



Storm Water Management Plan

Developed to comply with the
requirements of Texas Pollutant
Discharge Elimination System
General Permit No. TXR040000

Permit Term:
August 2013 – August 2018

Prepared:
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1.0 INTRODUCTION

The U.S Environmental Protection Agency (EPA) issued regulations in 1999 to protect storm water quality in urbanized areas. In Texas, the Texas Commission on Environmental Quality (TCEQ) was delegated the responsibility for implementing the regulations, commonly called the Phase II Storm Water Program. The City of Wylie is one of several hundred cities, counties, and other public entities required to develop a program to protect storm water quality under Phase II regulations.

The EPA required the TCEQ to develop permit conditions for General Permit Number TXR040000 by December 9, 2002 to regulate public entities such as the City. The TCEQ finalized the permit August 13, 2007. With the permit requirements finalized, the City will have 180 days to develop and submit to the TCEQ a plan for a storm water management program. The program will then need to be implemented over the next five years.

The City has developed a storm water management plan (SWMP) to comply with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000. The SWMP includes best management practices (BMPs) that will be implemented by the City to reduce storm water pollution to the "maximum extent practicable," as regulations require.

Existing City storm water programs and activities designed to protect the City's water quality were identified and included in the SWMP. They will be supplemented with several new BMPs to provide even more protection of storm water quality.

A schedule to implement the storm water management program, as well as measurable goals to track the implementation progress, has been developed for each of the BMPs in the SWMP. Each BMP was selected based on the projected effectiveness in protecting storm water quality and its ability to aid in compliance with permit conditions.

The implementation schedule and measurable goals for the first five-year permit term were selected so that the storm water program will be steadily implemented. The City will review the implementation progress each year and modify the storm water management program as necessary. Annual updates will be provided to the TCEQ.

1.1 The City of Wylie

The city of Wylie, Texas is located south of Lavon Lake in southcentral Collin County in North Central Texas, north of State Highway 78 . It is 23.3 miles northeast of Dallas and 10.6 miles northeast of Garland. Wylie's population in the year 2000 stood at 15,132 people, with a density of 1,504 people per square mile, and a total area of approximately 19.4 miles.

Wylie grew extremely rapidly in the 1990's, by over 62%; its population more than doubled again (over 116%) from 2000 to 2006. While its residential land use is largely built out, only about one-third of its commercially designated land is built out.

Wylie is located within the Texas Blackland Prairie ecoregion, specifically the Northern Blackland Prairie. This ecoregion is characterized by fine textured, clayey soils, and predominantly prairie natural vegetation. The area is characterized by a humid, subtropical continental climate with hot summers and mild winters. The average maximum temperature of the Northern Blackland Prairie occurs in July (96.3° F); the average minimum temperature occurs in January (34.2° F), with an annual average temperature of 65.7° F. Rainfall is distributed throughout the year, reaching a slight peak in spring. Snowfall is infrequent. Prevailing winds in the area are from the south.

1.2 Water Quality

1.2.1 Storm Water and Water Quality in Texas

Storm water affects the quality of water in urban lakes, rivers, neighborhood creeks, and storm drains. These drainage ways, both natural and man-made, effectively remove storm water runoff quickly from urban areas. In this part of the country, storm drain systems are separate from sewage systems, and untreated runoff flows directly to the nearest bodies of water. Any pollutants such as pesticides, oil, and detergents that are present on urban land, streets, or other surfaces are also carried along.

In order to protect water quality, we must identify the types and sources of pollution, and implement plans to protect our water resources. Historically, waters have been protected through State and Federal regulation of “point-sources” or end-of-pipe sources of pollution. As a result, it has become more evident that overland sources of pollution, such as storm water runoff, can create serious problems in our water ways and impact our quality of life.

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

The Texas Surface Water Quality Standards are rules designed to establish goals for water quality throughout the state, and provide a basis for regulatory programs to attain those goals. Water quality standards serve to signal a situation where water quality may be inadequate to meet the use or uses of a particular water body. Five categories for water use are defined in Texas: general, aquatic life use, contact recreation, public water supply, and fish consumption. These are known as “designated uses.” Most streams in the State have been classified with designated uses but many smaller, intermittent streams have not been classified and do not have associated designated uses.

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

If the indicator data published in the *Texas Water Quality Inventory* (305(b) report) reveal that water quality is inadequate to meet the goals of the water body’s designated use, the TCEQ puts the water body on the State’s 303(d) list. This list is required by the federal Clean Water Act and is submitted to EPA for approval. Water bodies put on the list are subject to a Total Maximum Daily Load (TMDL) assessment. The TMDL is an intensive assessment of the root cause of poor water quality and development of a plan by local stakeholders to remediate pollution sources.

1.2.2 Water Quality in the Wylie Area

The major water bodies receiving urban storm water runoff from Wylie include Lake Lavon (Segment 0821) and Lake Ray Hubbard (Segment 0820). Muddy Creek, Maxwell Creek, Cottonwood Creek, Rush Creek and Pilot Grove Creek all discharge into Lake Ray Hubbard. Additionally, there are unnamed tributaries within the city that receive storm water runoff. Both Lake Lavon and Lake Ray Hubbard are impoundments of the East Fork Trinity River (Segment

0819). Designated uses for receiving water bodies in the Wylie area include Aquatic Life, Fish Consumption, General, Public Water Supply, and Recreation.

The TCEQ 303(d) List Identifies water bodies in Texas with known water quality impairments. Muddy Creek, which drains the southern portion of the City, is cited on the TCEQ Draft 2006 303(d) List for a water quality impairment along the entire segment due to elevated concentrations of bacteria, specifically fecal coliform. Concern for elevated concentrations of nitrate and depressed dissolved oxygen concentration in the stream segment are also indicated on the TCEQ Draft 2006 Water Quality Inventory. Further downstream, water quality data for Lake Ray Hubbard shows concerns for elevated nutrients, as revealed by chlorophyll-a, ammonia, and nitrate concentrations. Currently, the 303(d) list shows a total maximum daily load (TMDL) study has not been scheduled for either Muddy Creek or Lake Ray Hubbard.

Lake Lavon is not listed on the 303(d) List as an impaired water body, although data indicate there is a water quality concern for nutrients. Specifically, the TCEQ Draft 2006 Water Quality Inventory shows elevated concentrations of nitrate. The 303(d) list indicates a TMDL study has not been scheduled by the TCEQ for Lake Lavon.

Lake Lavon and Lake Ray Hubbard are both formed by impoundments on the East Fork Trinity River. The TCEQ Draft 2006 303(d) List and TCEQ Draft 2006 Water Quality Inventory do not include specific concerns or impairments for portions of the East Fork Trinity River in the Wylie area; however, concerns do exist for segments downstream of Lake Ray Hubbard.

Pilot Grove Creek, Rush Creek, Cottonwood Creek, and Maxwell Creek are not cited on the TCEQ Draft 2006 303(d) List or TCEQ Draft 2006 Water Quality Inventory for water quality impairments or concerns. Table 1 Lists water quality indicators that reveal actual or potential concerns with local water quality in the vicinity of Wylie.

Table 1 Designated Uses/Water Quality Issues of Water Bodies near Wylie

Water Body	Indicator Revealing Water Quality Concern	Level of Concern
Pilot Grove Creek	None	NA
Rush Creek	None	NA
Maxwell Creek	None	NA
Cottonwood Creek	None	NA
Muddy Creek	Fecal coliform	Impairment (303d listed)
	Dissolved oxygen	Concern for screening level
	Nitrate	Concern for screening level
Lake Lavon	Nitrate	Concern for screening level
Lake Ray Hubbard	Chlorophyll-a	Concern for screening level
	Ammonia	Concern for screening level
	Nitrate	Concern for screening level
East Fork Trinity River	None	NA

Source: TCEQ Draft 2006 Water Quality Inventory and TCEQ Draft 2006 303(d) List

2.0 REGULATORY REQUIREMENTS

Under the requirements of the Clean Water Act, the EPA is required to protect the water quality for natural waters throughout the country. The EPA established the National Pollutant Discharge Elimination System (NPDES) program to identify sources of water pollution and work to reduce or eliminate the pollutants from the waters of the U.S.

The EPA has delegated responsibility for the NPDES program in Texas to the TCEQ. In addition to issuing discharge permits to "point sources," such as municipal wastewater treatment plants, the TCEQ is also responsible for minimizing pollution from "non-point sources", such as storm water runoff from construction sites, industrial facilities or municipal storm sewer systems.

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

To protect storm water quality from pollution entering municipal separate storm sewer systems (MS4s) in highly populated areas such as Wylie, the TCEQ developed a general permit with conditions for municipalities to follow. This SWMP has been developed for Wylie to meet those TCEQ MS4 permit requirements.

2.1 Overview

The City is required to develop a Storm Water Management Plan (SWMP) that describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's storm water quality. The SWMP also sets measurable goals and provides a schedule for the implementation of BMPs over the next five years. The permit will be renewed every five years, and permit conditions will reflect progress made in the City to improve storm water quality.

Various BMPs must be developed for each of six required minimum control measures that are expected to minimize or eliminate storm water pollutants discharged into the storm sewer system and provide water quality protection for receiving water bodies. An optional seventh minimum control measure, to address construction runoff from development of municipal projects, may also be implemented if the City elects to use it.

A general description of the six required and one optional minimum control measures is provided below. The specific requirements for each minimum control measure are provided in Section 4.

2.1.1 Public Education and Outreach

The City is required to distribute educational materials and perform outreach to inform the public about the impacts polluted storm water runoff discharges can have on water quality. The TCEQ has identified several groups that must be specifically targeted, including residents, businesses, visitors, commercial and industrial facilities, and public service employees.

2.1.2 Public Participation/Involvement

The City must provide opportunities for citizens to participate in the development and implementation of the storm water management program. Proper advance notice of public meetings must also be provided.

2.1.3 Illicit Discharge Detection and Elimination

A plan must be developed and implemented to detect and eliminate illicit discharges to the storm sewer system. This includes developing a storm sewer system map, implementing an ordinance prohibiting non-stormwater discharges, and conducting periodic inspections of the system to

identify and eliminate illegal dumping, sanitary system cross connections, dry weather discharges, and other illicit discharges. The City must also educate the community about hazards associated with illegal discharges and improper disposal of waste.

2.1.4 Construction Site Runoff Control

The City must develop and implement an erosion and sediment control program for construction activities within the City. Operators of construction sites that disturb one or more acres of land will be required to submit erosion control plans to the City. The City is required to have a process in place to review the plans, as well as provide an opportunity for the public to view and comment on the plans.

Through the use of an ordinance, the City must prohibit unauthorized discharges from regulated construction sites in the City. The City is required to have a program to inspect the construction activities and enforce the erosion control ordinance requirements.

2.1.5 Post-Construction Runoff Control

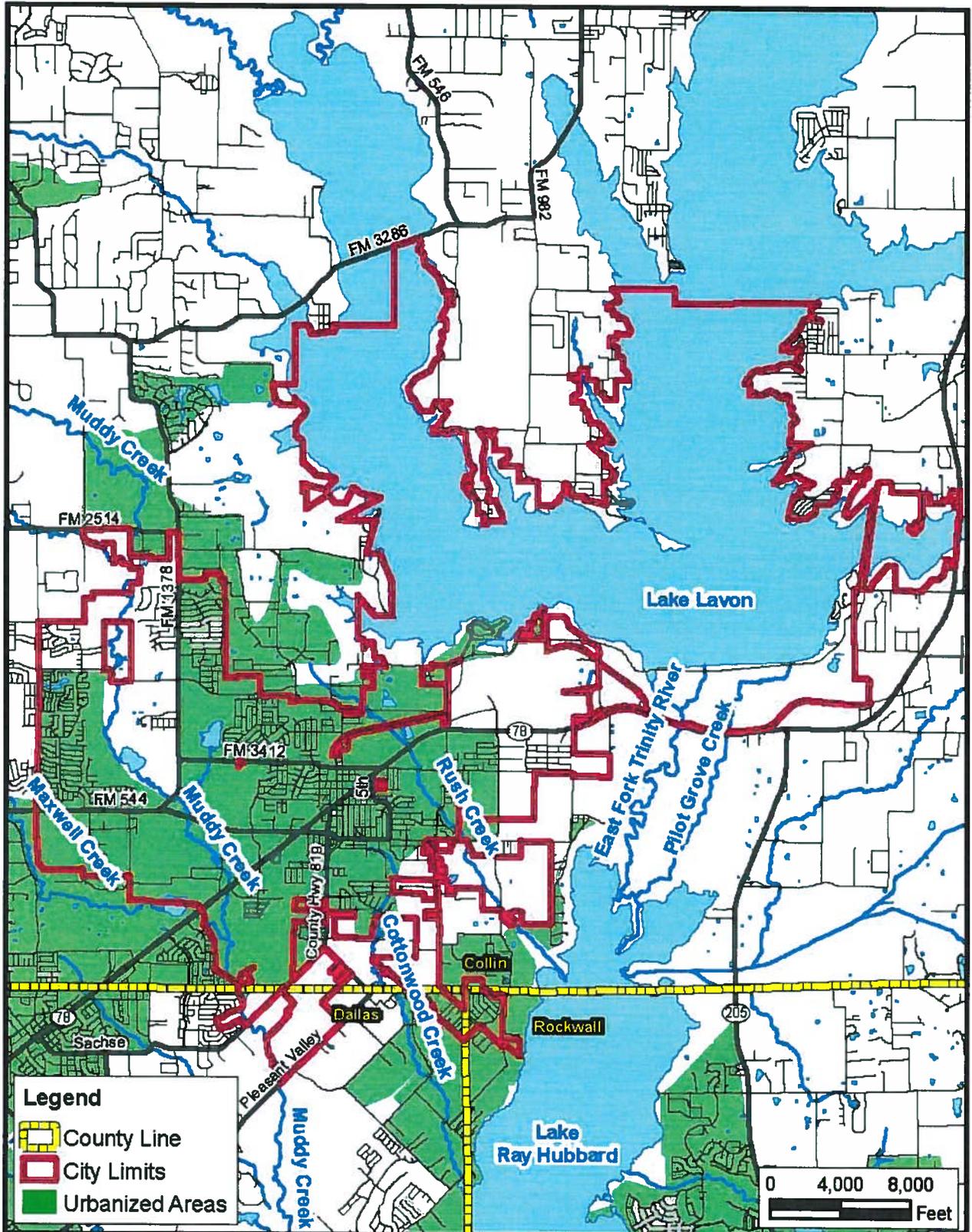
The City must develop a program to minimize discharges of polluted or erosive post-construction storm water runoff from new development and redeveloped areas. Like the construction runoff control requirement, this measure must be implemented with an ordinance enforced by the City. The specific requirements would be specified in the storm water ordinance and/or the storm water design manual.

