I certify that, to the best of my knowledge, 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.

Brazoria County Municipal Utility District No. 29 MS4
TCEQ Customer Number: **CN602524613**
Regulated Entity Number: **Pending**
Approved Permit Number: **Pending**

Signature

Cassandra Lasser
Name

President
Title

5-30-14
Date

2014

Storm Water Solutions, LP

Stormwater Management Program

For

Brazoria County Municipal Utility District No. 29

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Acronyms and Abbreviations

AU - Assessment Unit

AWBD - Association of Water Board Directors

BIG - Bacteria Implementation Group

BMP - Best Management Practice

BRA - Brazos River Authority

CRP - Texas Clean Rivers Program

DMR - Discharge Monitoring Report

DO - Dissolved Oxygen

EPA - U.S. Environmental Protection Agency

E. coli - *Escherichia coli*

ETJ - Extra-Territorial Jurisdiction

FOG - Fats, Oils, and Grease

GCWA - Gulf Coast Water Authority

H-GAC - Houston-Galveston Area Council

I-Plan - Implementation Plan

IA - Implementation Activity

IS - Implementation Strategy

LA - Load Allocation

LID - Low Impact Development

LIDs - Levee Improvement Districts

MEP – Maximum Extent Practicable

MGD - Million Gallons per Day

mL - Milliliter

MPN - Most Probable Number

MS4 – Small Municipal Separate Storm Sewer System

MUD - Municipal Utility District

OSSF - On-Site Sewage Facility

SSO - Sanitary Sewer Overflow

SOPs – Standard Operating Procedures

SWCD - Soil and Water Conservation District

SWMP – Stormwater Management Program

TAC - Texas Administrative Code

TCEQ - Texas Commission on Environmental Quality

TMDL - Total Maximum Daily Load

TPDES - Texas Pollutant Discharge Elimination System

UA - U.S. Census Bureau-designated Urbanized Area

UAMP- Utility Asset Management Program

WLA - Waste Load Allocation

WPP - Watershed Protection Plan

WQMP - Water Quality Management Plan

WWTF - Wastewater Treatment Facility

Part I - General Permit Requirements

Permit Overview

The Texas Commission on Environmental Quality (TCEQ) issued the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000 (the permit) on December 13, 2013, with an effective date of December 13, 2013. This permit supersedes and replaces the TPDES General Permit No. TXR040000, issued August 13, 2007. The permit provides authorization for stormwater and certain non-stormwater discharges from Small Municipal Separate Storm Sewer Systems (MS4s) to surface waters of the State.

The underlying purpose of the permit is to require regulated MS4's to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of Section 402 of the Clean Water Act and Section 26.040 of the Texas Water Code.

In order to achieve these goals, the permit requires regulated MS4s to submit a Notice of Intent (NOI) and develop and manage a Stormwater Management Program (SWMP) for all stormwater discharges that reach waters of the United States, regardless of whether the discharge is conveyed through a separately operated storm sewer system. A MS4 Operator that implements their SWMP and the selected Best Management Practices (BMPs) in accordance with the permit, will be considered meeting the standard of reducing pollutants to the MEP, and will be deemed in compliance with the permit.

Regulated MS4 Operator(s)

Applicants

District Name addresses:

Brazoria County Municipal Utility District No. 29
c/o Allen Boone Humphries Robinson LLP
3200 Southwest Freeway Suite 2600
Houston, TX 77027

Brazoria County MUD 29 (regulated MS4 Operator) is solely responsible for developing and implementing all elements of this SWMP.

Legal Authority

The Regulated MS4 is a body politic and a political subdivision of the State of Texas created under the authority of Article XVI, Section 59 of the Texas Constitution and operating under and governed by the provisions of Chapters 49 and 54 of the Texas Water Code, as amended. The MS4 operator owns and operates a municipal separate storm sewer system and is considered a "Non-traditional Small MS4 Operator" as defined in the permit. TXR040000 defines the MS4 Operator as a Level 2 MS4 and is obligated to comply with all requirements, to develop rules and regulations, and to exert enforcement actions to require compliance with this SWMP. Such required compliance may be implemented by the incorporation of rules into the MS4 Operator's Rate Order or the MS4 Operator's adoption of rules and regulations via resolution of the MS4 Operator's Board of Directors (which would serve the same function as an ordinance). Over the course of the permit term, the MS4 Operator will develop a program to inspect third party actions from contractors, builders, and other potential polluters within its jurisdiction and to ensure compliance with this SWMP.

Location of the MS4 Operator

The MS4 Operator's boundaries lie partially within the 2010 Census City of Houston Urbanized Area with the approximate center located at the following Latitude/Longitude: **29.5027, -95.4006.** See Location Map for the MS4 Operator's boundaries.

Resources

Although financial resources are limited and the demand for funding is ever-increasing, the MS4 Operator will ensure its annual budget includes adequate financial resources for proper implementation of the SWMP. There will be a management team of consultants reporting to the MS4 Operator on a regular basis, to ensure that SWMP implementation stays on schedule and within the budget.

Reporting Year

The MS4 Operator has elected to align its reporting year with the calendar year. The end of reporting year 1 is December 31st, 2014. The MS4 Operator will submit an annual report outlining the accomplishments under the SWMP by March 31st of the following year and each year thereafter during the permit term.

Record Keeping

The MS4 Operator will retain all records, a copy of the permit, and records of all data used to complete the NOI for the permit and satisfy the public participation requirements, for a period of at least three (3) years, or the remainder of the term of this general permit, whichever is longer. The MS4 Operator will submit the records to the executive director when specifically asked to do so. The SWMP will be retained at a location accessible to the TCEQ. The MS4 Operator will 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 will 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.

The SWMP and its contents can be viewed at the following address:

Allen Boone Humphries Robinson LLP	Storm Water Solutions LP
3200 Southwest Freeway, Suite 2600	16110 Hollister Street
Houston, TX 77027	Houston, TX 77066

Effluent Limitations

Effluent limitations for stormwater runoff are narrative and not numerical, requiring implementation of best management practices to protect water quality to the maximum extent practicable. The targeted controls and BMPs chosen in this SWMP take into consideration applicable effluent limitations and are in compliance with State of Texas rules and regulations.

Enforcement measures and Standard Operating Procedures

The MS4 Operator will adopt standard operating procedures (SOPs) over the course of the permit term that outline how to respond to permit violations. These SOPs will be included in a Stormwater Guidance Manual that will be created as part of the SWMP over the course of the permit term. Chapters regarding each Minimum Control Measure (MCM) will be developed and comprise the Stormwater Guidance Manual.

Implementation

The MS4 Operator will engage a Stormwater Consultant to direct program implementation during the permit term. The Stormwater Consultant will be responsible for coordinating SWMP related activities including development of BMPs, correspondence with the TCEQ, and preparation of the Annual Reports, and other activities, as necessary, to comply with the permit conditions. The Stormwater Consultant will coordinate efforts, including those of other consultants, related to

compliance with TPDES Permit No TXR040000. The Stormwater Consultant will set milestones and report directly to the MS4 Operator on a regular basis to keep them apprised of the SWMP implementation progress. The following entities will assist in the implementation of the SWMP:

Attorney
Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, TX 77027

Stormwater Consultant
Storm Water Solutions LP
16110 Hollister Street
Houston, TX 77066

Engineer
Edminster Hinshaw Russ & Assoc.
10555 Westoffice Drive
Houston, TX 77042

Operator
Municipal Operations & Consulting Inc.
312 Spring Hill Drive, Suite 100
Spring, TX 77386

Public Notice Requirements

From time to time, the MS4 Operator will be required to follow public notice guidelines during the permit term. The MS4 Operator will comply with public notice requirements when publishing the SWMP and applicable paperwork. After the MS4 Operator receives written instructions from the TCEQ's office of the chief clerk, a notice will be published of the executive director's preliminary determination on the NOI and SWMP. A copy of the press release and a copy of the notarized affidavit of the publication of notice will be retained in the annual report. The MS4 Operator will follow all State and local requirements regarding public notices.

Noncompliance Notification

As required, the MS4 Operator will report any noncompliance which may endanger human health or safety or the environment within 24 hours to the TCEQ regional office. The MS4 Operator will also provide a written report to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MS-224) within five working days of becoming aware of the noncompliance. The written report will contain:

- A description of the noncompliance and its cause;
- The potential danger to human health or safety, or the environment;
- The period of noncompliance, including exact dates and times;
- If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effect.

Part II – Stormwater Management Program

Overview of SWMP and Minimum Control Measures

The underlying purpose of the permit is to require regulated small MS4s to reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of Section 402 of the Clean Water Act and Section 26.040 of the Texas Water Code. In order to achieve these goals, the MS4 is required to develop and manage a Stormwater Management Program for all stormwater discharges that reach waters of the United States, regardless of whether the discharge is conveyed through a separately operated storm sewer system. The MS4 discharges through a series of manmade channels and detention ponds, into Mustang Bayou which discharges to Chocolate Bay. Mustang Bayou is not on the CWA 303d list, however, Chocolate Bay is impaired for bacteria and a TMDL has been adopted for waters of the Upper Gulf Coast, including Chocolate Bay.

