detection and Elimination	Map all outfalls and all water bodies receiving discharges from MS4.	Completed storm sewer system map includes all outfalls and names and locations of all water bodies		January 2008	Completed June 2008.
3: Illicit Discharge Detection and Elimination	Perform field screening of outfalls.	Develop protocol to screen outfalls, and research sampling equipment.		August 2008	Did not complete. City was not required to implement SWMP because SWMP was not approved by TCEQ. City revised original schedule during initial SWMP review to require this milestone be met in Years 1 or 2.
4/5: Construction Site Control and Post-Construction Site Control	Implement storm water ordinance for construction and post-construction runoff control	Researched other municipalities' ordinances	X	July 2007	Completed - Revised start date from March 2007 to July 2007.
4/5: Construction Site Control and Post-Construction Site Control	Implement storm water ordinance for construction and post-construction runoff control	Integrated language from model ordinance		September 2007	Completed December 2007.
4/5: Construction Site Control and	Implement storm water ordinance for	Storm water ordinance has been drafted		March 2008	In progress - Draft ordinance presented to City

MCM(s)	BMP	Year 1 Milestone(s)	New or Revised (submit NOC as needed)	Start Date	Status / Completion Date (completed, in progress, not started)
Post-Construction Site Control	construction and post-construction runoff control				Council June 2008 - Approval pending, expected completion date July 2009.
6: Pollution Prevention & Good Housekeeping for Municipal Operations	Train all public works and streets staff	Approx. 20 staff trained. Staff educated on good housekeeping/ pollution prevention and upcoming storm water ordinance		April 2007	In progress - annual training every April

Example 2– Measurable Goals Status

MCM	Measurable Goal(s)	Success	Proposed Changes (submit NOC as needed)
1	Provide utility bill inserts to each utility customer at least once each year.	Met goal	None
2	Conduct one public meeting or city-wide cleanup day each year.	Exceeded goal: conducted one public meeting and two cleanup days.	None
3	Map 25% of outfalls and 50% of receiving waters during Year 1 (same as milestone)	Met goal	None
4	Perform site inspections of 25% of all active construction sites.	Did not meet goal. Number of construction sites in city was far above normal for the year.	Revise goal to perform site inspections of 25% of all active construction sites, or a minimum of 50 sites per year. Submitted NOC along with the annual report to reflect this change.
4	Respond to 100% of construction complaints received.	Met goal	None
5	Review all site plans submitted for new development projects.	Met goal	None

MCM	Measurable Goal(s)	Success	Proposed Changes (submit NOC as needed)
6	Sweep 50% of roads each year.	Exceeded goal – swept all city streets in Year 1.	None
	Send two employees each year to a storm water training workshop.	Met goal	None

E. Certification

The annual report must be signed by a principal executive officer or ranking elected official, or by a duly authorized representative as referenced in 30 TAC §305.128. The Delegation of Signatories to Reports (TCEQ form 20403) can be located by visiting <http://www.tceq.state.tx.us> and selecting the Forms option.

F. Cover Letter

Please submit the annual report with a cover letter to insure that the report reaches the Storm Water & Pretreatment Team. Send the report and cover letter to the TCEQ at the following address. See cover letter template on page 21.

Texas Commission on Environmental Quality
Storm Water & Pretreatment Team Leader (MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

Phase II (Small) MS4 Annual Report Form

TPDES General Permit Number TXR040000

A. General Information

1. Permit Number _____ Annual Report Year: _____

   Name of MS4 / Permittee: _____

   Contact Name: _____ Telephone Number: _____

   Mailing Address: _____

   E-mail Address: _____

2. Is the named permittee relying on another entity/ies to satisfy some of its permit obligations? _____ Yes _____ No

   If "Yes," provide the name(s) of other entity/ies and an explanation of their responsibilities (add more spaces or pages if needed):

   Name and Explanation: _____

   _____

   Name and Explanation: _____

   _____

   Name and Explanation: _____

   _____

Name and Explanation: _____

_____

Name and Explanation: _____

_____

3. Is the named permittee sharing a SWMP with other entities? _____ Yes _____ No

   a. If the answer to Number 3 is "Yes," list all associated permit numbers and permittee names (add additional spaces or pages if needed):

      Permit Number: _____ Permittee: _____

      Permit Number: _____ Permittee: _____

      Permit Number: _____ Permittee: _____

      Permit Number: _____ Permittee: _____

   b. If the answer to Number 3 is "Yes," is this a system-wide annual report including information for all permittees?