2.1.6 Pollution Prevention/Good Housekeeping

The City must work to identify potential sources of storm water pollution from municipal operations. Actions that will be required to be taken will include employee training, maintenance of the storm water system, and other best management practices. The TCEQ has specified a number of municipal operations that must specifically be addressed.

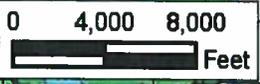
2.2 Permit Applicability And Coverage

The TPDES Phase II MS4 permit applies to operators of publicly-owned storm sewer systems in urbanized areas in Texas. The U.S. Census Bureau defines the urbanized areas based on the population density and total population for an area. The City is located within the "Dallas-Fort Worth-Arlington" U.S. Census Urbanized Area. Figure 1 shows the current city limits of Wylie with respect to the 2000 Census urbanized area. Only the urbanized area of the City is required to be included in the Phase II MS4 storm water management program. Components of the SWMP may be voluntarily implemented by the City within the non-urbanized areas of the City as well.



Legend

-  County Line
-  City Limits
-  Urbanized Areas




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**City of Wylie, Texas
 Storm Water Management Plan**

Urbanized Area Map



DATE	07/2011
FILE	TSM/07/2011/Urbanized
SCALE	1"=1/4"
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FIGURE
 1

2.3 Definitions

Following are definitions to key words or phrases that are used throughout this SWMP. The definitions are taken directly from the TPDES Phase II MS4 general permit.

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.

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

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

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 storm water, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

Industrial Activities - manufacturing, processing, material storage, and waste material disposal areas (and similar areas where storm water can contact industrial pollutants related to the industrial activity) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

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

MS4 Operator – For the purpose of this permit, the public entity, and/ 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.

Notice of Change (NOC) - 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.

Outfall - For the purpose of this permit, a point source at the point where a municipal separate storm sewer discharges to waters of the United States (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.

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 storm water runoff.

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 an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Small Municipal Separate Storm Sewer System (MS4) – refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, 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, storm water, 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 § 208 of the CWA; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §§122.26(b)(4) and (b)(7). This term includes systems similar to separate storm sewer systems at military bases, large hospital 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 an MS4 that is also operated by that public entity.

Storm Water and Storm Water Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water 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 storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, storm water 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 (MHW) 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.

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

Waters of the United States - (from 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 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 United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States 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 Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

3.0 APPROACH

The City of Wylie (City) developed this SWMP to comply with TPDES requirements for storm water discharges and certain non-storm water discharges. The SWMP is intended to aid in the City's efforts to reduce storm water pollutants from the City's municipal separate storm sewer system to the maximum extent practicable as required by the TPDES General Permit.

The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's storm water quality. The specific activities to be implemented are referred to as best management practices. Various BMPs for the City have been developed for each of the six "minimum control measures" required by the General Permit. The SWMP also sets measurable goals and provides a schedule for the implementation of the BMPs. Implementation of the selected BMPs is expected to result in reductions of pollutants discharged into Wylie's streams, ponds, and lakes.

Wylie Public Services Department has been responsible for the development of the SWMP, but most areas of the City's functions will have some degree of responsibility in the implementation of the plan. As a result, input from each of the staff in the affected departments has been obtained to identify the best SWMP for the City.

3.1 Best Management Practice Selection Process

A two-step process was utilized to select the BMPs to be included in Wylie's SWMP. The first step in selecting BMPs included an evaluation of existing practices in the City. The second step included meetings with staff from affected City departments to identify new BMPs. Various structural and non-structural BMPs will be implemented throughout the five-year permit term authorized under the General Permit.

3.1.1 Initial Assessment

The City of Wylie has historically implemented various BMPs intended to protect storm water quality. An important aspect of developing an effective, compliant, and cost efficient TPDES Phase II SWMP is to account for these existing programs. Details of the City's existing storm water-related practices were identified and included as BMPs selected for this SWMP.

In particular, the City of Wylie has made progress towards improved water quality in the areas of:

- Acquired storm drain markers to educate the population and discourage illegal dumping
- Classroom education on the importance of surface water quality
- Bulk waste cleanup
- Sanitary sewer line inspection
- Control of erosion and sediment from construction sites

Some of the City's existing programs meet specific permit requirements, while others serve as a foundation for the continued development of additional BMPs to meet the requirement of reducing pollutants to the maximum extent practicable.

3.1.2 Identification of Additional BMPs

Additional BMPs were selected to supplement the City's existing programs and to satisfy unmet requirements of the Phase II MS4 permit. The supplemental BMPs were evaluated based on their ability to meet at least one, and preferably several, of the minimum control measure requirements.

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

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

Specific costs for the BMPs were not identified for the development of this plan; however, BMPs with clearly significant investment requirements and relatively minor storm water quality benefit were not selected. Budget requirements will be evaluated for each BMP in the first year of the plan's implementation.

3.2 Selection Process for Measurable Goals and Implementation Schedule

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

For the first five-year permit term, the TCEQ has authorized the steady implementation of the SWMP over a five-year period. In general, measurable goals for existing BMPs monitor the effectiveness of the BMP, whereas measurable goals for new BMPs monitor their implementation progress.

The first year of the permit program is largely dedicated to identifying the programmatic and budgetary requirements of each of the BMPs. Years Two through Five focus on evaluating the effectiveness of existing BMPs and tracking the implementation of new BMPs.

4.0 MINIMUM CONTROL MEASURE REQUIREMENTS

The EPA and the TCEQ have specified six types of "minimum control measures" (MCM) for inclusion in each SWMP. Specific requirements have been developed by the TCEQ for each control measure. The City has identified numerous existing and supplemental BMPs that will be included in the SWMP. Additional discussion of the BMPs is provided in Section 4 of the SWMP. Following are the regulatory requirements for each minimum control measure.

4.1 Public Education and Outreach on Storm Water Impacts

- (a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups, and the SWMP shall provide justification for any listed group that is not included in the program:

- (1) residents;
- (2) visitors;
- (3) public service employees;
- (4) businesses;
- (5) commercial and industrial facilities; and
- (6) construction site personnel.

The outreach must inform the public about the impacts that storm water runoff can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.

- (b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.

4.2 Public Involvement/Participation

The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this MCM.

4.3 Illicit Discharge Detection and Elimination

(a) Illicit Discharges

A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. Elements must include:

(1) Detection

The SWMP must list the techniques used for detecting illicit discharges; and

(2) Elimination

The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.

(b) Allowable Non-Storm Water Discharges

Non-storm water flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director of the TCEQ identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

(1) A map of the storm sewer system must be developed and must include the following:

(i) the location of all outfalls;

(ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and

(iii) any additional information needed by the permittee to implement its SWMP.

- (2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.

4.4 Construction Site Storm Water Runoff Control

The MS4 operator, to the extent allowable under State and local law, must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more of land. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion.

- (a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
- (b) Requirements for construction site contractors to, at a minimum:
- (1) implement appropriate erosion and sediment control BMPs; and
 - (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (c) The MS4 operator must develop procedures for:
- (1) site plan review which incorporate consideration of potential water quality impacts;
 - (2) receipt and consideration of information submitted by the public; and
 - (3) site inspection and enforcement of control measures to the extent allowable under state and local law.

4.5 Post-Construction Storm Water Management in New and Redevelopment

To the extent allowable under state and local law, the MS4 operator must develop, implement, and enforce a program to address storm water 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, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall:

- (a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;
- (b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and
- (c) Ensure adequate long-term operation and maintenance of BMPs.

4.6 Pollution Prevention/Good Housekeeping for Municipal Operations

A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component, that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

- (a) Good Housekeeping and Best Management Practices (BMPs)

Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations and municipally owned areas include, but are not limited to:

- (1) park and open space maintenance;
- (2) street, road, or highway maintenance;
- (3) fleet and building maintenance;
- (4) storm water system maintenance;
- (5) new construction and land disturbances;
- (6) municipal parking lots;
- (7) vehicle and equipment maintenance and storage yards;
- (8) waste transfer stations; and
- (9) salt/sand storage locations.

- (b) Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing storm water pollution from municipal operations. Materials may be developed, or obtained from the EPA, states, or other

organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

- (1) maintenance activities;
- (2) maintenance schedules; and
- (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

Waste removed from the small MS4 and waste that is collected as a result of maintenance of storm water structural controls must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:

- (1) dredge spoil;
- (2) accumulated sediments; and
- (3) floatables.

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

- (1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and
- (2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.

5.0 BMPS, MEASURABLE GOALS, AND IMPLEMENTATION SCHEDULE

In accordance with TCEQ's General Permit requirements, Wylie's initial SWMP specifies existing and planned BMPs to protect storm water quality within the City as it reaches creeks, rivers and lakes. An implementation plan has been developed to show the City's planned schedule for expanding the scope of existing BMPs or developing and implementing new BMPs. Methods and measures to track the success of the implementation of the program have been developed for each BMP.

As noted in Section 3.0, the TCEQ requires BMPs to be implemented to meet six minimum control measures, and a seventh measure can be included at the option of the City. The BMPs identified in this SWMP for each of the minimum control measures generally fall into one of the following types:

- Public education and involvement activities
- Coordination between the City, the citizens, businesses, and public entities
- Ordinances
- Inspections
- Plan reviews
- Training
- Maintenance activities
- Structural controls

Appendix A contains a list of each BMP selected for inclusion in the City's SWMP. A description of each BMP is provided, along with an implementation schedule with associated measurable goals over the next five years. For existing BMPs, measurable goals will be based on the effectiveness of the protective measure. Measurable goals tracking the implementation progress of each new BMP are shown for protective measures not already in place.

6.0 MEASURABLE GOAL EVALUATION PROCESS

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

Multiple City departments will be responsible for implementing portions of the SWMP and for tracking and evaluating the City's success in meeting the plan's measurable goals. Each City department with activities or responsibilities that may impact storm water quality will be required to provide to the Water Quality Specialist documentation showing progress towards meeting the annual measurable goals for each BMP.

7.0 ASSESSMENT OF NON-STORM WATER DISCHARGES

In accordance with the requirements of the Phase II MS4 permit, the following non-storm water discharges were assessed in order to determine whether they are known to be significant contributors of pollutants to the City's water bodies:

- (a) water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (b) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- (c) discharges from potable water sources;
- (d) diverted stream flows;
- (e) rising ground waters and springs;
- (f) uncontaminated ground water infiltration;
- (g) uncontaminated pumped ground water;
- (h) foundation and footing drains;
- (i) air conditioning condensation;
- (j) water from crawl space pumps;
- (k) individual residential vehicle washing;
- (l) flows from wetlands and riparian habitats;
- (m) dechlorinated swimming pool discharges;
- (n) street wash water;
- (o) discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression system, and similar activities);
- (p) other allowable non-storm water discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
- (q) non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and
- (r) other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

Non-storm water discharges from the list above were evaluated by the City to determine if any known, significant, water quality impacts were created as a result of the discharges. There is no knowledge of adverse impacts to the City's water quality from any of the listed discharges.

8.0 RECORDKEEPING AND REPORTING

8.1 Recordkeeping

The City will maintain all records, a copy of the TPDES general permit and all data used to complete the application (NOI) for this permit, for a period of at least three years, or for the term of this permit, whichever is longer. A current, up-to-date copy of the Storm Water Management Program (SWMP) and a copy of the general permit requirements will be maintained at the City of Wylie City Hall.

The City will make the compiled records, including the NOI and SWMP, available for public viewing at City Hall. The SWMP will be available for viewing during normal office hours, and available supporting documents will be able to be viewed within ten working days following the request from the public. Other records will be provided within 10 working days, unless the request requires an unusual amount of time or effort to assemble. In such a case, Texas law regarding the Public Information Act will be followed. Reasonable charges, in accordance with Texas law, may be levied by the City for researching and preparing any requested materials.

8.2 Annual Report

The City will submit an annual update report to the Executive Director of the TCEQ by the reporting deadline each year of the permit term. The City will maintain copies of the annual reports at City Hall in the Public Services Department office.

The annual report will address the requirements listed in the TPDES Phase II MS4 general permit rules. Generally, the update report will document the storm water-related activities for the previous year, evaluate the success of each BMP relative to their measurable goals, and discuss plans for the upcoming year, including modifications to the SWMP. Modifications may include replacement of previously selected BMPs, alteration of the implementation schedule, or other changes.

8.3 Plan Updates

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

Documentation of plan updates involving changes in BMPs, measurable goals, or the implementation schedule is maintained in Appendix H.

8.4 Reference Material

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

The North Central Texas Council of Governments (NCTCOG) has developed a Construction BMP Manual, which is available to NCTCOG member cities and can be found on the Internet at www.dfwstormwater.com.