In an effort to meet the standard of reducing pollutants to the MEP, The MS4 Operator has included the following Minimum Control Measures (MCMs), Best Management Practices (BMPs), and targeted controls which address the impairment of concern.

MCM 1.0 Public Education, Outreach and Involvement

Summary/Rationale

A public education, outreach, and involvement program will be designed and used to inform the public about the impacts that pollution in stormwater runoff can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways to minimize the impact on stormwater quality. Educational materials will be developed for residents, visitors, MS4 operator consultants, businesses, commercial and industrial facilities, and construction site personnel. The MS4 Operator will comply with public notice requirements when implementing a public involvement/participation program. The public involvement/participation program will be developed to include opportunities for a wide variety of constituents with the MS4 Operator's boundaries to participate in the SWMP development and implementation. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

1.1 Education and Involvement - MS4 Operator Consultants

Description

A training program will be developed for applicable MS4 Operator consultants and other parties responsible for municipal operations subject to the IDDE program, pollution prevention/good housekeeping, construction stormwater runoff control program, and post construction stormwater management. Training sessions will be used to educate these parties on the requirements of TXR040000, concentrating on the minimum control measures, as well as the goals of the MS4 Operator's SWMP.

Implementation Schedule

- Year 1: MS4 Operator consultants and interested parties will be educated on the goals of the SWMP and the requirements of TXR040000 during at least one regular meeting.
    - Deadline; July 2014
- Year 2: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session, performed during a regularly scheduled meeting, will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; April 2015
- Year 3: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session, performed during a regularly scheduled meeting, will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; April 2016
- Year 4: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session, performed during a regularly scheduled meeting, will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; April 2017
- Year 5: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session, performed during a regularly scheduled meeting, will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.

    - Deadline; April 2018
- End of Permit Term Goal: All MS4 Operator consultants and interested parties will be educated on the goals of the SWMP and the requirements of TXR040000.

Measurable Evaluation Criteria

- Meeting agenda
- number of training sessions held
- training material distributed at meetings, where applicable

1.2 Stormwater Website

Description

The stormwater website, CleanBayous.org, will be the central location of SWMP information. Public documents will be available for download. Public participation opportunities will be announced on the website, as appropriate. The website will also showcase education materials. This website will specifically target required groups including residents, visitors, MS4 operator consultants, businesses, commercial and industrial facilities, and construction site personnel. Visitors will be able to report illicit discharge and illegal dumping through this website, as well as reference informative material relative to the SWMP.

Implementation Schedule

- Year 1: Research existing website, begin site development and/or improvement of existing website. Discuss strategies regarding adding the web address on mailings and/or MS4 Operator notification avenues.
    - Deadline: December 2014
- Year 2: Launch/Update website, as necessary, and ensure the MS4 Operator's information is readily available. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2015
- Year 3: Make public education material available on website. Explore the launch of illicit discharge complaint module. Review mechanics and procedures of discharge complaint module. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2016
- Year 4: Launch illicit discharge complaint module. Monitor and respond to complaints submitted thru illicit discharge complaint module. Update website with public education material. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2017
- Year 5: Review and update illicit discharge complaint module, as necessary. Monitor and respond to complaints submitted thru illicit discharge complaint

module. Update website with public education material. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2018
- End of Permit Term Goal: A website will be developed/updated to showcase educational and training materials, receive and track complaints, announce public participation events, monitor website traffic, and post the NOI/SWMP for public viewing.

Measurable Evaluation Criteria

- Website Statistics
- Dollars spent on website
- Time spent developing/updating website

1.3 General Public Education & Involvement

Description

A public education and involvement program will be used to inform the public about the impacts that pollution in stormwater run-off can have on water quality, hazards associated with illegal/illicit discharges and improper disposal of waste, and ways to minimize the impact on stormwater quality. This education effort will recommend methods to the MS4 Operator constituents as to how they can identify and reduce pollution/ illicit discharges. This effort may also convey program participation opportunities for MS4 Operator's residents. Educational material will address lawn maintenance, household hazardous waste, commercial stormwater impacts, and other sources of pollution. Material will be regularly distributed to registered customers within the MS4 Operator and will be posted on CleanBayous.org for public viewing.

Implementation Schedule

- Year 1: Research standard public education material that can be inserted into water bills or other mailings to the MS4 Operator's constituents.
    - Deadline; December 2014
- Year 2: Approve design for the education material to be distributed in mailings. Perform at least 1 mailing to MS4 Operator constituents. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2015
- Year 3: Approve design for the education material to be distributed in mailings. Perform at least 1 mailing to MS4 Operator constituents. Post on Website. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2016

- Year 4: Approve design for the education material to be distributed in mailings. Perform at least 1 mailing to MS4 Operator constituents. Post on Website. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2017
- Year 5: Approve design for the education material to be distributed in mailings. Perform at least 1 mailing to MS4 Operator constituents. Post on Website. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2018
- End of Permit Term Goal: All registered customers within the MS4 Operator's boundaries will receive educational material at least once annually. Applicable information will be accessible on Website.

Measurable Evaluation Criteria

- Educational material distributed
- Number of mailings distributed
- Website traffic

1.4 Community Involvement

Description

A Community Involvement program will be researched and developed to provide opportunities for a wide variety of constituents within the MS4 to participate in the SWMP development and implementation. Community Involvement will allow the public an opportunity for feedback concerning the SWMP during regular MS4 Operator meetings and/or the Website. Earth day events and other existing public involvement opportunities, such as stream cleanup, storm drain stenciling, and water conservation programs will be explored during the permit term.

Implementation Schedule

- Year 1: Include agenda item at MS4 Operator's regular meetings for public discussion of stormwater related issues.
    - Deadline; November 2014
- Year 2: Include agenda item at MS4 Operator's regular meeting for public discussion of stormwater related issues. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Regularly scheduled reoccurring meeting
- Year 3: Include agenda item at MS4 Operator's regular meeting for public discussion of stormwater related issues. Begin research of existing community involvement programs among similar Phase II entities for budget, effectiveness, and program feasibility. Based on the previous year's BMP evaluation included

in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Regularly scheduled reoccurring meeting
- Year 4: Include agenda item at MS4 Operator's regular meeting for public discussion of stormwater related issues. Continue research of existing community involvement programs among similar Phase II entities for budget, effectiveness, and program feasibility. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Regularly scheduled reoccurring meeting
- Year 5: Include agenda item at MS4 Operator's regular meeting for public discussion of stormwater related issues. Continue research of existing community involvement programs among similar Phase II entities for budget, effectiveness, and program feasibility. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Regularly scheduled reoccurring meeting
- End of Permit Term Goal: The SWMP will involve the local community where possible.

Measurable Evaluation Criteria

- Meeting agendas
- Researched opportunities
- Screen shot(s) of Website, if applicable
- Existing community programs researched

Interim Milestone for MCM 1.0

By the end of year 3, the Website will be operational, at least two mail outs will be sent to the MS4 Operator constituents, and all applicable consultants will have received at least three training sessions relative to the SWMP.

MCM 2.0 Illicit Discharge Detection and Elimination (IDDE)

Summary/Rationale

A program will be established to detect and eliminate illicit discharges within the MS4 Operator. A description of detection and elimination techniques and procedures will be created. To the extent allowable under State and local law, a resolution or other regulatory mechanism will be utilized to prohibit and eliminate illicit discharges. In conjunction with the regulatory mechanisms, appropriate actions and enforcement procedures for removing the source of an illicit discharge, the appropriate actions, and potential enforcement procedures will be developed and implemented. A comprehensive map of the conveyance system, including the locations of outfalls and the names and locations of waters of the U.S. receiving discharges, will be developed to aide in the detection and elimination of sources of illicit discharges. The source of any

information used to develop the map will be retained in the annual report. The following non-stormwater sources may be discharged from the MS4 Operator as allowed under the general permit: water line flushing; runoff or return flow from landscape irrigation, lawn irrigations, and other irrigation utilizing potable water, groundwater, or surface water sources; discharges from potable water sources; diverted stream flows; rising ground water and springs; uncontaminated ground water infiltration; uncontaminated pumped ground water; foundation and footing drains; air conditioning condensation; water from crawl space pumps; individual residential vehicle washing; flows from wetlands and riparian habitats; dechlorinated swimming pool discharges; street wash water; discharges or flows from firefighting activities (firefighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities); and other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

2.1 Illicit Discharge Detection and Elimination Program

Description

The MS4 Operator will develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharge into the MS4. The plan will contain an up-to-date MS4 stormwater conveyance map, methods for training, procedures for tracing, procedures for removing the source, and procedures to prevent and correct any leaking on-site sewage disposal systems, as applicable. If the illicit connection or illicit discharge is observed related to another operator's MS4, the MS4 Operator shall notify the other MS4 operator within 48 hours of discovery. If impracticable, the MS4 Operator shall notify the appropriate TCEQ regional office of the possible illicit connection. If another MS4 notifies the MS4 Operator of an illegal connection or an illicit discharge, then the MS4 Operator shall follow the IDDE plan. The MS4 operator will review and update, as necessary, the SWMP and IDDE plan throughout the permit term. The MS4 Operator will also develop and maintain on-site procedures for responding to illicit discharges and spills and will include source investigation and elimination, and conduct inspections and deemed appropriate in response to complaints. A chapter on IDDE will be included in a Stormwater Guidance Manual developed as a part of this SWMP. This chapter will

include information regarding responses to, and investigations of, illicit discharges and spills.