      _____ Yes _____ No

      Explanation, if any _____

      _____

      _____

4. Has a copy of this annual report been submitted to the TCEQ Regional Office? _____ Yes _____ No

B. SWMP Modifications and Additional Information.

Include a brief explanation if you check "Yes" to any of the following statements.

1. a. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ's review. _____ Yes _____ No

_____

_____

b. If the answer to Number 1.a. is "Yes," has the TCEQ already approved the original SWMP? _____Yes _____ No

_____

_____

c. If the answer to Number 1.a. is "Yes," indicate whether an NOC (or letter) has been submitted to document the changes to the approved SWMP as required by the general permit. (Note that if an NOC is required, it must be submitted to the address shown on the NOC. Do not attach the original NOC form to this report.) __Yes __No

_____

_____

2. The MS4 has annexed lands since obtaining permit coverage. If "Yes," please explain. _____Yes _____ No

_____

_____

3. A receiving water body is newly listed as impaired or a TMDL has been established. If yes, please explain.

_____Yes _____ No _____

_____

_____

4. The MS4 has conducted analytical monitoring of storm water quality. _____ Yes _____ No

Explain below or attach a summary to submit along with any monitoring data used to evaluate the success of the SWMP at reducing pollutants to the maximum extent practicable. Be sure to include a discussion of results.

_____

_____

_____

_____

_____

_____

_____

C. Narrative Provisions

1. Provide information on the status of complying with permit conditions:

	Yes	No	Explain
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.			
Permittee is currently in compliance with recordkeeping and reporting requirements.			
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.)			

2. Provide a general assessment of the appropriateness of the selected BMPs:

   Has the permittee determined that any of the selected BMPs are not appropriate for reducing the discharge of pollutants in storm water? _____ Yes _____ No

   Provide explanation: _____

   _____

   _____

   _____

   _____

   _____

3. Describe progress towards reducing the discharge of pollutants to the maximum extent practicable (MEP). Summarize any information used (such as monitoring data) to evaluate reductions in the discharge of pollutants. Use a narrative description
   or table as appropriate:

MCM	BMP	Parameter	Quantity	Units	Does BMP Demonstrate a Direct Reduction in Pollutants? (Yes / No / Explain)

Or, provide explanation below:

4. Provide a general evaluation of the program's progress, including any obstacles or challenges encountered in implementing BMPs, meeting the program's schedule, etc.:

5. Provide the number of construction activities (other than those where the permittee was the operator) that occurred within the regulated area as indicated by notices of intent or site notices:

_____

_____

6. Does the permittee utilize the optional seventh MCM related to construction? _____ Yes _____ No

   If "Yes," then provide the following information for this permit year:

   a. The number of municipal construction activities authorized under this general permit: _____

   b. The total number of acres disturbed for municipal construction projects: _____

   Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.

7. Requirements for Specific Minimum Controls Measures (MCMs):

   a. For MCM 1 - Public Education and Outreach, provide documentation of activities conducted and materials used to fulfill the requirements of this MCM.

_____

_____

_____

   b. Also for MCM 1, provide documentation of the amount of resources used to address each group (e.g., visitors, businesses, etc.).

_____

c. For MCM 3 – Illicit Discharge Detection and Elimination (IDDE), indicate whether you have developed a list of allowable non-storm water discharges, other than those already listed in the general permit. If you have developed a list and have made any changes to the local controls, conditions and/or programs being established for discharges, include this information below. If you do not have any changes for this permit year, indicate that this item is not applicable.

8. Describe any proposed changes to the SWMP in the coming reporting year.

9. Describe any activities planned for the next permit year, not already described.

D.D. Storm Water Management Program Status

Provide the status of every BMP and measurable goal listed in the SWMP, as described in the instructions. Each MCM, but not necessarily each BMP, must include the measurable goals described in the SWMP. For a shared SWMP, include the name of the responsible MS4 operator(s) in the "BMP" column. *(Though an MS4 is not required to implement BMPs until the initial SWMP is approved by the TCEQ, the MS4's initial annual report should include a description of what has been done to date, even if the SWMP has not yet been approved. The MS4 will receive credit for all BMPs implemented prior to and during the first permit year if they are described in the initial annual report.)*

Table 1 – BMP Status

MCM(s)	BMP	Milestones of Permit Year	New or Revised	Start Date	Status / Completion Date (completed, in progress, not started)

Table 2 – Measurable Goals Status

MCM(s)	Measurable Goal(s)	Success	Proposed Changes (submit NOC as needed)

E. Certification

I 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 gathered and evaluated 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Add pages as needed.