The U.S. EPA has developed an electronic storm water management BMP Toolbox specifically for use by Phase II-regulated entities. It contains a list of BMPs for each minimum control measure.

The state of California recently issued four BMP manuals for public reference. Like the EPA and NCTCOG manuals, the California manuals contain a list of BMPs available for use to protect storm water quality. The manuals are divided into four categories: Municipal, Construction, Post-Construction, and Industrial.

9.0 STORM WATER PERMITS FOR CITY-OWNED FACILITIES

Site-specific storm water management programs are required to be developed, implemented and maintained for certain types of facilities specifically designated in the federal and state storm water regulations. The City of Wylie has no facilities subject to the requirements for site-specific storm water management programs and the TPDES multi-sector general permit.

**Appendix A
List of BMPs**

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 1	Utility Bill Insert / Educational Flyer	Public Services Utility Billing Water Quality Specialist	III.A.1. Public Education (a)(1) Residents (a)(2) Visitors (a)(4) Businesses (a)(5) Commercial/Industrial (b) Documentation	Action Distribute educational information as a utility bill insert one time per year. Documented Activities Document the amount of information distributed.	Action Distribute educational information as a utility bill insert one time per year. Documented Activities Document the amount of information distributed.	Action Distribute educational information as a utility bill insert one time per year. Documented Activities Document the amount of information distributed.	Action Distribute educational information as a utility bill insert one time per year. Documented Activities Document the amount of information distributed.	Action Distribute educational information as a utility bill insert one time per year. Documented Activities Document the amount of information distributed.
BMP 2	Web Site	Public Services Public Information Officer Water Quality Specialist	III.A.1. Public Education (a)(1) Residents (a)(2) Visitors (a)(3) Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation III.A.2. Public Involvement/Participation	Action Revise and update the storm water website as needed. Solicit input and feedback from the public for storm water quality issues and opportunities in the City. Documented Activities Maintain an accessible website.	Action Revise and update the storm water website as needed. Solicit input and feedback from the public for storm water quality issues and opportunities in the City. Documented Activities Maintain an accessible website.	Action Revise and update the storm water website as needed. Solicit input and feedback from the public for storm water quality issues and opportunities in the City. Documented Activities Maintain an accessible website.	Action Revise and update the storm water website as needed. Solicit input and feedback from the public for storm water quality issues and opportunities in the City. Documented Activities Maintain an accessible website.	Action Revise and update the storm water website as needed. Solicit input and feedback from the public for storm water quality issues and opportunities in the City. Documented Activities Maintain an accessible website.
BMP 3	Public Reference	Public Services Water Quality Specialist	III.A.1. Public Education (a)(1) Residents (a)(2) Visitors (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation	Action Acquire, develop and provide copies of educational materials at the Public Library and other public access locations, such as City Hall, as appropriate. Documented Activities Document the amount of information distributed.	Action Acquire, develop and provide copies of educational materials at the Public Library and other public access locations, such as City Hall, as appropriate. Documented Activities Document the amount of information distributed.	Action Acquire, develop and provide copies of educational materials at the Public Library and other public access locations, such as City Hall, as appropriate. Documented Activities Document the amount of information distributed.	Action Acquire, develop and provide copies of educational materials at the Public Library and other public access locations, such as City Hall, as appropriate. Documented Activities Document the amount of information distributed.	Action Acquire, develop and provide copies of educational materials at the Public Library and other public access locations, such as City Hall, as appropriate. Documented Activities Document the amount of information distributed.

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BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 4	Storm Drain Marking	Water Division Public Services Public Information Office Water Quality Specialist	<p>III.A.1. <u>Public Education</u></p> <p>(a)(1) Residents (a)(2) Visitors (a)(3) Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation</p> <p>III.A.2. <u>Public Involvement/Participation</u></p> <p>III.A.3. <u>Illicit Discharges</u></p> <p>(a)(2) Appropriate actions to eliminate illicit discharges</p>	<p>Action Continue inventorying storm drain inlets in the city using available technology Recruit volunteers for the placement of storm drain markers. Track location of placed markers and use of volunteer effort. Documented Activities Document the inventoried storm drain inlets. Document the marked storm drain inlets.</p>	<p>Action Continue inventorying storm drain inlets in the city using available technology Recruit volunteers for the placement of storm drain markers. Track location of placed markers and use of volunteer effort. Documented Activities Document the inventoried storm drain inlets. Document the marked storm drain inlets.</p>	<p>Action Continue inventorying storm drain inlets in the city using available technology Recruit volunteers for the placement of storm drain markers. Track location of placed markers and use of volunteer effort. Documented Activities Document the inventoried storm drain inlets. Document the marked storm drain inlets.</p>	<p>Action Continue inventorying storm drain inlets in the city using available technology Recruit volunteers for the placement of storm drain markers. Track location of placed markers and use of volunteer effort. Documented Activities Document the inventoried storm drain inlets. Document the marked storm drain inlets.</p>	<p>Action Continue inventorying storm drain inlets in the city using available technology Recruit volunteers for the placement of storm drain markers. Track location of placed markers and use of volunteer effort. Documented Activities Document the inventoried storm drain inlets. Document the marked storm drain inlets.</p>
BMP 5	Classroom Education	Public Services Water Quality Specialist	<p>III.A.1. <u>Public Education</u></p> <p>(a)(1) Residents (b) Documentation III.A.2. <u>Public Involvement/Participation</u></p>	<p>Action Continue building on success of existing third grade classroom presentation and coordinate with the School District to determine feasibility of providing storm water education curriculum. Identify budget requirements and resource needs. Documented Activities Document the budget requirements.</p>	<p>Action Provide storm water education curriculum and material as determined by coordination meetings with the School District in Year 1. Documented Activities Document the amount of materials provided.</p>	<p>Action Provide storm water education curriculum and material as determined by coordination meetings with the School District in Year 1. Documented Activities Document the amount of materials provided.</p>	<p>Action Provide storm water education curriculum and material as determined by coordination meetings with the School District in Year 1. Documented Activities Document the amount of materials provided.</p>	<p>Action Provide storm water education curriculum and material as determined by coordination meetings with the School District in Year 1. Documented Activities Document the amount of materials provided.</p>

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 6	General Education of City Employees	Public Services Water Quality Specialist	<p>III.A.1. Public Education</p> <p>(a)(3) Public service employees</p> <p>(b) Documentation</p> <p>III.A.3. Illicit Discharge Detection and Elimination</p> <p>(a)(1) detection</p> <p>(a)(2) elimination</p>	<p>Action</p> <p>Continue to identify and research available storm water material for public works employees.</p> <p>Continue to conduct employee education a minimum of once per year.</p> <p>Documented Activities</p> <p>Document the budget requirements.</p> <p>Document the number of educational meetings.</p>	<p>Action</p> <p>Continue to identify and research available storm water material for public works employees.</p> <p>Continue to conduct employee education a minimum of once per year.</p> <p>Documented Activities</p> <p>Document the budget requirements.</p> <p>Document the number of educational meetings.</p>	<p>Action</p> <p>Continue to identify and research available storm water material for public works employees.</p> <p>Continue to conduct employee education a minimum of once per year.</p> <p>Documented Activities</p> <p>Document the budget requirements.</p> <p>Document the number of educational meetings.</p>	<p>Action</p> <p>Continue to identify and research available storm water material for public works employees.</p> <p>Continue to conduct employee education a minimum of once per year.</p> <p>Documented Activities</p> <p>Document the budget requirements.</p> <p>Document the number of educational meetings.</p>	<p>Action</p> <p>Continue to identify and research available storm water material for public works employees.</p> <p>Continue to conduct employee education a minimum of once per year.</p> <p>Documented Activities</p> <p>Document the budget requirements.</p> <p>Document the number of educational meetings.</p>
BMP 7	Education of Elected Officials and the Public	Public Services Water Quality Specialist	<p>III.A.1. Public Education</p> <p>(a)(3) Public service employees</p> <p>(b) Documentation</p> <p>III.A.2. Public Involvement/Participation</p>	<p>Action</p> <p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of 1 public meeting per year.</p> <p>Documented Activities</p> <p>Document the number of meetings per year.</p>	<p>Action</p> <p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of 1 public meeting per year.</p> <p>Documented Activities</p> <p>Document the number of meetings per year.</p>	<p>Action</p> <p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of 1 public meeting per year.</p> <p>Documented Activities</p> <p>Document the number of meetings per year.</p>	<p>Action</p> <p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of 1 public meeting per year.</p> <p>Documented Activities</p> <p>Document the number of meetings per year.</p>	<p>Action</p> <p>Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.</p> <p>Conduct a minimum of 1 public meeting per year.</p> <p>Documented Activities</p> <p>Document the number of meetings per year.</p>

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 8	Business, Commercial and Industrial Education	Water Quality Specialist Public Information Officer	III.A.1. Public Education (a)(4) Businesses (a)(5) Commercial/ industrial facilities (b) Documentation	Action Distribute educational information to local businesses a minimum of one time by the method(s) determined in Year 1. Solicit feedback once per year and revise program if appropriate. Documented Activities Document the number of businesses receiving educational information.	Action Distribute educational information to local businesses a minimum of one time by the method(s) determined in Year 1. Solicit feedback once per year and revise program if appropriate. Documented Activities Document the number of businesses receiving educational information.	Action Distribute educational information to local businesses a minimum of one time by the method(s) determined in Year 1. Solicit feedback once per year and revise program if appropriate. Documented Activities Document the number of businesses receiving educational information.	Action Distribute educational information to local businesses a minimum of one time by the method(s) determined in Year 1. Solicit feedback once per year and revise program if appropriate. Documented Activities Document the number of businesses receiving educational information.	Action Distribute educational information to local businesses a minimum of one time by the method(s) determined in Year 1. Solicit feedback once per year and revise program if appropriate. Documented Activities Document the number of businesses receiving educational information.
BMP 9	Developer/ Builder/Engineer Education and Training	Engineering Building Inspection Water Quality Specialist	III.A.1. Public Education (a)(6) Construction site personnel (b) Documentation III.A.4. Construction Site Storm Water Runoff Control (b) construction site requirements III.A.5. Post-Construction Storm Water Management in New and Redevelopment (a) structural and non-structural BMPs (b) ordinance (c) long-term BMP maintenance	Action Provide educational material and/or training opportunity at least once per year for builders, developers, and engineers that are active in Wylie. Documented Activities Document the number of educational materials distributed.	Action Provide educational material and/or training opportunity at least once per year for builders, developers, and engineers that are active in Wylie. Documented Activities Document the number of educational materials distributed.	Action Provide educational material and/or training opportunity at least once per year for builders, developers, and engineers that are active in Wylie. Documented Activities Document the number of educational materials distributed.	Action Provide educational material and/or training opportunity at least once per year for builders, developers, and engineers that are active in Wylie. Documented Activities Document the number of educational materials distributed.	Action Provide educational material and/or training opportunity at least once per year for builders, developers, and engineers that are active in Wylie. Documented Activities Document the number of educational materials distributed.

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BMP 10	City Inspector Training	Engineering Water Quality Specialist	<p>III.A.1. Public Education (a)(3) Public service employees (b) Documentation</p> <p>III.A.4. Construction Site Storm Water Runoff Control (c)(3) site inspection and enforcement of control measures</p> <p>III.A.6. Pollution Prevention/Good Housekeeping for Municipal Operations (a)(5) new construction and land disturbances (b) Training</p>	<p>Measurable Goals</p> <p>Action Provide appropriate construction site erosion control training to inspection personnel at least once every three years. Provide appropriate training for new inspectors prior to them conducting unassisted site inspections. Require COG training for site inspectors. Documented Activities Document the number of individuals trained.</p>	<p>Measurable Goals</p> <p>Action Provide appropriate construction site erosion control training to inspection personnel at least once every three years. Provide appropriate training for new inspectors prior to them conducting unassisted site inspections. Require COG training for site inspectors. Documented Activities Document the number of individuals trained.</p>	<p>Measurable Goals</p> <p>Action Provide appropriate construction site erosion control training to inspection personnel at least once every three years. Provide appropriate training for new inspectors prior to them conducting unassisted site inspections. Require COG training for site inspectors. Documented Activities Document the number of individuals trained.</p>	<p>Measurable Goals</p> <p>Action Provide appropriate construction site erosion control training to inspection personnel at least once every three years. Provide appropriate training for new inspectors prior to them conducting unassisted site inspections. Require COG training for site inspectors. Documented Activities Document the number of individuals trained.</p>	<p>Measurable Goals</p> <p>Action Provide appropriate construction site erosion control training to inspection personnel at least once every three years. Provide appropriate training for new inspectors prior to them conducting unassisted site inspections. Require COG training for site inspectors. Documented Activities Document the number of individuals trained.</p>