Implementation Schedule

- Year 1: Introduce need to comply with TXR040000 to MS4 Operator.
    - Deadline; July 2014
- Year 2: Examine existing resolution/rate order(s). Begin development of an Illicit Discharge Detection and Elimination plan by researching detection procedures. Begin development of a comprehensive stormwater conveyance map to be used as a part of the IDDE program. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during a regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2015
- Year 3: Finalize illicit discharge detection and elimination chapter of Stormwater Guidance Manual. Begin modifications to resolution/rate order language. Stormwater conveyance map will be updated, as necessary, to be used for IDDE practices. Evaluate effectiveness and enforceability of adopted regulatory mechanism. Research possibility of a hotline phone number to be used as a reporting mechanism. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during a regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2016
- Year 4: Finalize and adopt resolution/rate order language. Begin responding to resident reports of illegal dumping and/or illicit discharges as generated by the website's complaint module. Evaluate effectiveness and enforceability of adopted regulatory mechanism with other MS4 Operator Consultants. Adopt hotline phone number if appropriate. Stormwater conveyance map will be updated, as necessary, to be used for IDDE practices. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2017
- Year 5: Continue responding to resident reports of illegal dumping and/or illicit discharges as generated by the website's complaint module. Evaluate effectiveness and enforceability of adopted regulatory mechanism. Evaluate effectiveness of hotline phone number, if adopted. Stormwater conveyance map will be updated, as necessary, to be used for IDDE practices. The MS4 Operator

will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2018
- End of Permit Term Goal: An Illicit Discharge Detection and Elimination plan will be developed and fully implemented. A local resolution will be adopted, which mandates compliance with the IDDE program. A chapter of the Stormwater Manual will be completed and dedicated to IDDE. A map of the MS4s stormwater conveyance system will be developed/developed

Measurable Evaluation Criteria

- Meeting agenda
- Written resolution/rate order
- Illicit Discharge Detection and Elimination plan
- Conveyance Map
- Stormwater Guidance Manual

Interim Milestone for MCM 2.0

By the end of year 3, the illicit discharge chapter will be adopted pursuant to the Stormwater Guidance Manual. By the end of year 4, the resolution/rate order will be adopted as a regulatory and enforcement mechanism.

MCM 3.0 Construction Site Stormwater Runoff Control

Summary/Rationale

The MS4 Operator, to the extent allowable under State and local law, will develop, implement, and enforce a program to reduce pollutants in any Stormwater runoff from construction activities that result in a land disturbance of greater than or equal to one acre including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres. The program will require construction site operators to implement erosion and sediment control practices as well as manage construction site stormwater runoff, as required by the Construction General Permit (CGP); TXR150000. The program will include the development and implementation of a resolution 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. Procedures will be developed for site inspection, enforcement of resolution, consideration of public input, and site plan review to consider water quality impacts. A dedicated chapter in the MS4 Operator's Stormwater Guidance Manual will

address the MS4 Operator's approach to addressing construction site stormwater runoff. This chapter will feature the Construction Site Runoff Control Program, which will consist of a Construction Operation Program, a Construction Plan Review Process, and a Construction Site Inspection and Enforcement Program; all of which shall meet the standards of the TXR150000, where applicable. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

3.1 Construction Site Runoff Control Program

Description

The MS4 Operator will develop, implement, and enforce a program requiring operators of small and large construction activities to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the maximum extent practicable. The program will include the development/review of a resolution or other mechanism, as well as sanctions to ensure compliance to the extent allowable under law, to require erosion and sediment control. As a subchapter to the Construction Site Runoff Program, the Construction Operations Program will outline the methods of ensuring the Stormwater Pollution Prevention Plan (SWPPP) is in accordance with the TXR150000. An additional subchapter will detail how the MS4 Operator will maintain and implement site plan review procedures. The MS4 Operator will also develop inspection procedures for large and small construction projects. A subchapter will be written to outline methods relative to the construction site inspection and enforcement requirement.

Implementation Schedule

- Year 1: Introduce need to comply with both TXR150000 and TXR040000 to MS4 Operator and applicable consultants.
    - Deadline; July 2014
- Year 2: Examine existing resolution/rate order. Begin researching methods pursuant to the development of the Construction Site Runoff Control Program. The MS4 Operator will hold a minimum of one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties.
    - Deadline; August 2015
- Year 3: Begin modifications to resolution/rate order language. Pursuant of the Construction Operation Program, create SWPPP template to ensure the SWPPP is in accordance with TXR150000, hence, completing the first subchapter of the Stormwater Guidance Manual relative to the Construction Site Runoff Program.

The MS4 Operator will hold a minimum of one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2016
- Year 4: Finalize and adopt resolution/rate order language. Finalize Construction Plan Review Process pursuant to the Construction Site Runoff Program, hence, completing the second subchapter of the Stormwater Guidance Manual relative to the Construction Site Runoff Program. The MS4 Operator will hold a minimum of one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2017
- Year 5: Finalize Construction Site Inspection and Enforcement subchapter pursuant to the Construction Site Runoff Program. Evaluate effectiveness and enforceability of construction site stormwater runoff program. Evaluate effectiveness and enforceability of adopted regulatory mechanism. The MS4 Operator will hold a minimum of one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2018
- End of Permit Term Goal: A construction site runoff control program ensuring compliance with TXR150000 will be implemented throughout the MS4 Operator's jurisdiction.

Measurable Evaluation Criteria

- Meeting agenda
- Chapters within Construction Site Runoff Control Program adopted
- Resolution/rate order adopted

Interim Milestone for MCM 3.0

By the end of year 3, the SWPPP template will be created to ensure the SWPPP is in accordance with the TXR150000. By the end of year 4, the resolution/rate order will be adopted as a regulatory and enforcement mechanism.

MCM 4.0 Post-Construction Stormwater Management in New Development and Redevelopment

Summary/Rationale

To the extent allowable under State and local law, the MS4 Operator will develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres. Any maintenance of structural/non-structural controls will be performed at a frequency determined by the MS4 Operator to ensure adequate long-term operation and to maintain the continued effectiveness of appropriate BMPs for the community. The program will include the development/revisions and implementation of a resolution or other regulatory mechanism to address structural/nonstructural controls on new development and redevelopment, as well as sanctions to ensure compliance, to the extent allowable under State and local law. The MS4 Operator will document the activities conducted and the amount of resources/materials used. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

4.1 Post-Construction Stormwater Maintenance Program

Description

A chapter in the MS4 Operator's Stormwater Guidance Manual will address the MS4 Operator's approach to addressing Post-Construction Stormwater Maintenance in New Development and Redevelopment. A subchapter will be written to address the use and implementation of structural/nonstructural controls, where applicable. An accompanying subchapter will also outline methods used for the long term operation and maintenance of structural controls, where applicable. Any maintenance of structural/non-structural controls, according to the Stormwater Guidance Manual, will be performed at a frequency determined by the MS4 Operator to ensure adequate long-term operation and to maintain the continued effectiveness of appropriate BMPs for the community. Regular maintenance for all drainage ways and appurtenances within the MS4 Operator's jurisdiction will be required and outlined in the MS4 Operators Stormwater Guidance Manual.

Implementation Schedule

- Year 1: Introduce need to comply with TXR040000 to MS4 Operator.
    - Deadline; July 2014
- Year 2: Examine existing resolution/rate order, and research potential resolution/rate order changes. Begin development of a comprehensive conveyance map to locate and identify any existing post-construction controls for maintenance.
    - Deadline; August 2015
- Year 3: Modify existing resolution/rate order. Begin development of Guidance Manual chapter relative to Post-Construction Stormwater Management. Conveyance map will be updated, as necessary, to be used for locating and maintaining controls. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2016
- Year 4: Finalize and adopt resolution/rate order for post construction. Finalize Post-Construction Stormwater Management chapter of Stormwater Guidance Manual. Conveyance map will be updated, as necessary, to be used for locating and maintaining controls. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2017
- Year 5: Evaluate effectiveness and enforceability of adopted regulatory mechanism. Conveyance map will be updated, as necessary, to be used for locating and maintaining controls. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2018
- End of Permit Term Goal: Resolution/rate order adopted and Stormwater Guidance Manual complete.