Texas Commission on Environmental Quality
Storm Water & Pretreatment Team Leader (MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

Re: Phase II MS4 Annual Report Transmittal for {Small MS4 Name}
TPDES Permit Number: TXR04 __

Dear Team Leader:

This letter serves to transmit the Year _____ Annual Report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040___ for the {MS4 name}.

A separate Notice of Change **[** has / has not been / will be **]** submitted based on the fact that changes have / have not been proposed for the next permit year.

As required by the general permit, a copy of this submittal has also been mailed to the TCEQ's regional office in __, Texas.

Sincerely,

{Name}

cc: TCEQ Regional Office

MS4 Phase 2 Annual Report Checklist

Permit Number: ***Reporting Year:***

Permittee(s):

Check if Additional Information Is Required	***Indicate Yes, No, or NA***	**I.**	**SWMP Overview**
		A.	**Signature and Certification:**
		1.	Does the signature meet the requirements of 30 TAC Section 305.128? *For a municipality, state, federal, or other public agency, the report must be signed by either a principal executive officer or a ranking elected official, or by a person who has been properly authorized.*
		2.	Does the report include the following certification statement? "I 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."
		3.	For a shared SWMP, is this a system-wide annual report that includes all permittees?
		4.	If yes, did all permittees sign the report and were all of the above signatory requirements were met?
		B.	If applicable, does the report indicate that the permittee is relying on another entity/ies to satisfy some of its permit obligations?
		C.	Did the permittee submit a copy of the annual report or cc: the TCEQ regional office?
		II.	**SWMP Implementation**
		A.	Did the permittee indicate that the SWMP was not yet implemented because the SWMP had not been approved by the end of Year 1? ***If "yes," then skip items II.B. through II.J., and go directly to II.L.***
		B.	Does the report include information on the status of compliance with permit conditions?
		C.	Does the report include an assessment of the effectiveness of the identified BMPs?
		D.	Does the report include information on progress towards reducing the discharge of pollutants to the maximum extent practicable (MEP)?
		E.	Does the report include a summary of the results of any information (including monitoring data) that was collected and analyzed to assess the success of the SWMP at reducing the discharge of pollutants to the MEP?
		F.	For MCM 1, Public Education and Outreach, does the report include

		documentation of the activities conducted and materials used to fulfill the MCM?
	G.	For MCM 1, does the report document the amount of resources used to address each group (e.g., visitors, residents, etc.)?
	H.	For MCM 3, Illicit Discharge Detection and Elimination (IDDE), does the report include a list of allowable non-storm water discharges other than those listed in the general permit?
		If yes, does the report describe any changes to the SWMP that are needed to address local controls and conditions for the non-storm water discharges?
	I.	Does the report list the measurable goals for each MCM?
		If no, explain what is missing:
	J.	Does the report evaluate the success of implementing all of the measurable goals?
		If no, explain what is missing:
	K.	If applicable, does the report include the status of any additional control measures implemented by the permittee?
	L.	Construction:
	1.	Does the report include the number of construction activities (other than those where the permittee was the operator) that occurred within the regulated area?
	2.	Does the permittee utilize the 7th MCM? If yes, answer a. and b. below:
	a.	Does the report include the number of municipal construction activities?
	b.	Does the report include the total number of acres disturbed?
	III.	**SWMP Revisions**
	A.	Does this report include any proposed changes to the SWMP in the coming reporting year?
		If yes:
	1.	Does the annual report indicate that a notice of change (NOC) was submitted?
	2.	If no, was the SWMP approved before the date that the annual report was submitted?
	3.	If an NOC is not applicable, were the requested changes submitted to the permit writer who reviewed the SWMP?
	4.	**Is additional review required to determine if changes can be approved?**
	IV.	**Next Permit Year**
		Does the annual report include a summary of the storm water activities that the permittee plans to undertake during the next permit year?

<u>Additional Comments</u>:

Reviewed by:

Appendix E – Year 1 Annual Report

Appendix F – Year 2 Annual Report

Appendix G – Year 3 Annual Report

Appendix H – Year 4 Annual Report

Appendix I – Year 5 Annual Report