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 11	Storm Water Reporting Line	Utility Administration Water Quality Specialist Public Information Officer	III.A.2. <u>Public Involvement/Participation</u> III.A.3. <u>Illicit Discharge Detection and Elimination</u> (a)(1) Detection	<p>Action</p> <p>Continue to educate the public about the existence of the storm water reporting line through various Public Education BMP's.</p> <p>Continue documenting each call, dispatching to appropriate department for proper response.</p> <p>Conduct annual review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.</p> <p>Documented Activities</p> <p>Document the number of calls received.</p>	<p>Action</p> <p>Continue to educate the public about the existence of the storm water reporting line through various Public Education BMP's.</p> <p>Continue documenting each call, dispatching to appropriate department for proper response.</p> <p>Conduct annual review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.</p> <p>Documented Activities</p> <p>Document the number of calls received.</p>	<p>Action</p> <p>Continue to educate the public about the existence of the storm water reporting line through various Public Education BMP's.</p> <p>Continue documenting each call, dispatching to appropriate department for proper response.</p> <p>Conduct annual review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.</p> <p>Documented Activities</p> <p>Document the number of calls received.</p>	<p>Action</p> <p>Continue to educate the public about the existence of the storm water reporting line through various Public Education BMP's.</p> <p>Continue documenting each call, dispatching to appropriate department for proper response.</p> <p>Conduct annual review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.</p> <p>Documented Activities</p> <p>Document the number of calls received.</p>	<p>Action</p> <p>Continue to educate the public about the existence of the storm water reporting line through various Public Education BMP's.</p> <p>Continue documenting each call, dispatching to appropriate department for proper response.</p> <p>Conduct annual review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.</p> <p>Documented Activities</p> <p>Document the number of calls received.</p>
BMP 12	Bulk Waste Cleanup	Parks and Recreation Water Quality Specialist	III.A.2. <u>Public Involvement/Participation</u> III.A.3. <u>Illicit Discharge Detection and Elimination</u> (a)(2) Elimination	<p>Action</p> <p>Continue bulk waste cleanup program twice per year.</p> <p>Evaluate opportunities, public receptiveness, and budgetary requirements for continued trash cleanup events.</p> <p>Documented Activities</p> <p>Document the number of cleanup events taken place.</p>	<p>Action</p> <p>Continue existing trash cleanup activities.</p> <p>Documented Activities</p> <p>Document the number of cleanup events taken place.</p>	<p>Action</p> <p>Continue existing trash cleanup activities.</p> <p>Documented Activities</p> <p>Document the number of cleanup events taken place.</p>	<p>Action</p> <p>Continue existing trash cleanup activities.</p> <p>Documented Activities</p> <p>Document the number of cleanup events taken place.</p>	<p>Action</p> <p>Continue existing trash cleanup activities.</p> <p>Documented Activities</p> <p>Document the number of cleanup events taken place.</p>

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 13	Park Cleanup	Parks and Recreation Water Quality Specialist	III.A.2. <u>Public Involvement/Participation</u> III.A.3. <u>Illicit Discharge Detection and Elimination</u> (a)(2) Elimination	Action Begin brainstorming possible park cleanup locations and procedures. Documented Activities Document the results of the brainstorming.	Action Develop program to identify number of actual Park Cleanup locations and the number of potential Park Cleanup locations. Documented Activities Document a list of identified Park Cleanup locations.	Action Conduct cleaning once per year for selected parks. Documented Activities Document the number of cleaning events.	Action Conduct cleaning once per year for selected parks. Documented Activities Document the number of cleaning events.	Action Conduct cleaning once per year for selected parks. Documented Activities Document the number of cleaning events.
BMP 14	Illicit Discharge Prohibition/ Elimination Ordinance	Public Services	III.A.3. <u>Illicit Discharge Detection and Elimination</u> (a) illicit discharges (b) non-storm water discharges	Action Continue education- focused enforcement of new ordinance requirements. Continue penalty-based enforcement of illicit discharge ordinance. Documented Activities Document instances of such enforcement and action taken to eliminate illicit discharge.	Action Continue education- focused enforcement of new ordinance requirements. Continue penalty-based enforcement of illicit discharge ordinance. Documented Activities Document instances of such enforcement and action taken to eliminate illicit discharge.	Action Continue education- focused enforcement of new ordinance requirements. Continue penalty-based enforcement of illicit discharge ordinance. Documented Activities Document instances of such enforcement and action taken to eliminate illicit discharge.	Action Continue education- focused enforcement of new ordinance requirements. Continue penalty-based enforcement of illicit discharge ordinance. Documented Activities Document instances of such enforcement and action taken to eliminate illicit discharge.	Action Continue education- focused enforcement of new ordinance requirements. Continue penalty-based enforcement of illicit discharge ordinance. Documented Activities Document instances of such enforcement and action taken to eliminate illicit discharge.

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 15	Storm Sewer System Map	Planning and Development Public Services	III.A.3. Illicit Discharge Detection and Elimination (c) storm sewer map	<p>Action Continue development of a map of storm water outfall drainage areas in the City. Continue collecting existing mapping information for the storm sewer system.</p> <p>Documented Activities Document the percent mapped.</p>	<p>Action Continue development of a map of storm water outfall drainage areas in the City. Continue collecting existing mapping information for the storm sewer system.</p> <p>Documented Activities Document the percent mapped.</p>	<p>Action Continue development of a map of storm water outfall drainage areas in the City. Continue collecting existing mapping information for the storm sewer system.</p> <p>Documented Activities Document the percent mapped.</p>	<p>Action Continue development of a map of storm water outfall drainage areas in the City. Continue collecting existing mapping information for the storm sewer system.</p> <p>Documented Activities Document the percent mapped.</p>	<p>Action Continue development of a map of storm water outfall drainage areas in the City. Continue collecting existing mapping information for the storm sewer system.</p> <p>Documented Activities Document the percent mapped.</p>
BMP 16	Illicit Discharge Inspections	Water Quality Specialist Wastewater	III.A.3. Illicit Discharge Detection and Elimination (a) illicit discharges (b) non-storm water discharges	<p>Action Continue to train personnel in illicit discharge detection procedures. Continue conducting illicit discharge inspections for the City's regulated outfalls.</p> <p>Documented Activities Document outfalls screened, observations made, and corrective actions taken, if any.</p>	<p>Action Continue to train personnel in illicit discharge detection procedures. Continue conducting illicit discharge inspections for the City's regulated outfalls.</p> <p>Documented Activities Document outfalls screened, observations made, and corrective actions taken, if any.</p>	<p>Action Continue to train personnel in illicit discharge detection procedures. Continue conducting illicit discharge inspections for the City's regulated outfalls.</p> <p>Documented Activities Document outfalls screened, observations made, and corrective actions taken, if any.</p>	<p>Action Continue to train personnel in illicit discharge detection procedures. Continue conducting illicit discharge inspections for the City's regulated outfalls.</p> <p>Documented Activities Document outfalls screened, observations made, and corrective actions taken, if any.</p>	<p>Action Continue to train personnel in illicit discharge detection procedures. Continue conducting illicit discharge inspections for the City's regulated outfalls.</p> <p>Documented Activities Document outfalls screened, observations made, and corrective actions taken, if any.</p>
BMP 17	Sanitary Sewer Line Maintenance and Inspection	Wastewater Water Quality Specialist	III.A.3. Illicit Discharge Detection and Elimination (a) illicit discharges (b) non-storm water discharges	<p>Action Conduct sanitary sewer inspections.</p> <p>Documented Activities Document the number and location of lines inspected each year.</p>	<p>Action Conduct sanitary sewer inspections.</p> <p>Documented Activities Document the number and location of lines inspected each year.</p>	<p>Action Conduct sanitary sewer inspections.</p> <p>Documented Activities Document the number and location of lines inspected each year.</p>	<p>Action Conduct sanitary sewer inspections.</p> <p>Documented Activities Document the number and location of lines inspected each year.</p>	<p>Action Conduct sanitary sewer inspections.</p> <p>Documented Activities Document the number and location of lines inspected each year.</p>

Storm Water Management Program Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Control Measure(s)	FY 2014 Measurable Goals	FY 2015 Measurable Goals	FY 2016 Measurable Goals	FY 2017 Measurable Goals	FY 2018 Measurable Goals
BMP 18	Erosion Control Ordinance and Requirements for Construction Site Contractors	Engineering Building Inspectors Planning and Development Water Quality Specialist	III.A.4. Construction Site Storm Water Runoff Control (a) ordinance (b) contractor requirements	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines.
BMP 19	Site Plan Review	Engineering Planning and Development Water Quality Specialist	III.A.4. Construction Site Storm Water Runoff Control (c)(1) site plan review	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines. Documented Activities Document the instances of such enforcement and action taken to eliminate unauthorized discharges.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines. Documented Activities Document the instances of such enforcement and action taken to eliminate unauthorized discharges.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines. Documented Activities Document the instances of such enforcement and action taken to eliminate unauthorized discharges.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines. Documented Activities Document the instances of such enforcement and action taken to eliminate unauthorized discharges.	Measurable Goals Action Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines. Documented Activities Document the instances of such enforcement and action taken to eliminate unauthorized discharges.

Storm Water Management Program Best Management Practices

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BMP 20	Construction Site Inspection and Enforcement	Engineering Water Quality Specialist Building Inspections	III.A.4. Construction Site Storm Water Runoff Control (c)(3) site inspection and enforcement	<p>Action Continue to conduct erosion control site inspections. Documented Activities Document inspections, instances of enforcement activity, and reason(s) for non-compliance. Document the corrective action taken to protect storm water quality.</p>	<p>Action Continue to conduct erosion control site inspections. Documented Activities Document inspections, instances of enforcement activity, and reason(s) for non-compliance. Document the corrective action taken to protect storm water quality.</p>	<p>Action Continue to conduct erosion control site inspections. Documented Activities Document inspections, instances of enforcement activity, and reason(s) for non-compliance. Document the corrective action taken to protect storm water quality.</p>	<p>Action Continue to conduct erosion control site inspections. Documented Activities Document inspections, instances of enforcement activity, and reason(s) for non-compliance. Document the corrective action taken to protect storm water quality.</p>	<p>Action Continue to conduct erosion control site inspections. Documented Activities Document inspections, instances of enforcement activity, and reason(s) for non-compliance. Document the corrective action taken to protect storm water quality.</p>
BMP 21	Receipt and Consideration of Information from Public	Utility Administration Water Quality Specialist Public Information Officer	III.A.4. Construction Site Storm Water Runoff Control (c)(2) public information submittals	<p>Action Continue implementation of the procedures. Document comments received and consideration made for each set of comments. Educate the public about the mechanisms needed to make comments or submittals. Documented Activities Document comments received and methods of educating public.</p>	<p>Action Continue implementation of the procedures. Document comments received and consideration made for each set of comments. Educate the public about the mechanisms needed to make comments or submittals. Documented Activities Document comments received and methods of educating public.</p>	<p>Action Continue implementation of the procedures. Document comments received and consideration made for each set of comments. Educate the public about the mechanisms needed to make comments or submittals. Documented Activities Document comments received and methods of educating public.</p>	<p>Action Continue implementation of the procedures. Document comments received and consideration made for each set of comments. Educate the public about the mechanisms needed to make comments or submittals. Documented Activities Document comments received and methods of educating public.</p>	<p>Action Continue implementation of the procedures. Document comments received and consideration made for each set of comments. Educate the public about the mechanisms needed to make comments or submittals. Documented Activities Document comments received and methods of educating public.</p>

Storm Water Management Program Best Management Practices

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BMP 22	Post-Construction Storm Water Ordinance	Engineering Public Services Planning and Development	III.A.5. Post-Construction Storm Water Management (b) ordinance (c) long-term operation and maintenance of BMPs	Action Continue educating, implementing and enforcing the City's Illicit Discharge Prohibited Ordinance and Storm Water Post-Construction Guidelines. Documented Activities Document the number of education activities, instances of enforcement, and action taken to eliminate unauthorized discharges.	Action Continue educating, implementing and enforcing the City's Illicit Discharge Prohibited Ordinance and Storm Water Post-Construction Guidelines. Documented Activities Document the number of education activities, instances of enforcement, and action taken to eliminate unauthorized discharges.	Action Continue educating, implementing and enforcing the City's Illicit Discharge Prohibited Ordinance and Storm Water Post-Construction Guidelines. Documented Activities Document the number of education activities, instances of enforcement, and action taken to eliminate unauthorized discharges.	Action Continue educating, implementing and enforcing the City's Illicit Discharge Prohibited Ordinance and Storm Water Post-Construction Guidelines. Documented Activities Document the number of education activities, instances of enforcement, and action taken to eliminate unauthorized discharges.	Action Continue educating, implementing, and enforcing the City's Illicit Discharge Prohibited Ordinance and Storm Water Post-Construction Guidelines. Documented Activities Document the number of education activities, instances of enforcement, and action taken to eliminate unauthorized discharges.
BMP 23	Engineering Design Review	Engineering Water Quality Specialist	III.A.5. Post-Construction Storm Water Management (a) appropriate use of structural/non-structural BMPs (c) long-term operation and maintenance of BMPs	Action Continue existing design review process of all planned construction projects at least one acre in size to verify compliance with the long-term protective maintenance requirements for new and redeveloped areas to protect storm water quality. Documented Activities Document the number of sites reviewed.	Action Continue existing design review process of all planned construction projects at least one acre in size to verify compliance with the long-term protective maintenance requirements for new and redeveloped areas to protect storm water quality. Documented Activities Document the number of sites reviewed.	Action Continue existing design review process of all planned construction projects at least one acre in size to verify compliance with the long-term protective maintenance requirements for new and redeveloped areas to protect storm water quality. Documented Activities Document the number of sites reviewed.	Action Continue existing design review process of all planned construction projects at least one acre in size to verify compliance with the long-term protective maintenance requirements for new and redeveloped areas to protect storm water quality. Documented Activities Document the number of sites reviewed.	Action Continue existing design review process of all planned construction projects at least one acre in size to verify compliance with the long-term protective maintenance requirements for new and redeveloped areas to protect storm water quality. Documented Activities Document the number of sites reviewed.