Measurable Evaluation Criteria

- Meeting agenda
- Stormwater Guidance Manual
- Resolution/rate order

Interim Milestone for MCM 4.0

By the end of year 4, the resolution/rate order will be adopted as a regulatory and enforcement mechanism. By the end of year 4, the Post-Construction Stormwater Management chapter of Stormwater Guidance Manual will be adopted.

MCM 5.0 Pollution Prevention and Good Housekeeping for Municipal Operations

Summary/Rationale

An operation and maintenance program will be established to prevent or reduce pollutant runoff from municipal operations and municipally owned areas. A training program will be developed for all parties responsible for municipal operations subject to the pollution prevention/good housekeeping program. Procedures for the proper disposal of waste removed within the MS4 Operator boundaries and waste that is collected as a result of maintenance of stormwater structural controls will be developed. A list of maintenance activities, maintenance schedule, and long-term inspection procedures for controls used to reduce floatables and other pollutants will be developed. Housekeeping measures and BMPs that reduce pollutants will be developed. Stormwater discharges authorized by other TPDES permits are authorized and meet the applicability and eligibility requirements under TXR040000. A chapter in the Stormwater Guidance Manual will address the MS4 Operator's approach to Pollution Prevention and Good Housekeeping for Municipal Operations. This chapter will contain methods used to develop and maintain inventory of facilities and stormwater controls, procedures for contractor requirements and oversight, and evaluation of municipal operation and maintenance activities. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

5.1 Operations and Maintenance Program

Description

The MS4 Operator will develop an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas. The program will include education concerning the proper disposal of waste material. Any contractor hired by the MS4 Operator to perform work within the MS4 Operators jurisdiction will be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in the permit. This program will include contractor oversight. The MS4 Operator will evaluate Operation and Maintenance (O&M) activities for the potential to discharge pollutants.

Implementation Schedule

- Year 1: Introduce need to comply with TXR040000 to MS4 Operator.
    - Deadline; July 2014
- Year 2: Examine existing resolution/rate order relative to municipal operations Begin development of Guidance Manual chapter relative to Pollution Prevention and Good Housekeeping for Municipal Operations. The MS4 Operator will hold a minimum of one training session relative to Pollution Prevention and Good Housekeeping for Municipal Operations and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties.
    - Deadline; August 2015
- Year 3: Modify existing resolution/rate order. Identify municipal owned facilities. Record and maintain Inventory of facilities and stormwater controls pursuant to fulfilling a subchapter of the Stormwater Guidance Manual relative to the operations and maintenance program. The MS4 Operator will hold a minimum of one training session relative to Pollution Prevention and Good Housekeeping for Municipal Operations and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2016
- Year 4: Finalize and adopt resolution/rate order. Develop procedures for contractor oversight, hence, completing the second subchapter of the Stormwater Guidance Manual relative to the Operations and Maintenance Program. The MS4 Operator will hold a minimum of one training session relative to Pollution Prevention and Good Housekeeping for Municipal Operations and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; August 2017
- Year 5: Evaluate effectiveness and enforceability of adopted regulatory mechanism. Complete final subchapter of Stormwater Guidance manual that evaluates municipal operations and maintenance activities. The MS4 Operator will hold a minimum of one training session relative to Pollution Prevention and Good Housekeeping for Municipal Operations and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regularly scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
    - Deadline; December 2018
- End of Permit Term Goal: Develop and implement an operation and maintenance program for municipally owned facilities.

Measurable Evaluation Criteria

- Meeting agenda
- Chapters relative to Stormwater Guidance Manual
- Resolution/rate order

Interim Milestone for MCM 5.0

By the end of year 3, inventory of facilities and stormwater controls will be recorded. By the end of year 4, the resolution/rate order will be adopted as a regulatory and enforcement mechanism.

MCM 6.0 Industrial Stormwater Sources

Summary/Rationale

As a level 2 small MS4 operator, there are no industrial stormwater requirements under the current permit. Should permits conditions change, the MS4 operator will make revisions to the SWMP.

MCM 7.0 Authorization for Construction Activities where the MS4 Operator is the Site Operator

Summary/Rationale

The MS4 Operator has chosen not to develop this optional measure at this time. Each year, the MS4 Operator will re-evaluate the decision and will be communicate any changes made in the annual report.

Part III - Pollutant of Concern Program

Background

Section 303(d) of the federal Clean Water Act requires all States to identify and list waters that do not meet, or are not expected to meet, applicable water quality standards. The standards describe the ways the water bodies are used and those descriptions are embodied in the updated *Texas Surface Water Quality Standards (TSWQS-TCEQ 2014).* The Galveston Bay System, along the Upper Gulf Coast, has a designation for high aquatic life use and this system is also used to harvest oysters. Listings for oyster waters are developed by the Texas Department of Health Services (DSHS) and classified according to the potential risk to consumers of eating oysters harvested in a particular area. Restricted Harvest Zones (RHZs) are areas where oysters can be harvested, but not for direct marketing. The criteria for oyster waters are based on fecal coliform concentrations. If the minimum sample requirement is met (ten samples during the previous five years), the median fecal coliform concentration cannot exceed;

14 colonies per 100 milliliter (mL) and/or

The 90th percentile of all samples exceeds 43 colonies per 100mL.

Note; a 1000 foot buffer zone along shorelines has been established to protect against runoff from the watershed and human use of the beaches. Within the 1000 foot buffer zone, contact recreation standards apply.

Texas Surface Water Quality Standards establish the following criteria for the designated uses:

Bacteria – Contact Recreation

The geometric mean of E-Coli in freshwater should not exceed 126 colony forming units (cfu) per 100 milliliter (ml).

For every listed water body that does not meet the standard, the State must develop a Total Maximum Daily Load (TMDL) for each pollutant that contributes to the impairment of the stream. A TMDL is a technical analysis that determines the amount of a particular pollutant that a water body can receive and still meet the applicable water quality standard. The TMDL document estimates how much the pollutant load must be reduced in order to comply with the standard. For most pollutants TMDLs are expressed as a mass loading (e.g. pounds per day). For bacteria (e.g. fecal coliform), however, it is expressed as a number of organisms in a given volume of water (i.e., their concentration). The concentration is a significant value with respect to protection of oyster waters use. The Code of Federal Regulations, Title 40, Section130.2 (i) allows the state to establish a concentration –based TMDL for a pollutant that is not readily controllable on a mass

basis. Flows in the Galveston Bay system are highly variable and very difficult to measure, therefore the TMDL for Waters in the Upper Gulf Coast establishes concentration-based TMDLs and load allocations.

A regulated MS4 operator that discharges stormwater into an impaired water body with a TMDL, is required to develop a program and choose Best Management Practices (BMPs) that target the pollutants of concern as identified in the TMDL. The stormwater discharge does not have to discharge directly into the impaired water body, but if this discharge is located in the watershed where the TMDL was developed, permit conditions apply. The BMPs chosen will focus on areas the MS4 operator identifies as having the potential to be a cause of the pollutant of concern. Each BMP selected will have measurable goals, an implementation schedule, and interim milestones will be set to assess program progress. A benchmark for the pollutant of concern will be identified by the MS4 operator to assist in determining if the program is effective in addressing the pollutant of concern. Monitoring of progress toward achieving the benchmark is also required and will be included in the annual report using appropriate program indicators.

Watershed Description - Upper Galveston Bay

The MS4 Operator discharges stormwater through a series of manmade channels and detention ponds into Mustang Bayou. Mustang Bayou discharges into Chocolate Bay which is located in the Upper Galveston Bay watershed. The Galveston Bay system is a complex ecosystem that provides natural resources, ecological benefits, recreational opportunities, transportation links, economic benefits and aesthetic value. The Upper Galveston bay watershed includes the following segments identified by the TCEQ;

- Upper Galveston Bay (segment 2421)(Assessment Units 2421-1- & 2421-2)
- Trinity Bay (segment 2422) Assessment Units 2422-1)
- East Bay (segment 2423) Assessment Units 2423-1)
- West Bay (segment 2424) Assessment Units 2424-2)
- Chocolate Bay (segment 2432) Assessment Units 2432-1)
- Lower Galveston Bay (segment 2439) Assessment Units 2439-1)

TMDL - Waters of the Upper Gulf Coast

The Texas Commission on Environmental Quality (TCEQ) adopted Six Total Maximum Daily Loads (TMDLs) for bacteria in these segments in August 2008. The EPA approved the TMDL in February 2009. The TMDL identifies Chocolate Bay as segment 2432. The TMDL further sub-divides the watershed for segment 2432 into one smaller assessment unit (AU) 2432-1.