Storm Water Management Program Best Management Practices

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BMP 24	Land Use Plan	Planning and Development Engineering Water Quality Specialist	III.A.5. Post-Construction Storm Water Management (a) appropriate use of structural/non-structural BMPs	<p>Action Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.</p> <p>Documented Activities Document the number of assessed zoning change proposals.</p>	<p>Action Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.</p> <p>Documented Activities Document the number of assessed zoning change proposals.</p>	<p>Action Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.</p> <p>Documented Activities Document the number of assessed zoning change proposals.</p>	<p>Action Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.</p> <p>Documented Activities Document the number of assessed zoning change proposals.</p>	<p>Action Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.</p> <p>Documented Activities Document the number of assessed zoning change proposals.</p>
BMP 25	Chemical Applications Management	Parks and Recreation Public Works Water Quality Specialist	III.A.6. Pollution Prevention/Good Housekeeping (a) (1) park and open space maintenance (b) training	<p>Action Continue implementation of Wylie's existing chemical management program.</p> <p>Evaluate appropriateness of program every two years.</p> <p>Provide and document refresher training for chemical applicators at least every three years.</p> <p>Documented Activities Document the number of individuals trained.</p>	<p>Action Continue implementation of Wylie's existing chemical management program.</p> <p>Evaluate appropriateness of program every two years.</p> <p>Provide and document refresher training for chemical applicators at least every three years.</p> <p>Documented Activities Document the number of individuals trained.</p>	<p>Action Continue implementation of Wylie's existing chemical management program.</p> <p>Evaluate appropriateness of program every two years.</p> <p>Provide and document refresher training for chemical applicators at least every three years.</p> <p>Documented Activities Document the number of individuals trained.</p>	<p>Action Continue implementation of Wylie's existing chemical management program.</p> <p>Evaluate appropriateness of program every two years.</p> <p>Provide and document refresher training for chemical applicators at least every three years.</p> <p>Documented Activities Document the number of individuals trained.</p>	<p>Action Continue implementation of Wylie's existing chemical management program.</p> <p>Evaluate appropriateness of program every two years.</p> <p>Provide and document refresher training for chemical applicators at least every three years.</p> <p>Documented Activities Document the number of individuals trained.</p>

Storm Water Management Program Best Management Practices

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BMP 26	Storm Sewer System Maintenance	Public Services Wastewater	III.A.6. Pollution Prevention/Good Housekeeping (a)(4) storm water system maintenance	<p>Action Implement the inspection schedule. Perform maintenance as necessary. Clean system as needed in response to complaints or reported problems. Documented Activities Document areas inspected, observations made, problems reported, and maintenance performed.</p>	<p>Action Implement the inspection schedule. Perform maintenance as necessary. Clean system as needed in response to complaints or reported problems. Documented Activities Document areas inspected, observations made, problems reported, and maintenance performed.</p>	<p>Action Implement the inspection schedule. Perform maintenance as necessary. Clean system as needed in response to complaints or reported problems. Documented Activities Document areas inspected, observations made, problems reported, and maintenance performed.</p>	<p>Action Implement the inspection schedule. Perform maintenance as necessary. Clean system as needed in response to complaints or reported problems. Documented Activities Document areas inspected, observations made, problems reported, and maintenance performed.</p>	<p>Action Implement the inspection schedule. Perform maintenance as necessary. Clean system as needed in response to complaints or reported problems. Documented Activities Document areas inspected, observations made, problems reported, and maintenance performed.</p>
BMP 27	Street Sweeping	Public Services	III.A.6. Pollution Prevention/Good Housekeeping (a)(2) street, road, or highway maintenance (a)(6) municipal parking lots (d) disposal of waste	<p>Action Continue existing street sweeping program for City streets. Evaluate effectiveness or current street sweeping program. Adjust schedule for street sweeping activities as indicated. Identify budget requirements for street sweeping program adjustments. Documented Activities Document the sweeping schedule and budget requirements.</p>	<p>Action Continue existing street sweeping program and begin implementation of any needed adjustments identified in the evaluation. Documented Activities Document schedule for street sweeping activities, volume of waste collected, and method of waste disposal.</p>	<p>Action Continue existing street sweeping program and complete implementation of any needed adjustments identified in the evaluation. Documented Activities Document schedule for street sweeping activities, volume of waste collected, and method of waste disposal.</p>	<p>Action Continue the street sweeping program. Documented Activities Document schedule for street sweeping activities, volume of waste collected, and method of waste disposal.</p>	<p>Action Continue the street sweeping program. Documented Activities Document schedule for street sweeping activities, volume of waste collected, and method of waste disposal.</p>

* See Section 4 for Details
Minimum Control Measures- Part III
TPDES General Permit No. TXR040000
Prepared by Freese and Nichols, Inc.

Storm Water Management Program Best Management Practices

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BMP 28	Safe Material Storage/Map of Municipal Facilities and Stormwater Controls	Public Services Parks and Recreation	III.A.6. Pollution Prevention/Good Housekeeping (a)(9) silt/sand storage locations	<p>Action Continue protective practices of existing material storage for road materials stockpiles, and continue implementation of any identified improvements, if necessary</p> <p>Evaluate the effectiveness of current practices and identify recommendations for improvements, if necessary.</p> <p>Identify materials used in municipal activities that may contribute to storm water pollution.</p> <p>Identify the municipal facilities that store the raw materials.</p> <p>Documented Activities Document the results of the evaluation of the current protective practices.</p> <p>Document the identified municipal activities with a potential to contribute to storm water pollution and the identified facilities storing raw materials.</p>	<p>Action Continue protective practices of existing material storage for road materials stockpiles, and continue implementation of any identified improvements, if necessary</p> <p>Evaluate the effectiveness of current practices and identify recommendations for improvements, if necessary.</p> <p>Identify materials used in municipal activities that may contribute to storm water pollution.</p> <p>Identify the municipal facilities that store the raw materials.</p> <p>Documented Activities Document the results of the evaluation of the current protective practices.</p> <p>Document the identified municipal activities with a potential to contribute to storm water pollution and the identified facilities storing raw materials.</p>	<p>Action Continue protective practices of existing material storage for road materials stockpiles, and continue implementation of any identified improvements, if necessary</p> <p>Evaluate the effectiveness of current practices and identify recommendations for improvements, if necessary.</p> <p>Identify materials used in municipal activities that may contribute to storm water pollution.</p> <p>Identify the municipal facilities that store the raw materials.</p> <p>Documented Activities Document the results of the evaluation of the current protective practices.</p> <p>Document the identified municipal activities with a potential to contribute to storm water pollution and the identified facilities storing raw materials.</p>	<p>Action Continue protective practices of existing material storage for road materials stockpiles, and continue implementation of any identified improvements, if necessary</p> <p>Evaluate the effectiveness of current practices and identify recommendations for improvements, if necessary.</p> <p>Identify materials used in municipal activities that may contribute to storm water pollution.</p> <p>Identify the municipal facilities that store the raw materials.</p> <p>Documented Activities Document the results of the evaluation of the current protective practices.</p> <p>Document the identified municipal activities with a potential to contribute to storm water pollution and the identified facilities storing raw materials.</p>	<p>Action Continue protective practices of existing material storage for road materials stockpiles, and continue implementation of any identified improvements, if necessary</p> <p>Evaluate the effectiveness of current practices and identify recommendations for improvements, if necessary.</p> <p>Identify materials used in municipal activities that may contribute to storm water pollution.</p> <p>Identify the municipal facilities that store the raw materials.</p> <p>Documented Activities Document the results of the evaluation of the current protective practices.</p> <p>Document the identified municipal activities with a potential to contribute to storm water pollution and the identified facilities storing raw materials.</p>

Storm Water Management Program Best Management Practices

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BMP 29	Structural Control Maintenance	Public Services Engineering	<p>III.A.5. <u>Post-Construction Storm Water Management</u> (c) long-term operation and maintenance of BMPs</p> <p>III.A.6. <u>Pollution Prevention/Good Housekeeping</u> (a)(4) storm water system maintenance (c) structural control maintenance</p>	<p>Measurable Goals</p> <p>Action Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection. Inspect and maintain City-maintained structural controls.</p> <p>Documented Activities Document the evaluation, inspection, and maintenance activities related to structural controls.</p>	<p>Measurable Goals</p> <p>Action Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection. Inspect and maintain City-maintained structural controls.</p> <p>Documented Activities Document the evaluation, inspection, and maintenance activities related to structural controls.</p>	<p>Measurable Goals</p> <p>Action Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection. Inspect and maintain City-maintained structural controls.</p> <p>Documented Activities Document the evaluation, inspection, and maintenance activities related to structural controls.</p>	<p>Measurable Goals</p> <p>Action Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection. Inspect and maintain City-maintained structural controls.</p> <p>Documented Activities Document the evaluation, inspection, and maintenance activities related to structural controls.</p>	<p>Measurable Goals</p> <p>Action Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection. Inspect and maintain City-maintained structural controls.</p> <p>Documented Activities Document the evaluation, inspection, and maintenance activities related to structural controls.</p>
BMP 30	Spill Response	Fire Department Water Quality Specialist	<p>III.A.6. <u>Pollution Prevention/Good Housekeeping</u> (a) good housekeeping and BMPs (d) disposal of waste</p>	<p>Measurable Goals</p> <p>Action Continue implementation of existing spill response procedures and training through Wylie Fire Department.</p> <p>Documented Activities Document spill response events. Document training for spill response personnel.</p>	<p>Measurable Goals</p> <p>Action Continue implementation of existing spill response procedures and training through Wylie Fire Department.</p> <p>Documented Activities Document spill response events. Document training for spill response personnel.</p>	<p>Measurable Goals</p> <p>Action Continue implementation of existing spill response procedures and training through Wylie Fire Department.</p> <p>Documented Activities Document spill response events. Document training for spill response personnel.</p>	<p>Measurable Goals</p> <p>Action Continue implementation of existing spill response procedures and training through Wylie Fire Department.</p> <p>Documented Activities Document spill response events. Document training for spill response personnel.</p>	<p>Measurable Goals</p> <p>Action Continue implementation of existing spill response procedures and training through Wylie Fire Department.</p> <p>Documented Activities Document spill response events. Document training for spill response personnel.</p>

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BMP 31	Employee Training	Various Departments Water Quality Specialist	III.A.6. <u>Pollution Prevention/Good Housekeeping</u> (b) training	Action Continue BMP training for the municipal employees responsible for activities that may impact storm water quality. Documented Activities Document the training of city personnel.	Action Continue BMP training for the municipal employees responsible for activities that may impact storm water quality. Documented Activities Document the training of city personnel.	Action Continue BMP training for the municipal employees responsible for activities that may impact storm water quality. Documented Activities Document the training of city personnel.	Action Continue BMP training for the municipal employees responsible for activities that may impact storm water quality. Documented Activities Document the training of city personnel.	Action Continue BMP training for the municipal employees responsible for activities that may impact storm water quality. Documented Activities Document the training of city personnel.
BMP 32	Disposal of Collected Storm Sewer System Waste	Public Services Wastewater Water Quality Specialist	III.A.6. <u>Pollution Prevention/Good Housekeeping</u> (d) disposal of waste	Action Perform proper disposal of waste materials. Documented Activities Document the proper disposal of waste materials.	Action Perform proper disposal of waste materials. Documented Activities Document the proper disposal of waste materials.	Action Perform proper disposal of waste materials. Documented Activities Document the proper disposal of waste materials.	Action Perform proper disposal of waste materials. Documented Activities Document the proper disposal of waste materials.	Action Perform proper disposal of waste materials. Documented Activities Document the proper disposal of waste materials.
BMP 33	Municipal Operations and Industrial Activity	Public Services Parks and Recreation Water Quality Specialist	III.A.6. <u>Pollution Prevention/Good Housekeeping</u> (a)(3) fleet and building maintenance (a)(7) vehicle and equipment maintenance and storage yards (e) municipal operations and industrial activities	Action Continue the implementation of the BMPs identified through municipal operations assessments. Documented Activities Document the recommended BMPs and notify TCEQ in the annual report of BMP modifications and/or additions	Action Continue the implementation of the BMPs identified through municipal operations assessments. Documented Activities Document the recommended BMPs and notify TCEQ in the annual report of BMP modifications and/or additions	Action Continue the implementation of the BMPs identified through municipal operations assessments. Documented Activities Document the recommended BMPs and notify TCEQ in the annual report of BMP modifications and/or additions	Action Continue the implementation of the BMPs identified through municipal operations assessments. Documented Activities Document the recommended BMPs and notify TCEQ in the annual report of BMP modifications and/or additions.	Action Continue the implementation of the BMPs identified through municipal operations assessments. Documented Activities Document the recommended BMPs and notify TCEQ in the annual report of BMP modifications and/or additions.

Storm Water Management Program Best Management Practices

* See Section 4 for Details
Minimum Control Measures- Part III
TPDES General Permit No. TXR040000
Prepared by Freese and Nichols, Inc.