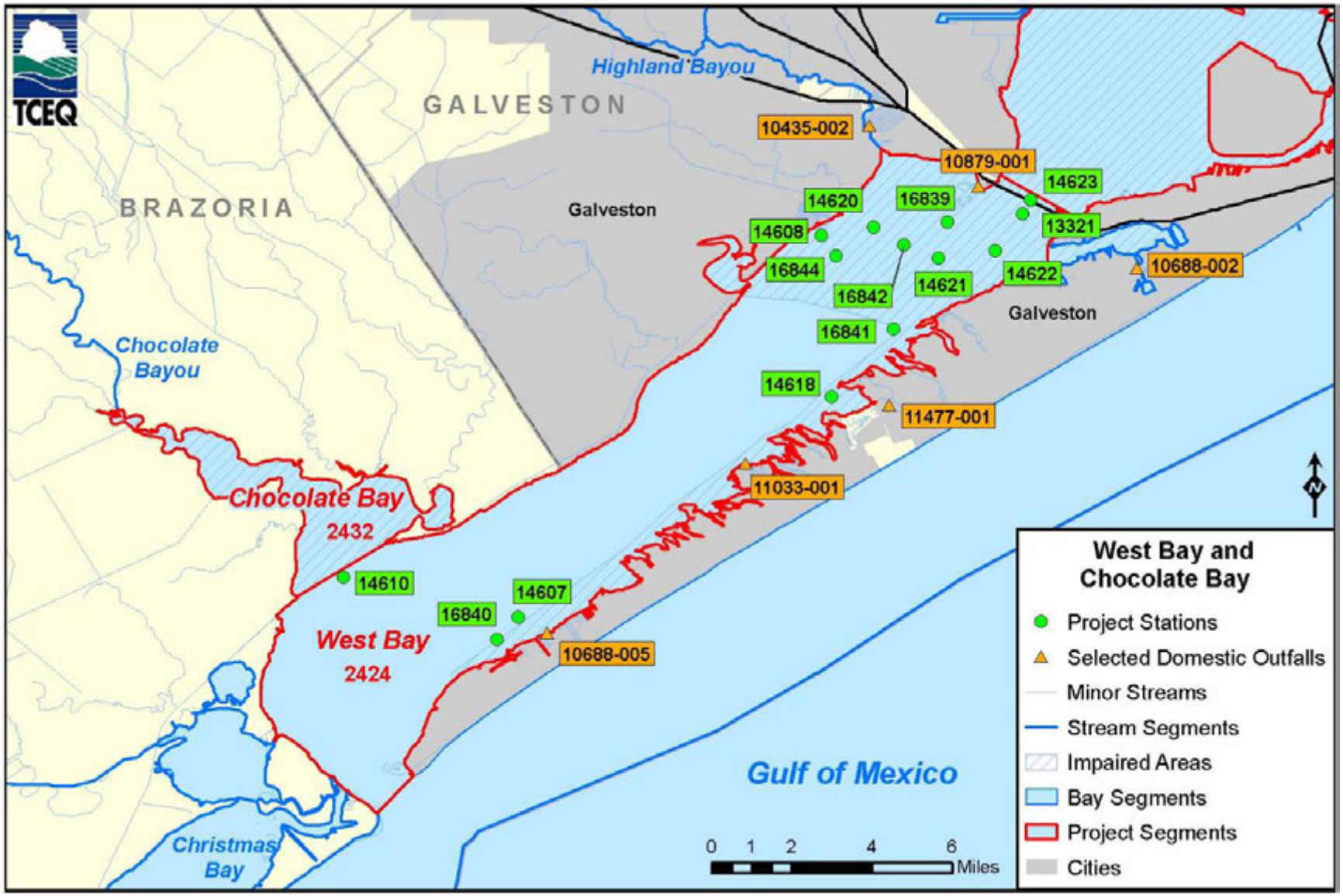

Figure 10 in the TMDL

The TMDL for bacteria identifies the most probable sources of this impairment, including marinas, boat traffic, failing septic systems, treatment facility discharge of untreated waste, migratory birds, wildlife refuges, stormwater and other unmanaged animals. Stormwater runoff in the watershed originates from regulated discharges from both Phase I and Phase II MS4s, and from non-regulated runoff. It also includes runoff from shorelines that flow directly into the segment. Stormwater must be considered as a point source, identified in a TMDL as a waste load allocation, if it originates from a city, or urbanized area.

Benchmarks for Pollutants of Concern

As outlined above, TXR040000 requires small MS4's that discharge into an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, to identify a "Benchmark" for the pollutant of concern. While the benchmark has a numeric value, it is not a numeric effluent limitation, but rather a guideline for evaluating progress toward the goal of achieving the water quality standard for the stream. The establishment of the benchmark for the SWMP considered the following options, as outlined in the permit:

- 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) of the permit.

- 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 MS4 Operator is only responsible for progress in meeting its sub-benchmark.

The TMDL for Bacteria Waters in the Upper Gulf Coast uses concentration based Pollutant Wasteload and Load Allocations for the Upper Gulf Coast segments. Table 12 of the TMDL lists the Waste Load Allocations**. The Wasteload allocation for MS4s in the watershed states "Numerical concentration requirements are unreasonable for storm water runoff. This TMDL will require MS4s to follow implementation of bacteria reduction efforts and best management practices"**

Pollutant Waste Load Allocations[a]		
	Fecal coliform densities for Discharges to the RHZ	**For Discharges to Adjacent Watersheds and the 1,000 foot Buffer Zone[b]**
Mechanical WWTFs[c]	Discharges directly to the RHZ are not possible[d]	Fecal Coliform 200 per 100 mL OR *E. coli* 126 per 100 mL OR Enterococcus 35 per 100 mL
Wetland WWTFs	Discharges directly to the RHZ are not possible[d]	Wetland systems are measured based on detention time. Human waste must be detained for at least 21 days in sun light before reaching the bay system, unless individual permit requires additional time.
MS4s[c]	Discharges directly to the RHZ are not possible[e]	Numerical concentrations requirements are unreasonable for storm water runoff. This TMDL will require MS4s to follow implementation of bacteria reduction efforts and best management practices.
Pollutant Load Allocations[a]		
OSSFs	Discharges directly to the RHZ are not possible[e]	0 per 100 mL
Recreational Boat and Ship Discharges	0 per 100 mL	0 per 100 mL
Marina	Discharges directly to the RHZ are not possible[d]	0 per 100 mL
Non-Regulated Municipal Runoff	Discharges directly to the RHZ are not possible[e]	Numerical concentrations requirements are unreasonable for storm water runoff. Incentive based options will be developed for municipalities with non-regulated runoff. Bacteria reductions will be achieved through the implementation of the resulting I-plan.
Direct Deposition into Segment[f]	The reduction of wildlife or changing natural background conditions is not the intended goal of a TMDL.	

a. Allocations are applicable year-round. WLAs apply to any sources (existing or future) subject to regulation by a TPDES permit.

b. All concentrations limits within the 1,000-foot buffer zone will be based on the geometric means of the applicable indicator bacteria.

c. Regulated entities may use indicator bacteria other than fecal coliform, as listed in individual TPDES permits. Indicator bacteria concentrations for each permit must be consistent with the applicable water quality standard for the receiving water. Dischargers releasing effluent into a segment buffer zone shall meet those water quality standards.

d. Discharges to RHZ are not possible for WWTFs and Marinas because TDSHS implements safety perimeters known as Prohibited Harvest Zones around this source to protect against any unauthorized discharges of raw sewage.

e. Discharges to RHZ are not possible because TCEQ implements a 1000-foot buffer zone around this source designated as contact recreation.

f. The listed segments contain wildlife and unmanaged animals and are therefore potential sources.

Table 12 in the TMDL

Implementation Plans (I-Plans)

An Implementation Plan has not yet been completed for the Galveston Bay System. However, In order to address the high levels of bacteria in and around the Houston area, the TCEQ asked stakeholder groups to convene and address the problems. One group represented the watersheds in the Houston-Galveston Region and became known as the "BIG". This group consisted of representatives from city and county governments, resource agencies, business and agriculture, professional organizations, watershed groups and the public. They met over and produced the "Implementation Plan for Seventy-Two Total Maximum Daily Loads for Bacteria in the Houston-Galveston Region". This document was adopted by TCEQ on January 30, 2013. The Implemenation Plan (I-Plan) summarizes the TMDL's that we adopted by the TCEQ in 2009. The document outlines the potential sources of bacteria as well as implementation strategies that will be used to reduce these pollutants of concern over the next several years. While many of the ideas and strategies are intended for the watersheds in and around the Houston area, several of the implementation strategies are applicable to the MS4 Operator. The MS4 Operator will refer to information found in the I-plan, and consider the ideas and applicability within its jurisdiction.

Sources of the Bacteria Impairment

The TMDL documents state the sources for indicator bacteria vary, and there is no single predominant source. Bacteria specific to humans, avian, and non-avian wildlife and domestic animals all accounted for appreciable portions of the loadings. A summary of potential pollution sources can be found in the TMDL documents. The MS4 Operator has reviewed the potential sources of bacteria as identified in the I-Plan and the TMDL as well as the strategies proposed to address these potential sources. The I-Plan strategies are intended to be implemented on a watershed basis; however, some of the strategies do not apply within the jurisdiction of the MS4 operator. The MS4 operator will develop a Bacteria Program based on selected sources for bacteria that may occur within its jurisdiction.

Bacteria Specific Program Elements

- 1.0 Waste Water Treatment Facilities (WWTFs) (facility monitoring/reporting/assessment) (only if applicable)
- 2.0 Sanitary Sewer System
- 3.0 Illicit Discharges and Dumping
- 4.0 Residential Education
- 5.0 Animal Sources

The MS4 Operator has chosen the following Best Management Practices that focus on the impairment of concern for the selected program elements.

1.0 - WWTF discharge monitoring and reporting and facilities

Description

Non-compliant WWTFs can be sources of bacteria in the receiving stream. With the exception of those facilities using an ultraviolet (UV) disinfection system, WWTFs were, historically, not required to monitor for bacteria. As mentioned in the BIG's I-Plan, " results from limited monitoring of bacteria in the BIG region suggests that while levels of indicator bacteria in effluent from individual WWTFs is typically low, at any given time approximately 5 percent to 10 percent of the facilities can be found to be exceeding the single-sample criterion for E-coli". The goal of this program element is to have the MS4 Operator aware of E-Coli limits at the WWTF by the end of the permit term. Training of the MS4 Operator's consultants and applicable parties will be an integral part of this program element.

BMP 1.1 - Monitor permit limits for the WWTF

The MS4 Operator has enlisted a group of professionals to manage its day to day business activities. Of these professionals, the Operator is in charge of the daily operations and maintenance of the WWTF. Reporting compliance with permit conditions should be taking place on a regular basis. However, until recently, E-coli limits were not required in WWTF permits, with the exception of those using UV disinfection. As permits renew, the TCEQ is placing these limits in all new WWTF permits where E-Coli is the impairment of concern. Once this permit condition exists, the MS4 Operator, if applicable, will require written regular reporting of E-Coli limits on any operations report delivered to the MS4 Operator.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's management team.
- Year 2: Research WWTF permit for E-Coli limits.
- Year 3: Review existing operations reports to ensure Discharge Monitoring Reports (DMRs) information is included in the report. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Review compliance with applicable permit conditions, including E-Coli limits, on a regular basis as presented in the Operations reports. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Continue to review compliance with applicable permit conditions, including E-Coli limits, on a regular basis as presented in the Operations reports. Based on the previous year's BMP evaluation included in the annual report,

modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of permit term Goal – MS4 Operator will be aware of E-Coli limits in its WWTF permit and will receive regular reports with DMR values included in the Operators report.

Measurable Criteria

- Meeting Agenda
- E-Coli limits for the WWTF permit
- Copies of Operations reports

BMP 1.2 Facilities Assessment

The MS4 Operator enlists a group of professionals to manage its day to day business activities. Of these professionals, the Engineer is in charge of the design and construction of the MS4 Operators WWTF. Regular reporting concerning the compliance with permit conditions, as well as on-going conversations with other members of the management team, help assess the operating condition of the WWTF. As mentioned in the BIG's I-Plan, "bacteria monitoring may reveal WWTFs that are not meeting effluent limits. Upgrades or repairs, as appropriate, will be the responsibility of each individual facility owner in order to comply with individual permits." The MS4 Operator will review conditions of the WWTF with its management team on a periodic basis to determine if problems exist that may lead to non-compliance with effluent conditions, especially the E-Coli limit.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's management team.
- Year 2: Begin development of a checklist, or other appropriate reporting tool, that will aid management and operational personnel in determining the overall conditions of the WWTF.
- Year 3: Continue review of checklist, or other appropriate reporting tool. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Finalize checklist or other appropriate reporting tool. Review annually. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Implement/update checklist or other appropriate reporting tool, as necessary. Utilize on a regular basis to ensure the operational integrity of the WWTF. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.

- End of permit term Goal – MS4 Operator will be aware of the condition of its WWTF and its ability to comply with permit effluent limitations.

Measurable Criteria

- Meeting Agenda
- Check list, or other appropriate reporting tool, completed

Interim Milestones

At the end of year 3, the existing WWTF permit will be reviewed for E-Coli limits. If E-Coli limits are not included, the MS4 Operator will be given a schedule of when these limits will be included in the permit. A copy of permit limits will be included in the annual report. By the end of year 4, a checklist or other appropriate reporting tool, for use in assessing overall condition of the WWTF will be completed.

2.0 – Sanitary Sewer System

Description

Sanitary sewer system overflows (SSOs) may be a source of bacteria in stormwater runoff within the MS4 Operators jurisdiction. The EPA has concluded that SSOs contribute to bacteria loading in nearly all impaired streams, but may or may not be a primary source of loading. These overflows can originate from individual homes, businesses, as well as MS4 Operator owned facilities. Overflows may be caused by blockages in the line, line breaks, defects that allow stormwater and groundwater to infiltrate into the system, lapses in operation, inadequate design and construction, power failures, and even vandalism. The goal of this program element is to review existing operations and develop the tools necessary for proper operation and maintenance of the system. This element will include a review of existing documents, as well as the physical system, including lift stations. Components of the program will be developed over the permit term as necessary. Training of the MS4 Operator's consultants and applicable parties will be an integral part of this program element.

BMP 2.1 Mapping of Sanitary Sewer System

Description

An accurate map of the MS4 Operator's sanitary sewer system is critical to proper operations and reporting of overflows. The MS4 Operator will review existing maps of the sewer system and determine the need for creation/updates of existing maps.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's management team

- Year 2: Research existing maps of the MS4 Operator's sanitary facilities, including lift stations
- Year 3: Begin creation/updates of the overall map of all MS4 Operator owned or shared sanitary sewer facilities. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Continue map development Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Complete map and implement use of the map for various initiatives involving the sanitary sewer system. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of permit term goal – MS4 Operator will have an accurate overall map of the sanitary sewer system to aid in the proper management of the MS4 Operators wastewater flows.

Measurable Criteria

- Meeting Agenda
- Overall sanitary sewer system map.

BMP 2.2 Reporting of Sanitary Sewer Overflows (SSOs)

Description

Reporting of events that could discharge the pollutant of concern is critical to the proper management of the sanitary sewer system. Current EPA regulations specify reporting requirements for noncompliance, including SSOs, in 40 C.F.R. § 122.41 (1) (6) and (7) (2011). Reporting at regular meetings of any overflows and/or stoppages in the system, sanitary lift station operations, as well as critical information about operations at the WWTF, where applicable, will aid in the reduction of bacteria discharges into the receiving stream.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's management team.
- Year 2: Begin review of regular operations reports for specific information that pertains to the discharge of the pollutant of concern from SSOs.
- Year 3: Continue review of operations reports and make recommendations on report modifications, as necessary. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Years 4: Modify operations report to ensure SSOs are being properly reported. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.

- Year 5: Implement Operations Report. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of permit term goal – MS4 Operator will have an operations report that includes information on SSOs.

Measurable Criteria

- Meeting Agenda/minutes
- Completed operations report with SSO information included

BMP 2.3 Facilities Assessment

Description

The BIG's I-Plan suggested to the TCEQ that all sanitary systems should be required to develop and implement a Utility Asset and Management Program (UAMP) (Implementation Activity 2.1). As previously stated, the MS4 Operator enlists a group of professionals to manage its day to day business activities. The Engineer is the professional in charge of the design and construction of the MS4 Operator's sanitary sewer system. Regular reporting of the compliance with permit conditions, as well as on-going conversations with other members of the management team, help assess the operating condition of the sanitary sewer system. The MS4 Operator will review conditions of the sanitary sewer system with its management team on a periodic basis to determine if problems exist that may lead to non-compliance with effluent conditions.

Implementation Schedule

- Year 1 – Introduce the need to comply with TXR040000 to the MS4's management team.
- Year 2: Begin research to develop a reporting program that will aid management and operations personnel in determining the overall conditions of the sanitary sewer system. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 3: Continue research to develop a reporting program that will aid management and operations personnel in determining the overall conditions of the sanitary sewer system (reports, checklists, programs). Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Chose appropriate management program that will be developed by the management team to help identify problems with the sanitary sewer system. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.

- Year 5: Implement management program to ensure the operational integrity of the sanitary sewer system. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of permit term Goal – MS4 Operator will be aware of the condition of its sanitary sewer system and incorporate a management system to ensure continued compliance with all permit conditions, including SSOs.