Appendix B
BMPs by Regulatory Requirement

Storm Water Management Program BMPs By Permit Requirement

Public Education and Outreach Requirements	BMP ID	BMP Name
<p>(a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program:</p> <ul style="list-style-type: none"> (1) residents; (2) visitors; (3) public service employees; (4) businesses; (5) commercial and industrial facilities; and (6) construction site personnel. <p>The outreach must inform the public about the impacts that storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.</p>	<p>1 2 3 4 5 6 7 8 9 10</p>	<p>Utility Bill Insert/ Educational Flyer Web Site Public Reference Storm Drain Marking Classroom Education General Education of City Employees Education of Elected Officials and the Public Business, Commercial and Industrial Education Developer/ Builder/ Engineer Education and Training City Inspector Training</p>
<p>(b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.</p>	<p>1 2 3 4 5 6 7 8 9 10</p>	<p>Utility Bill Insert/ Educational Flyer Web Site Public Reference Storm Drain Marking Classroom Education General Education of City Employees Education of Elected Officials and the Public Business, Commercial and Industrial Education Developer/ Builder/ Engineer Education and Training City Inspector Training</p>

Storm Water Management Program BMPs By Permit Requirement

Public Involvement Requirements	BMP ID	BMP Name
<p>The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this MCM.</p>	2	Web Site
	3	Public Reference
	4	Storm Drain Marking
	5	Classroom Education
	7	Education of Elected Officials and the Public
	11	Storm Water Reporting Line
	12	Bulk Waste Cleanup
	13	Park Cleanup

Storm Water Management Program BMPs By Permit Requirement

Illicit Discharge Detection and Elimination System Requirements	BMP ID	BMP Name
<p>(a) Illicit Discharges</p> <p>A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. Elements must include:</p> <p>(1) Detection</p> <p>The SWMP must list the techniques used for detecting illicit discharges.</p> <p>(2) Elimination</p> <p>The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.</p>	<p>4</p> <p>6</p> <p>11</p> <p>13</p> <p>14</p> <p>16</p> <p>17</p>	<p>Storm Drain Marking</p> <p>General Education of City Employees</p> <p>Storm Water Reporting Line</p> <p>Park Cleanup</p> <p>Illicit Discharge Prohibition/ Elimination Ordinance</p> <p>Illicit Discharge Inspections</p> <p>Sanitary Sewer Line Maintenance and Inspection</p>

Storm Water Management Program BMPs By Permit Requirement

Illicit Discharge Detection and Elimination System Requirements	BMP ID	BMP Name
<p>(b) Allowable Non-Storm Water Discharges</p> <p>Non-storm water flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.</p>	<p>14</p> <p>16</p> <p>17</p>	<p>Illicit Discharge Prohibition/ Elimination Ordinance</p> <p>Illicit Discharge Inspections</p> <p>Sanitary Sewer Line Maintenance and Inspection</p>
<p>(c) Storm Sewer Map</p> <p>(1) A map of the storm sewer system must be developed and must include the following:</p> <ul style="list-style-type: none"> (i) the location of all outfalls; (ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and (iii) any additional information needed by the permittee to implement its SWMP. <p>(2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.</p>	<p>15</p>	<p>Storm Sewer System Map</p>

Storm Water Management Program BMPs By Permit Requirement

Construction Site Runoff Control Requirements	BMP ID	BMP Name
<p>The MS4 operator, to the extent allowable under State and local law, must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more of land. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion.</p>		
<p>(a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law.</p>	18	Erosion Control Ordinance and Requirements for Construction Site Contractors
<p>(b) Requirements for construction site contractors to, at a minimum:</p> <ul style="list-style-type: none"> (1) implement appropriate erosion and sediment control best management practices; and (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; 	<p>9</p> <p>18</p>	<p>Developer/ Builder/ Engineer Education and Training</p> <p>Erosion Control Ordinance and Requirements for Construction Site Contractors</p>
<p>(c) The MS4 operator must develop procedures for:</p> <ul style="list-style-type: none"> (1) site plan review which incorporate consideration of potential water quality impacts; (2) receipt and consideration of information submitted by the public; and (3) site inspection and enforcement of control measures to the extent allowable under state and local law. 	<p>10</p> <p>19</p> <p>20</p> <p>21</p>	<p>City Inspector Training</p> <p>Site Plan Review</p> <p>Construction Site Inspection and Enforcement</p> <p>Receipt and Consideration of Information from Public</p>

Storm Water Management Program BMPs By Permit Requirement

Post-Construction Site Runoff Control Requirements	BMP ID	BMP Name
<p>To the extent allowable under state and local law, the MS4 operator must develop, implement, and enforce a program to address storm water 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, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall:</p>		
<p>(a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;</p>	<p>9 23 24</p>	<p>Developer/ Builder/ Engineer Education and Training Engineering Design Review Land Use Plan</p>
<p>(b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and</p>	<p>9 22</p>	<p>Developer/ Builder/ Engineer Education and Training Post-Construction Storm Water Ordinance</p>
<p>(c) Ensure adequate long-term operation and maintenance of BMPs.</p>	<p>9 22 23 29</p>	<p>Developer/ Builder/ Engineer Education and Training Post- Construction Storm Water Ordinance Engineering Design Review Structural Control Maintenance</p>

Storm Water Management Program BMPs By Permit Requirement

Pollution Prevention/Good Housekeeping for Municipal Operations Requirements	BMP ID	BMP Name
<p>A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component, that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.</p>		
<p>(a) Good Housekeeping and Best Management Practices</p> <p>Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations and municipally owned areas include, but are not limited to:</p> <ul style="list-style-type: none"> (1) park and open space maintenance; (2) street, road, or highway maintenance; (3) fleet and building maintenance; (4) storm water system maintenance; (5) new construction and land disturbances. (6) municipal parking lots; (7) vehicle and equipment maintenance and storage yards; (8) waste transfer stations; and (9) salt/sand storage locations. 	<p>10</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>33</p>	<p>City Inspector Training</p> <p>Chemical Applications Management</p> <p>Storm Sewer System Maintenance</p> <p>Street Sweeping</p> <p>Safe Material Storage</p> <p>Structural Control Maintenance</p> <p>Municipal Operations and Industrial Activity</p>

Storm Water Management Program BMPs By Permit Requirement

Pollution Prevention/Good Housekeeping for Municipal Operations Requirements	BMP ID	BMP Name
<p>(b) Training</p> <p>A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing storm water pollution from municipal operations. Materials may be developed, or obtained from EPA, states or other organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.</p>	<p>10</p> <p>25</p> <p>31</p>	<p>City Inspector Training</p> <p>Chemical Applications Management</p> <p>Employee Training</p>
<p>(c) Structural Control Maintenance</p> <p>If best management practices include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:</p> <ul style="list-style-type: none"> (1) maintenance activities; (2) maintenance schedules; and (3) long-term inspection procedures for controls used to reduce floatables and other pollutants. 	<p>29</p>	<p>Structural Control Maintenance</p>
<p>(d) Disposal of Waste</p> <p>Waste removed from the small MS4 and waste that is collected as a result of maintenance of storm water structural controls must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:</p> <ul style="list-style-type: none"> (1) dredge spoil; (2) accumulated sediments; and (3) floatables. 	<p>27</p> <p>30</p> <p>32</p>	<p>Street Sweeping</p> <p>Spill Response</p> <p>Disposal of Collected Storm Sewer System Waste</p>

Storm Water Management Program BMPs By Permit Requirement

Pollution Prevention/Good Housekeeping for Municipal Operations Requirements	BMP ID	BMP Name
<p>(e) Municipal Operations and Industrial Activities</p> <p>The SWMP must include a list of all:</p> <ul style="list-style-type: none">(1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and(2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.	33	Municipal Operations and Industrial Activity

Appendix C
BMPs by City Department Responsibility

Water Quality Specialist

List of BMPs for Phase II MS4 Storm Water Management Program

Name of BMP	BMP Number
Utility Bill Insert/ Educational Flyer	BMP 1
Web Site	BMP 2
Public Reference	BMP 3
Storm Drain Marking	BMP 4
Classroom Education	BMP 5
General Education of City Employees	BMP 6
Education of Elected Officials and the Public	BMP 7
Business, Commercial and Industrial Education	BMP 8
Developer/ Builder/ Engineer Education and Training	BMP 9
City Inspector Training	BMP 10
Storm Water Reporting Line	BMP 11
Bulk Waste Cleanup	BMP 12
Park Cleanup	BMP 13
Illicit Discharge Inspections	BMP 16
Sanitary Sewer Line Maintenance and Inspection	BMP 17
Erosion Control Ordinance and Requirements For Construction Site Contractors	BMP 18
Site Plan Review	BMP 19
Construction Site Inspection and Enforcement	BMP 20
Receipt and Consideration of Information from Public	BMP 21
Engineering Design and Review	BMP 23
Land Use Plan	BMP 24
Chemical Applications Management	BMP 25
Spill Response	BMP 30
Employee Training	BMP 31
Disposal of Collected Storm Sewer System Waste	BMP 32
Municipal Operations and Industrial Activity	BMP 33

Public Services

List of BMPs for Phase II MS4 Storm Water Management Program

Name of BMP	BMP Number
Utility Bill Insert/ Educational Flyer	BMP 1
Web Site	BMP 2
Public Reference	BMP 3
Storm Drain Marking	BMP 4
Classroom Education	BMP 5
General Education of City Employees	BMP 6
Education of Elected Officials and the Public	BMP 7
Illicit Discharge Prohibition/ Elimination Ordinance	BMP 14
Storm Sewer System Map	BMP 15
Post- Construction Storm Water Ordinance	BMP 22
Storm Sewer System Maintenance	BMP 26
Street Sweeping	BMP 27
Safe Material Storage	BMP 28
Structural Control Maintenance	BMP 29
Disposal of Collected Storm Sewer System Waste	BMP 32
Municipal Operations and Industrial Activity	BMP 33

Fire Department

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Spill Response	BMP 30

Utility Billing

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Utility Bill Insert/ Educational Flyer	BMP 1

Public Information Officer

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Storm Drain Marking	BMP 4
Business, Commercial and Industrial Education	BMP 8
Receipt and Consideration of Information from Public	BMP 21
Storm Water Reporting Line	BMP 11

Water Division

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Storm Drain Marking	BMP 4

Engineering

List of BMPs for Phase II MS4 Storm Water Management Program

Name of BMP	BMP Number
Developer/ Builder/ Engineer Education and Training	BMP 9
City Inspector Training	BMP 10
Erosion Control Ordinance and Requirements For Construction Site Contractors	BMP 18
Site Plan Review	BMP 19
Construction Site Inspection and Enforcement	BMP 20
Post- Construction Storm Water Ordinance	BMP 22
Engineering Design and Review	BMP 23
Land Use Plan	BMP 24
Structural Control Maintenance	BMP 29

Building Inspection

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Developer/ Builder/ Engineer Education and Training	BMP 9
Erosion Control Ordinance and Requirements For Construction Site Contractors	BMP 18
Construction Site Inspection and Enforcement	BMP 20

Utility Administration

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Storm Water Reporting Line	BMP 11
Receipt and Consideration of Information from Public	BMP 21

Parks and Recreation

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Bulk Waste Cleanup	BMP 12
Park Cleanup	BMP 13
Chemical Applications Management	BMP 25
Safe Material Storage	BMP 28
Municipal Operations and Industrial Activity	BMP 33

Planning and Development

List of BMPs for Phase II MS4
Storm Water Management Program

Name of BMP	BMP Number
Storm Sewer System Map	BMP 15
Erosion Control Ordinance and Requirements For Construction Site Contractors	BMP 18
Site Plan Review	BMP 19
Post- Construction Storm Water Ordinance	BMP 22
Land Use Plan	BMP 24

Wastewater

List of BMPs for Phase II MS4 Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Illicit Discharge Inspections	BMP 16
Sanitary Sewer Line Maintenance and Inspection	BMP 17
Storm Sewer System Maintenance	BMP 26
Disposal of Collected Storm Sewer System Waste	BMP 32

Public Works

List of BMPs for Phase II MS4
Storm Water Management Program

<u>Name of BMP</u>	<u>BMP Number</u>
Chemical Applications Management	BMP 25

**Appendix D
Individual BMP Descriptions**

BMP 1 Utility Bill Insert / Educational Flyer

Description

Distribute educational material to residents via utility bill inserts. The inserts will include storm water education in general per the TCEQ general permit guidelines. Various inserts will also include information specifically relating to fertilizer, herbicide, and pesticide usage, proper disposal of household hazardous waste and oils, and other educational and participatory opportunities.

Recordkeeping

FY 2014 - 2018

- Distribute educational information as a utility bill insert one time per year.
- Document the amount of information distributed.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 2 Web Site

Description

Develop storm water-related content for the City's web site. The web site will include storm water education information. The web site will provide specific information regarding the City's TPDES Phase II program, educational and participatory opportunities, and links to other local, state, and national storm water-related web sites.

Recordkeeping

FY 2014 - 2018

- Revise and update the storm water website as needed.
- Solicit input and feedback from the public for storm water quality issues and opportunities in the City.
- Maintain an accessible website.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 3 Public Reference

Description

Provide educational material for reference at the Public Library, City Hall, and other appropriate public places. Materials to be provided will include copies of educational materials used for other educational BMPs, access to Wylie's storm water website, information regarding Wylie's storm water program, and other miscellaneous storm water educational material as deemed appropriate.

Recordkeeping

FY 2014 - 2018

- Acquire, develop and provide copies of educational materials at the Public Library and other public access locations, such as City Hall, as appropriate.
- Document the amount of information distributed.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-8108.

BMP 4 Storm Drain Marking

Description

Utilize volunteer effort to place storm drain markers on local storm drains in an effort to increase awareness and to prevent dumping into the storm drain system. Solicit assistance from the public to place storm drain markers.

Recordkeeping

FY 2014 - 2018

- Continue Inventorying storm drain inlets in the city using available technology.
- Recruit volunteers for the placement of storm drain markers.
- Track the location of placed markers and use of volunteer effort.
- Document the inventoried storm drain inlets.
- Document the marked storm drain inlets.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 5 Classroom Education

Description

Provide classroom education and curriculum materials to the School District. Materials and curriculum will be assessed and selected from existing, readily available programs, and through discussions with the School District staff.

Recordkeeping

FY 2013 - 2014

- Continue building the on success of existing third grade classroom presentation and coordinate with the School District to determine feasibility of providing storm water education curriculum.
- Identify budget requirements and resource needs.
- Document the budget requirements.

FY 2014 - 2018

- Provide storm water education curriculum and material as determined by coordination meetings with the School District in Year 1.
- Document the amount of materials provide.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 6 General Education of City Employees

Description

City employees will receive storm water education on general storm water protection topics. Employees with job responsibilities with potential storm water impacts will receive additional job-specific training, as appropriate, for storm water protection.

Recordkeeping

FY 2014 - 2018

- Continue to identify and research available storm water educational material for public employees.
- Determine methods to provide education to employees.
- Continue to Conduct employee education a minimum of once per year.
- Document the budget requirements.
- Document the number of educational meetings.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 7 Education for Elected Officials and Public

Description

City elected officials and the public will receive storm water education on general storm water topics, as well as an overview of the Phase II MS4 permit requirements.

Recordkeeping

2014 - 2018

- Provide overview of Phase II MS4 permit requirements and annual updates of implementation progress.
- Conduct a minimum of 1 public meeting per year.
- Document the number of meetings per year.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 8 Business, Commercial and Industrial Education

Description

Develop a partnership program for providing educational material to Wylie's businesses, including commercial and industrial facilities.

Recordkeeping

FY 2014 - 2018

- Distribute educational information to local businesses a minimum of one time by the method(s) determined in Year 1.
- Solicit feedback once per year and revise program if appropriate.
- Document the budget requirements.
- Document the number of businesses receiving educational information.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 9 Developer/Builder/Engineer Education and Training

Description

Provide educational material to the development community and encourage training opportunities about methods to minimize the impact of construction activity on storm water quality.

Recordkeeping

FY 2014-2018

- Provide educational material and/or training during at least once per year for builders, developers, and engineers that are active in Wylie.
- Document the number of educational materials distributed.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 10 City Inspector Training

Description

Continue to train City construction site inspectors for erosion control protection.

Recordkeeping

FY 2014 - 2018

- Provide appropriate construction site erosion control training to inspection personnel at least once every three years.
- Provide appropriate training for new inspectors prior to them conducting unassisted site inspections.
- Require COG training for site inspectors.
- Document the number of individuals trained.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 11 Storm Water Reporting Line

Description

Develop and advertise a storm water reporting line to solicit information related to illicit discharges and illegal dumping, complaints, and general comments regarding Wylie's storm water management program.

Recordkeeping

FY 2014-2018

- Continue to educate the public about the existence of the storm water reporting line through various Public Education BMPs.
- Continue documenting each call, dispatching to appropriate department for proper response.
- Conduct annual review of calls to identify trends (i.e., repeated reports of illegal dumping in certain areas of the City), general needs for reporting line improvement, and areas requiring additional educational or enforcement effort to protect storm water quality.
- Document the number of calls received.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 12 Bulk Waste Cleanup

Description

Continue Wylie's existing volunteer trash cleanup program to reduce floatables and other debris that pollute the storm water system and receiving waters.

Recordkeeping

FY 2014 - 2018

- Continue bulk waste cleanup program twice per year.
- Evaluate opportunities, public receptiveness, and budgetary requirements for continued trash cleanup events.
- Document the number of cleanup events taken place.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 13 Park Cleanup

Description

Volunteer effort to maintain parks and minimize trash debris and animal waste.

Recordkeeping

FY 2014 -2018

- Conduct periodic cleaning of selected City parks.
- Document the number of cleaning events.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 14 Illicit Discharge Prohibition/Elimination Ordinance

Description

Ordinance that prohibits and requires elimination of non-storm water discharges that significantly contribute pollutants to the municipal storm sewer system.

Recordkeeping

2014 - 2018

- Continue education-focused enforcement of adopted ordinance requirements.
- Document instances of such enforcement and action taken to eliminate illicit discharge.
- Continue penalty-based enforcement of illicit discharge ordinance.
- Document instances of such enforcement and action taken to eliminate illicit discharge.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 15 Storm Sewer System Map

Description

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

Recordkeeping

2014- 2018

- Continue identifying regulated storm water outfalls in the City and identify the names and locations of any waters of the U.S. receiving discharges from the MS4.
- Continue to identify the storm water outfalls in the City and the names and locations of any waters of the U.S. receiving discharges from the MS4.
- Continue development of a map of storm water outfall drainage areas in the City.
- Document the percent mapped.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 16 Illicit Discharge Inspections

Description

Conduct inspections of the storm sewer system to identify the presence and sources of illicit connections and illegal dumping activities, and other unauthorized discharges that can adversely impact water quality.

Recordkeeping

2014- 2018

- Continue to train personnel in illicit discharge detection procedures.
- Continue conducting illicit discharge inspections for the City's regulated outfalls.
- Document outfalls screened, observations made, and corrective actions taken, if any.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 17 Sanitary Sewer Line Maintenance and Inspection

Description

Conduct smoke testing of sanitary sewers in order to identify potential cross-connections with the City's storm sewer system.

Recordkeeping

2014 - 2018

- Conduct sanitary sewer inspections.
- Document the number and location of lines inspected each year.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 18 Erosion Control Ordinance and Requirements for Construction Site Contractors

Description

Ordinance prohibiting the unauthorized discharge of polluted storm water to the MS4 from construction sites one acre or greater in size. Construction site contractors are required to implement appropriate erosion and sediment control BMPs and to control waste, such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste that may adversely affect storm water quality.

Recordkeeping

2014- 2018

- Continue to educate the contractors, and implement and enforce the City's Illicit Discharge Prohibited Ordinance and Storm Water Erosion Control Guidelines.
- Document the instances of such enforcement and action taken to eliminate unauthorized discharges.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 19 Site Plan Review

Description

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

Recordkeeping

2014- 2018

- Revise plan review procedures, if necessary, to include adequate consideration of potential storm water quality impacts.
- Continue to conduct plan reviews.
- Document the number of site plans reviewed.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 20 Construction Site Inspection and Enforcement

Description

Procedures to conduct construction site inspections and maintain enforcement of control measures to protect storm water quality.

Recordkeeping

2014 - 2018

- Continue to conduct erosion control site inspections.
- Document inspections, instances of enforcement activity, and reason(s) for non-compliance.
- Document corrective action taken to protect storm water quality.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 21 Receipt and Consideration of Information from Public

Description

Develop and implement a program for the receipt and consideration of public comments regarding erosion control.

Recordkeeping

2014 - 2018

- Continue implementation of the procedures.
- Document comments received and consideration made for each set of comments.
- Educate the public about the mechanisms needed to make comments or submittals.
- Document comments received and methods of educating public.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 22 Post-Construction Storm Water Ordinance

Description

Review and update the City's ordinance requirements to require adequate long-term maintenance and protection of storm water quality in new and redeveloped areas.

Recordkeeping

2014- 2018

- Continue educating, implementing, and enforcing the City's Illicit Discharge Prohibited Ordinance and Storm Water Post-Constuction Guidelines.
- Document the number of education activities, instances of enforcement, and action taken to eliminate unauthorized discharges.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 23 Engineering Design Review

Description

Evaluate plans for adequate protection of storm water through the development of erosion control plans.

Recordkeeping

2014 - 20118

- Continue existing design review process of all planned construction projects at least one acre in size to verify compliance with the long-term protective maintenance requirements for new and redeveloped areas to protect storm water quality.
- Document the number of sites reviewed.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 24 Land Use Plan

Description

Consider water quality protection in the development or update of the City's land use plan and in proposed variances to zoning.

Recordkeeping

2014 - 2018

- Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan.
- Document the number of assessed zoning change proposals.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 25 Chemical Applications Management

Description

Continue existing herbicide, pesticide and fertilizer management program.

Recordkeeping

2014 - 2018

- Continue implementation of Wylie's existing chemical management program.
- Evaluate appropriateness of program every two years.
- Provide and document refresher training for chemical applicators at least every three years.
- Document the number of individuals trained.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 26 Storm Sewer System Maintenance

Description

Remove floatables, sediment, and other debris from the storm sewer system to reduce storm water pollution and minimize drainage impediments.

Recordkeeping

2014 - 2018

- Implement the inspection schedule.
- Perform maintenance as necessary.
- Clean system as needed in response to complaints or reported problems.
- Document areas inspected, observations made, problems reported, and maintenance performed.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 27 Street Sweeping

Description

Sweep City streets to collect road debris, trash, and other wastes prior to their entry into creeks, lakes, or other water bodies.

Recordkeeping

2014- 2013

- Continue the street sweeping program.
- Document schedule for street sweeping activities, volume of waste collected, and method of waste disposal.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 28 Safe Material Storage

Description

Continue existing material storage management program.

Recordkeeping

2014- 2018

- Continue protective practices of existing material storage for road materials stockpiles, and continue implementation of any identified improvements, if necessary.
- Evaluate effectiveness of practices each year, document results of evaluation, and identify recommendations for improvements, if necessary.
- Identify materials used in municipal activities that may contribute to storm water pollution.
- Identify the municipal facilities that store the raw materials.
- Document the results of the evaluation of the current protective practices.
- Document the identified municipal activities with a potential to contribute to storm water pollution and the identified facilities storing raw materials.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 29 Structural Control Maintenance

Description

The City will continue to inspect and maintain City structurals, and we will also monitor the private industry structural control maintenance. Maintenance activities, schedules, and inspection procedures will be identified and incorporated into the SWMP at that time as appropriate.

Recordkeeping

FY 2014 – 2018

- Monitor private industry structural control maintenance (documentation records) and monitor public maintenance of structural controls through documented inspection.
- Inspect and maintain City-maintained structural controls.
- Document the evaluation, inspection, and maintenance activities related to structural controls.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 30 Spill Response

Description

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

Recordkeeping

2014 - 2018

- Continue implementation of existing spill response procedures and training through Wylie Fire Department.
- Document spill response events.
- Document training for spill response personnel.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 31 Employee Training

Description

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

Recordkeeping

2014- 2018

- Continue BMP training for the municipal employees responsible for activities that may impact storm water quality.
- Document the training of city personnel.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 32 Disposal of Collected Storm Sewer System Waste

Description

Dredge soil, accumulated sediment, and floatables collected through the implementation of storm sewer maintenance activities, street sweeping activities, and other routine City operations will be disposed of properly. Disposal of such materials will be tracked in conjunction with tracking efforts for the implementation of the individual BMPs.

Recordkeeping

2014 - 2018

- Perform proper disposal of waste materials.
- Document the proper disposal of waste materials.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

BMP 33 Municipal Operations and Industrial Activity

Description

General evaluation of the municipal operations that have a potential to adversely impact storm water quality.

Recordkeeping

2014- 2018

- Continue the implementation of the BMPs identified through municipal operations assessments.
- Document the recommended BMPs and notify TCEQ in the annual report of BMP modifications and/or additions.

Storm Water Management Plan

If you have any questions or need any additional information about how to meet this BMP requirement, please contact the Storm Water Coordinator at (972) 442-7588.

Appendix E
Blank BMP Annual Report Forms

**Best Management Practice Form
Annual Report**

BMP: _____ BMP ID: _____

Permit reporting period:

Date: _____

Department: _____

Department Contact: _____

Measurable goals for report period:

Were actual activities toward measurable goals different from scheduled goals/activities?

Yes No

If yes, document purpose and nature of alteration in measurable goals:

Next permit reporting period: _____

Measurable goals for reporting period:

Have measurable goals for the next reporting period (or later) been modified?

Yes No

If yes, document purpose and nature of alteration in measurable goals:

Attach supporting documentation that demonstrates compliance with the measurable goals for this BMP. Examples of documentation include inspection reports, maintenance records, call logs, and other related information. See the appropriate reporting period for the BMP's measurable goal for assistance determining the proper supporting documentation.

Appendix F

Multi-Sector General Storm Water Permits for Industrial Activity

**Municipally Owned Industrial Activities
Subject To TPDES Industrial Storm Water Regulations**

The City of Wylie does not currently own or operate a facility with an industrial storm water permit.

Appendix G

TPDES Phase II MS4 General Permit

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXRo40000, 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



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-of-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 (MHW) 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) TXRo50000 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. Permittees 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 contribute 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 measurable 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 program fully implemented by the end of this permit term.

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

(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 permittees 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 H
Record of Plan Updates**

Permit Requirements for Updates to the SWMP

The City is permitted to revise this SWMP during the permit term. The TCEQ permit, located in Appendix G, details the requirements and allowances for making modifications to the storm water management program. This can include addition or modification or replacement of BMPs. Below is the specific permit language with respect to SWMP modifications.

Changes may be made to the SWMP during the permit term. 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 written approval of the changes from the TCEQ, except that written approval is not required for the following changes:

- (a) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP, may be made by the permittee at any time upon submittal of a notice of change (NOC) form to the address specified on the form to the TCEQ.
- (b) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Changes must be submitted on an NOC form to the address specified on the form. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request. 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 why the replacement BMP is expected to achieve the goals of the replaced BMP.

A record of modifications to the SWMP should be documented on the following Record of Plan Updates. A copy of any communication to TCEQ regarding SWMP modification, such as the NOC, as well as written approval from TCEQ of proposed SWMP modifications if required and provided, should also be maintained in this Appendix.

Appendix I

Notice of Intent and General Permit Authorizaton



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.: 068696
Name Printed on Check: City of Wylie
 - EPAY Voucher No.: _____
- Is the Payment Voucher copy attached? Yes

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

Is the copy attached? Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?

(Note: An authorization cannot be renewed after June 11, 2014.)

- Yes The existing authorization number is: TXR04 0075
(If an authorization number is not provided, a new number will be assigned.)
- No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>
CN 600661337

b. What is the Legal Name of the entity (applicant) applying for this permit?

City of Wylie

(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).

Prefix (Mr. Ms. Miss): Mr.

First/Last Name: Eric Hogue

Suffix: _____

Title: Mayor

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: (972) 516-6151 Ext: _____ Fax Number: (972) 442-8198

E-mail: Albert.garza@wylitetexas.gov

Mailing Address: 300 Country Club Bldg. 100

Internal Routing (Mail Code, Etc.): _____

City: Wylie State: Texas ZIP Code: 75098

If outside USA: Territory: _____ Country Code: _____ Postal Code: _____

e. Indicate the type of Customer (The instructions will help determine your customer type):

Federal Government

State Government

County Government

City Government

Other Government

f. Number of Employees:

0-20;

21-100;

101-250;

251-500; or

501 or higher

2) BILLING ADDRESS

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

Is the billing address the same as the Operator Address?