Measurable Criteria

- Meeting Agenda
- Management programs researched
- Developed Program

BMP 2.4 Reporting and maintenance of Lift Station Functions

Description

The proper design and maintenance of lift stations located within the MS4 Operators jurisdiction is critical for compliance with the bacteria program. Lift stations can fail, as demonstrated by the many power outages during 2008 when Hurricane Ike hit the Houston Metropolitan Area. There were many power outages that led to discharge of untreated wastewater into the receiving streams. Lift stations may also fail due to mechanical failure, vandalism and old age. This program element will include a review of existing lift stations with the goal of developing on overall operations and inspection plan to be implemented on a regular basis, and also in case of emergencies.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's management team.
- Year 2: Begin development of a lift station inventory program that will aid management and operations' personnel in determining the location and overall conditions of the lift stations.
- Year 3: Identify all lift stations within the MS4 Operators jurisdiction. Research existing operations procedures regarding lift stations to ensure proper operation that minimizes overflow potential. Begin analysis of lift station capability to operate under loss of power conditions. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Finalize operations procedures for existing lift stations. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Based upon the gathered research, implement new or modify operational procedures as necessary. MS4 operator will be made aware of loss of power conditions at each lift station. Based on the previous year's BMP evaluation

included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of permit term goal – MS4 Operator will have adequate operational procedures in place to ensure proper operation of MS4 Operator owned sanitary lift stations, including loss of power conditions.

Measurable Criteria

- Meeting Agenda
- List of Lift stations located within the MS4
- New/modified operations report

BMP 2.5 Sanitary Sewer Use Requirements

Description

Whether the MS4 operator discharges to another WWTF (subscriber system), or owns and operates its own WWTF, the proper use of the sanitary sewer system by all registered customers within the MS4 Operator's jurisdiction is critical for compliance with stream standards. This program element will include a review of existing rules and regulations of the MS4 operator, including subscriber system contracts, as applicable, in order to ensure proper use of the system. Emphasis will be placed on rules that govern the ownership and operations of grease traps, grit traps and the discharge of fats, oils and grease into the sanitary system.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's management team.
- Year 2: Identify any subscriber system to the WWTF, if applicable. Begin researching existing rules for system users and contracts with subscriber systems, if applicable. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 3: Review specific information that pertains to the proper use of the sanitary sewer system, with emphasis on ownership of grease traps, grit traps and the discharge of fats, oils and grease into the sanitary system. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Create/modify rules and amend subscriber system contracts, as necessary, to address any misuse of the sanitary sewer system. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Implement rules concerning the proper use of sanitary sewer systems, where necessary. Based on the previous year's BMP evaluation included in the

annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of permit term goal– MS4 Operator will have adequate rules in place to ensure proper use of the sanitary system by all parties, including subscriber systems.

Measurable Criteria

- Meeting Agenda
- Copy of rules and regulations
- Copy of subscriber system contracts, if applicable

Interim Milestones

By the end of year 3, all lift stations will be inventoried. Each lift station will be provided with signage that provides emergency information necessary for the reporting of problems. By the end of year 4, the operations report will include information on SSO's that have occurred in the system. Additionally by the end of year 4, existing rules and regulations relative to proper use of the MS4s sanitary sewer system will have been inventoried. Any subscriber system contracts will have been identified.

3.0 – Illicit Discharge & Dumping

Description

As reported in the BIG's I-Plan "Many of the TMDLs in the BIG region indicate that illicit discharges and dumping account for a significant dry- weather bacteria loadings." As described and developed in MCM 2, of this SWMP, the MS4 Operator will develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharge into the MS4. Emphasis on bacteria laden discharges and spills, such as from grease traps, grit traps and waste haulers will be included. It will seek to eliminate illicit discharges to the extent allowable under State and local law. Training of the MS4 Operator's consultants and applicable parties will be an integral part of this program element.

BMP 3.1 Rules and Regulations for Illicit Discharges

Description

Illicit discharge and dumping can introduce pollutants both directly and indirectly into the waterways. Sources can include illegal connections to the storm sewer, as well as discharges directly into the water body. As described in MCM 2, the SWMP will include a current map of the MS4 Operator's storm sewer system. The MS4 Operator will review existing maps of the storm sewer systems and determine the need for creation/updates of existing maps. The MS4 Operators will review existing rules and regulations concerning illicit discharges with emphasis on grease trap, grit traps and other sources of bacteria.

Implementation Schedule

- Year 1: Introduce need to comply with TXR040000 to MS4 Operator's MS4 Operator.
- Year 2: Examine existing resolution/rate order. Begin development/update of a comprehensive Stormwater Conveyance map to be used for IDDE practices. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties.
- Year 3: Begin modifications to resolution/rate order language. Update Stormwater Conveyance map, as necessary, to be used for IDDE practices. Research possibility of a hotline phone number to be used as a reporting mechanism. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Finalize and adopt resolution/rate order language. Begin responding to resident reports of illegal dumping and/or illicit discharges as generated by the website's complaint module. Adopt hotline phone number if appropriate. Stormwater Conveyance map will be updated, as necessary, to be used for IDDE practices. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Continue responding to resident reports of illegal dumping and/or illicit discharges as generated by the website's complaint module. Evaluate effectiveness and enforceability of adopted regulatory mechanism. Evaluate effectiveness of hotline phone number, if adopted. Conveyance map will be updated, as necessary, to be used for IDDE practices. The MS4 Operator will hold a minimum of one training session relative to IDDE and other SWMP goals, TXR040000 requirements, and/or Best Management Practices. The training session will be performed during the MS4 Operator's regular scheduled meeting for applicable MS4 Operator Consultants and interested parties. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of Permit Term Goal: An Illicit Discharge Detection and Elimination program will be developed and fully implemented. Local resolution/rate order will be adopted and mandate compliance with the IDDE program. A map of the MS4s stormwater conveyance system will be developed.

Measurable Criteria

- Meeting Agenda
- Stormwater conveyance map
- Training sessions held

Interim Milestones

Existing stormwater conveyance maps will be reviewed by the end of year 2. By the end of year 2, at least one training session will be held.

4.0 - Residential/Public & MS4 Operator Consultant Education

Description

MCM 1 in this SWMP is designed to be an overall public education program that will be used to inform the public about the impacts that pollution in stormwater run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways to minimize the impact on stormwater quality.

This program element is aimed at changing public behavior through education efforts. Specific educational material will be developed placing emphasis on possible sources of bacteria, including bacteria from residential sites during stormwater runoff events, bacteria from fats, oils and greases that clog drains and sanitary lines, pet waste and general lawn care practices. Public education material will focus on why bacteria is an issue in our waterways and strategies that can reduce bacteria in these waterways. This program element will take advantage of existing public education programs and materials. Material will be regularly distributed to registered customers within the MS4 Operator's jurisdiction and will be posted on CleanBayous.org for public viewing. Training of the MS4 Operator's consultants and applicable parties will be an integral part of this program element.

BMP 4.1 MS4 Operator Consultant Training

Description

A training program will be developed for applicable MS4 Operator consultants and other respective parties responsible for municipal operations. Training sessions will be used to educate all interested parties on the requirements of TXR040000, concentrating on the bacteria program elements of the SWMP.

Implementation Schedule

- Year 1: MS4 Operator consultants and interested parties will be educated on the goals of the SWMP and the requirements of TXR040000 during at least one regular meeting.
- Year 2: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session will be performed during the MS4 Operator's regularly scheduled meeting. The training session will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 3: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session will be performed during the MS4 Operator's regularly scheduled meeting. The training session will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session will be performed during the MS4 Operator's regularly scheduled meeting. The training session will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: The MS4 Operator will hold a minimum of one training session for applicable MS4 Operator Consultants and interested parties. The training session will be performed during the MS4 Operator's regularly scheduled meeting. The training session will cover SWMP goals, TXR040000 requirements, and/or Best Management Practices. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of Permit Term Goal: All MS4 Operator consultants and interested parties will be educated on the goals of the SWMP and the requirements of TXR040000 relative to the bacteria program elements of the SWMP.

Measurable Evaluation Criteria

- Meeting Agenda
- number of training sessions held
- training material distributed at meetings, if applicable

BMP 4.2 Residential/ Public Education

Description

Educational material will be used to inform the public about the impacts that pollution in stormwater run-off can have on water quality, hazards associated with illegal/illicit discharges and improper disposal of waste, and ways to minimize the impact on

stormwater quality. Educational material will address pet waste, lawn maintenance, household hazardous waste, commercial stormwater impacts, and other sources of pollution that may lead pollution, especially from bacteria. Material will be regularly distributed to registered customers within the MS4 Operators jurisdiction and will be posted on CleanBayous.org for public viewing, as outlined in MCM 1.

Implementation Schedule

- Year 1: Research existing educational material that can be inserted into water bills or other mailings to the MS4 Operator's constituents.
- Year 2: Approve educational material to be distributed in mailings. Perform at least one mailing to MS4 Operator constituents. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 3: Approve educational material to be distributed in mailings. Perform at least one mailing to MS4 Operator constituents. Post on Website. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 4: Approve educational material to be distributed in mailings. Perform at least one mailing to MS4 Operator constituents. Post on Website. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: Approve educational material to be distributed in mailings. Perform at least one mailing to MS4 Operator constituents. Post on Website. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- End of Permit Term Goal: All registered customers within the MS4 Operator's boundaries will receive bacteria specific educational material at least once annually

Measurable Evaluation Criteria

- Meeting Agenda
- Bacteria specific educational material researched/reviewed
- Bacteria specific educational material delivered to constituents
- Number of material distributed

Interim Milestones

At least one training session on bacteria specific topics will be help by the end of year 2. At least one design for bacteria specific training material will be selected by the end of year 2.

5.0 – Animal Sources

Description

Animals that use open space and other green areas within the MS4s jurisdiction could be a significant source of bacteria entering the receiving stream. These sources include pets such as dogs, cats, horses and other types of domestic animals. The sources also include many species of wild animals that travel and use these open spaces. This program element is aimed at changing public behavior relating to the proper use of these open spaces and green areas. Public education may include signage, mail outs and/or other educational material that may be developed over the term of the permit. This program element will take advantage of existing public education programs and materials that may be available from other MS4s in the watershed. Education material will be regularly distributed, as deemed necessary by the MS4 Operator, to registered customers within the MS4 Operator's jurisdiction and will be posted on CleanBayous.org for public viewing, when necessary.

BMP 5.1 Residential/ Public Education –District Signs

Description

Educational material including signage may be used to inform the public about the impacts that pollution in stormwater runoff can have on water quality. Signs may be developed and installed around green areas and open space areas that exist within the MS4's jurisdiction

Implementation Schedule

- Year 1: Research green areas and other open space areas that exist within the MS4s jurisdiction.
- Year 2: Research existing signs or design new signs and/or other education material that will be installed around green areas and open space areas within the MS4s jurisdiction. . Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate
- Year 3: Approve signage and/or other educational material specific to animal waste. Approve other applicable educational material, if necessary. Begin installation of signs around common open areas, if applicable.
- Year 4: If applicable, continue installing signs around open spaces and green areas, where necessary. Approve other applicable educational material, where necessary. Based on the previous year's BMP evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.
- Year 5: If applicable, complete sign installation. Approve other applicable educational material, where necessary. Based on the previous year's BMP

evaluation included in the annual report, modifications to measurable goals and/or to the implementation schedule will be made as appropriate.

- End of Permit Term Goal: If applicable, signs concerning animal waste will be installed and/or updated/revised on green spaces and other common open areas that are used by area residents and other visitors. Where necessary, other education material will be distributed to residents.

Measurable Evaluation Criteria

- Number of signs installed/updated/revised

Interim Milestones

At least one sign design, or other piece of educational material will be approved for installation/distribution by the end of year 3.

6.0 – Monitoring of Progress towards the Benchmark

The MS4 Operator shall monitor progress in achieving the listed benchmark and improving water quality and shall report this progress in each annual report. Based on an evaluation of the BMPs chosen for each program element, the MS4 Operator will assess program success and progress towards achieving the benchmark. Progress will be reported using program indicators such as number of educational opportunities conducted, number of training sessions held, etc. In cases when the MS4 Operator is part of an I-Plan that has been prepared for the watershed, there may be additional sources for assessing stream quality for the stream segment or assessment unit using data produced by governmental agencies, such as the TCEQ. The MS4 operator will monitor these opportunities and include in the annual report, if available. The MS4 operator will review the effectiveness of the program to determine the need to change any program elements or BMPs and will make these decisions by the end of the third year of the permit term.

Part IV – Appendices

Appendix A

“References”

References

TCEQ 2014. Texas Surface Water Quality Standards, 2014 update, 30 TAC §307.1 – 307.10, <www.tceq.texas.gov/assets/public/waterquality/standards/tswqs_2014/TSWQ2014Rule.pdf>

TCEQ 2013. Implementation Plan for Seventy-Two Total Maximum Daily Loads for Bacteria in the Houston-Galveston Region, <www.tceq.texas.gov/assets/public/waterquality/tmdl/00BIG/42-HoustonRegionBacteriaIPlan-approved.pdf>

TCEQ 2013. Texas General Permit Number TXR040000, Relating to Discharges from Small Municipal Separate Storm Sewer Systems, <www.tceq.texas.gov/assets/public/permitting/stormwater/txr040000_issued_permit.pdf>

TCEQ 2012. 2012 Texas Integrated Report – Texas 303(d) List (Category 5), <www.tceq.texas.gov/assets/public/waterquality/swqm/assess/12twqi/2012_303d.pdf>

TCEQ 2008. Six Total Maximum Daily Loads for Bacteria in Waters of the Upper Gulf Coast, <http://www.tceq.state.tx.us/assets/public/waterquality/tmdl/74uppercoast/74-uppercoast_tmdlapproved.pdf>

Google Inc. (2013). Google Earth (Version 7.1.2.2041) [Software]. Available from <http://www.google.com/earth/download/thanks.html#os=win#usagestats=yes#updater=yes>

Appendix B

"Location Map – Brazoria County MUD No. 29 Aerial"

Google earth

miles 3
km 5

Location Map - Brazoria County MUD No. 29 Aerial

Appendix C

“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

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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

“Notice of Intent”

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

TCEQ 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.: 21062
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

ORIGINAL

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 602524613

b. What is the Legal Name of the entity (applicant) applying for this permit?
Brazoria County Municipal Utility District 29
(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): _____
First/Last Name: Cassondra Losser Suffix: _____
Title: President 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: (713) 860-6400 Ext: _____ Fax Number: (713) 860-6990
E-mail: _____
Mailing Address: 3200 Southwest Freeway
Internal Routing (Mail Code, Etc.): 2600
City: Houston State: TX ZIP Code: 77027
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: (713) 623-4539 Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: 1300 Post Oak Blvd.
Internal Routing (Mail Code, Etc.): 1600
City: Houston State: TX ZIP Code: 77056
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

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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)
Brazoria County MUD 29 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):
The District lies partially within the City of Houston Urbanized Area

d. County where the largest residential population exists within the regulated MS4 boundaries:
Brazoria

Is the MS4 located within additional counties?
☐ Yes – If Yes, what county (or counties)?

☑ No

e. Latitude: 29.5027 Longitude: -95.4006

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: 9511

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.

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☐ **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?_____

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: Justin Klump
   Title: Municipal Consultant Company: Storm Water Solutions LP
   Phone Number: (281) 587-5950 Ext: _____ Fax Number: (281) 587-5999
   E-mail: jtklump@swstx.com
   Mailing Address: 16110 Hollister Street
   Internal Routing (Mail Code, Etc.): _____
   City: Houston State: TX ZIP Code: 77066

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

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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?
   Mustang Bayou

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2432

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?
     dioxin in edible tissue, PCBs in edible tissue

     What are the pollutants of concern?

   - ☐ 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?
   - ☑ 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

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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: Justin Klump
   Title: Municipal Consultant Company: Storm Water Solutions LP
   Phone Number: (281) 587-5950 Ext: Fax Number: (281) 587-5999
   E-mail: jtklump@swstx.com
   Mailing Address: 16110 Hollister Street
   Internal Routing (Mail Code, Etc.):
   City: Houston State: TX ZIP Code: 77066

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: Storm Water Solutions LP
   Address of Public Place: 16110 Hollister Street, Houston TX 77066
   County of Public Place: Harris County

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

ORIGINAL

Operator Certification:

I, Cassandra Losser — President

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: Cassandra L. Losser *(Use blue ink)* Date: 5-30-2014

ORIGINAL

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:	210362
Trace Number:	582EA000168185
Date:	06/04/2014 10:35 AM
Payment Method:	CC - Authorization 0000057081
Amount:	$100.00
Fee Type:	General Permit Water Discharge Application
ePay Actor:	Justin Klump
Actor Email:	jtklump@swstx.com
IP:	173.11.242.217

Payment Contact Information

Name:	Justin Klump
Company:	Storm Water Solutions
Address:	16110 Hollister St, Houston, TX 77066
Phone:	281-587-5950

Site Information

Site Name:	BRAZORIA COUNTY MUD 29 MS4
Site Location:	THE DISTRICT LIES PARTIALLY WITHIN THE CITY OF HOUSTON URBANIZED AREA

Customer Information

Customer Name:	BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT 29
Customer Address:	3200 SW FREEWAY SUITE 2600, HOUSTON, TX 77027

Close

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