Yes, go to Section 3).

No, complete section below

Phone Number: _____ Ext: _____ Fax Number: _____

E-mail: _____

Mailing Address: _____

Internal Routing (Mail Code, Etc.): _____

City: _____ State: _____ ZIP Code: _____

Mailing Information if outside USA:

Territory: _____ Country Code: _____ Postal Code: _____

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

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

- a. TCEQ issued RE Reference Number (RN): RN 105488647
- b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Wylie MS4
- c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):
Area within City of Wylie limits.
- d. County where the largest residential population exists within the regulated MS4 boundaries:
Collin County

Is the MS4 located within additional counties?

Yes – If Yes, what county (or counties)?
Dallas and Rockwall County

No

- e. Latitude: 33.022 N Longitude: 96.537 W

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: 9111
- c. What is the category or level of the MS4 based on the population served?
 Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).
 Level 2: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

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

Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

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

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

Yes

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

e. What is your annual reporting year?

Calendar year

MS4 general permit year

Fiscal year – If Fiscal year, what is the last day of the fiscal year? _____

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: Albert Garza

Title: Public Works Assist. Superintendent Company: City of Wylie

Phone Number: (972) 516-6151 Ext: _____ Fax Number: (972) 442-7588

E-mail: Albert.garza@wylitexas.gov

Mailing Address: 949 Hensley Lane

Internal Routing (Mail Code, Etc.): _____

City: Wylie State: Texas ZIP Code: 75098

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

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

Yes – If Yes, what are the boundaries within which those activities will occur?
(Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?

See Attachment 1

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

See Attachment 1

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?

Muddy Creek 0820c

What are the pollutants of concern?

See Attachment 2

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?

See Attachment 1

No

i. Edwards Aquifer

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

Yes - If Yes, complete certification below by checking "Yes".

No

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

Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple

counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

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

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.

Yes

No – If No, coverage under this general permit is not obtainable.

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

First/Last Name: Albert Garza

Title: Public Works Assist. Superintendent Company: City of Wylie

Phone Number: (972) 516-6151 Ext: _____ Fax Number: (972) 442-8198

E-mail: Albert.garza@wylitetexas.gov

Mailing Address: 949 Hensley Lane

Internal Routing (Mail Code, Etc.): _____

City: Wylie State: Texas ZIP Code: 75098

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: City of Wylie City Hall

Address of Public Place: 300 Country Club Bldg. 100 Wylie, Texas 75098

County of Public Place: Collin

5) CERTIFICATION

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

- a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. Yes
- b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. Yes
- c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. Yes
- d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. Yes

Operator Certification

I, Eric Hogue Mayor
Typed or printed name *Title*

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature:  Date: 5-30-14
(Use blue ink)

Attachment 1

Section 4. h. Discharge Information

1. Lavon Lake (Segment 0821), East Fork Trinity River (Segment 0891), Muddy Creek, Maxwell Creek, Cottonwood Creek, Pilot Creek, and Unnamed tributaries.
2. Lavon Lake (Segment 0821), Lake Ray Hubbard (Segment 0820), and East Fork Trinity River (Segment 0819).
4. Texas Department of Transportation, City of Sachse, Collin County, Rockwall County, City of Murphy, City of Saint Paul, City of Parker, Dallas County, City of Dallas.

Attachment 2

Section 4. h. Discharge Information

3. 1.2.2 Water Quality in the Wylie Area

The major water bodies receiving urban storm water runoff from Wylie include Lake Lavon (Segment 0821) and Lake Ray Hubbard (Segment 0820). Muddy Creek, Maxwell Creek, Cottonwood Creek, Rush Creek and Pilot Grove Creek all discharge into Lake Ray Hubbard. Additionally, there are unnamed tributaries within the city that receive storm water runoff. Both Lake Lavon and Lake Ray Hubbard are impoundments of the East Fork Trinity River (Segment 0819). Designated uses for receiving water bodies in the Wylie area include Aquatic Life, Fish Consumption, General, Public Water Supply, and Recreation.

The TCEQ 303(d) List Identifies water bodies in Texas with known water quality impairments. Muddy Creek, which drains the southern portion of the City, is cited on the TCEQ Draft 2006 303(d) List for a water quality impairment along the entire segment due to elevated concentrations of bacteria, specifically fecal coliform. Concern for elevated concentrations of nitrate and depressed dissolved oxygen concentration in the stream segment are also indicated on the TCEQ Draft 2006 Water Quality Inventory. Further downstream, water quality data for Lake Ray Hubbard shows concerns for elevated nutrients, as revealed by chlorophyll-a, ammonia, and nitrate concentrations. Currently, the 303(d) list shows a total maximum daily load (TMDL) study has not been scheduled for either Muddy Creek or Lake Ray Hubbard.

Lake Lavon is not listed on the 303(d) List as an impaired water body, although data indicate there is a water quality concern for nutrients. Specifically, the TCEQ Draft 2006 Water Quality Inventory shows elevated concentrations of nitrate. The 303(d) list indicates a TMDL study has not been scheduled by the TCEQ for Lake Lavon.

Lake Lavon and Lake Ray Hubbard are both formed by impoundments on the East Fork Trinity River. The TCEQ Draft 2006 303(d) List and TCEQ Draft 2006 Water Quality Inventory do not include specific concerns or impairments for portions of the East Fork Trinity River in the Wylie area; however, concerns do exist for segments downstream of Lake Ray Hubbard.

Pilot Grove Creek, Rush Creek, Cottonwood Creek, and Maxwell Creek are not cited on the TCEQ Draft 2006 303(d) List or TCEQ Draft 2006 Water Quality Inventory for water quality impairments or concerns. Table 1 Lists water quality indicators that reveal actual or potential concerns with local water quality in the vicinity of Wylie.

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL
Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL
Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

Fee Code: GPA	General Permit:	TXR040000
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1. Check / Money Order No: 068696
2. Amount of Check/Money Order: \$100.00
3. Date of Check or Money Order: 5/30/2014
4. Name on Check or Money Order: City of Wylie
5. NOI INFORMATION

If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name: City of Wylie MS4

Project/Site (RE) Physical Address:

Collin County

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

**300 COUNTRY CLUB
BUILDING 100
WYLIE, TEXAS 75098
OPERATING FUND**

JPMORGAN CHASE BANK, N.A.
DALLAS, TEXAS 75201
1244
1110

068696

BANK

VENDOR

DATE

NET AMOUNT

APR 12

01 00812

05/30/2014

\$**** *100.00

VOID SIX MONTHS FROM DATE OF ISSUE

ONE HUNDRED & 00/100 DOLLARS

PAY TO THE ORDER OF: TCEQ - MC-214 FINANCIAL ADMIN DIVISION
CASHIER'S OFFICE MC-214
PO BOX 13088
AUSTIN, TX 78711-3088

Mindy Manson
Linda Berg

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET
Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

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

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

Operator: _____
 Operator name on NOI: City of Wylie

Assessment of program elements:

- Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.
- N/A, If newly regulated MS4.

MCM 12 Public Education, Outreach, and Involvement:

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

The SWMP includes the following required elements:

Requirements for all MS4s:

- | | |
|--------------------|--|
| App. B
pg.1 & A | 1. SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater. |
| App. B-A | 2. Defines the goals and objectives of the program based on high-priority community-wide issues. |
| App. B-A | 3. Identifies the target audiences. |
| App. B-A | 4. Appropriate educational material is developed or used. |
| App. B-A | 5. Education material is distributed. |

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

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

App. B
pg. 1
See A
for
details

App. B pg. 1
See A for
details

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

App.B. pg. 2

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

App.B. pg.2

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

App.B. pg-2

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

App.B pg.2

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

App. B
pg. 2
See
App. A
for
Details

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

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

App. A

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

App. A

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

MCM 2: Illicit Discharge Detection and Elimination

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

The SWMP includes the following required elements:

Requirements for all MS4s:

App. B pg 3 -4

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

App.B
pg. 3-4
see App.
A for
Details

2. MS4 map:

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

App. B pg.3-4

3. Methods for informing and training MS4 field staff.

App. B pg.3-4

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

App. B.pg.3-4

5. Procedures for removing the source of the illicit discharge.

App. B.pg.3-4

6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.

App. B.pg.3-4

7. Procedures for responding to illicit discharges and spills.

App. B.pg.3-4

8. Inspections in response to complaints.

App. B.pg.3-4

Additional Requirements for Level 2, 3, and 4 small MS4s:

For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.

App. B.pg.3-4

Additional Requirements for Level 3 and 4 small MS4s:

Follow-up investigation after the illicit discharge has been eliminated.



Additional Requirements for Level 4 small MS4s:

1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges.
2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.

App. B
pg. 3-4,
see App.
A for
Details

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs may include the following:

- List of non-stormwater discharges that will not be considered illicit
- Procedures to address illegal dumping
- Hazardous materials disposal opportunities
- Industrial/Business connections
- Addressing wastewater connections to MS4
- Addressing recreational sewage (boats/camping/etc.)
- System inspections
- Dye testing
- Recycling programs
- Informing public/employees/businesses of hazards associated with illicit discharges
- Identification of illicit discharges
- Used oil collection centers
- Public outreach and education programs regarding illicit discharges
- Publicize and facilitate public reporting

App. A

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

App. A

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

MCM 3 Construction Site Stormwater Runoff Control

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

The SWMP includes the following required elements:

App. B pg. 5 see
App. A for Details

AppBpg5

App.B.
pg. 5
see App.
A for
Details

AppBpg5

AppBpg5

AppBpg5

AppBpg5

AppBpg5

AppBpg5

Requirements for all MS4s:

1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).
2. Ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants.
 - a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters.
 - b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.
 - c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.
4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.
5. Procedures for construction site plan review to consider water quality impacts.
6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.
7. Procedures for receipt and consideration of information submitted by the public.
8. Procedures for MS4 staff training.

Additional Requirements for Level 3, and 4 small MS4s:

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

App. B.
pg 5 See
App. A
for
Details

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

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

App. A

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

App. A

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

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

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

The SWMP includes the following required elements:

Requirements for all MS4s:

- AppBpg6 1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale.
- AppBpg6 2. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects.
- AppBpg6 3. Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality.
- AppBpg6 4. Document and maintain records of enforcement actions.
- AppBpg6 5. Long-term operation and maintenance of post construction stormwater control measures is addressed.
- AppBpg6 6. Operation and maintenance is documented.

Additional Requirements for Level 4 small MS4s:

- AppBpg
6 1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained.
- 2. Inspections are documented.

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

- App. B.
pg. 6
 - Local ordinance in place or planned
 - Guidance document for developers to utilize
 - Specific BMPs established for particular watersheds
 - List of appropriate BMPs provided to operators
 - Elimination of curbs and gutters is encouraged
 - Zoning takes into account stormwater issues
 - Incentives for use of permeable choices, such as porous pavement
 - Requirements for wet ponds or other BMPs for certain size sites
 - Xeriscaping

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

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

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

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

The SWMP includes the following required elements:

Requirements for all MS4s:

App. B.
pg. 7-9
See App.
a for
details

B.pg7-9

B.pg7-9

B.pg7-9

B.pg7-9

B.pg7-9

B.pg7-9

1. An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.
2. Develop and maintain an inventory of the MS4's facilities and stormwater controls.
3. Inform or train staff involved in good housekeeping practices.
4. Waste from the MS4 is removed and properly disposed.
5. Contractors hired by the MS4 must be required to comply with operating procedures.
 - a. MS4 develop contractor oversight procedures.
6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc.
 - a. MS4 identifies pollutants of concern that could be discharged from the O&M activities.
 - b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities.
 - c. MS4s inspects pollution prevention measures at MS4 facilities.
7. MS4 maintains structural controls.

Additional requirements for Level 3 and 4 small MS4s:

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B.pg7-9

B.pg7-9

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B.pg7-9

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

B.pg7-9

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

B.pg7-9

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

N/A

Additional requirements for Level 4 small MS4s:

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

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

App. B.pg. 7-9 See App. A for Details

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

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

App. A

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

App. A

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

MCM 6: Industrial Stormwater Sources

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

The SWMP includes the following required elements:

Requirements for Level MS4 only:

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

N/A

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

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

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

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

- | | |
|-----|---|
| N/A | 1. Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations. |
| N/A | 2. Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary). |
| N/A | 3. If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well. |
| N/A | 4. Description provided for one of the following: <ul style="list-style-type: none"> a. How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or b. How the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed. |
| N/A | 5. General description of how a construction SWP3 will be developed for each construction site. |
| N/A | 6. Records of municipal construction activities authorized under this optional MCM. |

Appendix J
Year 1 Completed BMP Annual Report Forms

Appendix K
Year 2 Completed BMP Annual Report Forms

Appendix L
Year 3 Completed BMP Annual Report Forms

Appendix M
Year 4 Completed BMP Annual Report Forms

Appendix N
Year 5 Completed BMP Annual Report Forms

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 for discharges from small municipal separate storm sewer systems (MS4s) into surface water in the state.

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Date: August 16, 2013

Permit Action: Amendment and Reissuance of a General Stormwater Permit for
Phase II (Small) Municipal Separate Storm Sewer Systems
(MS4s)

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I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to amend and renew the TPDES general permit for phase II (small) municipal separate storm sewer systems (MS4s), TXR040000. This general permit was first issued and effective on August 13, 2007, and authorizes discharges from small MS4s into surface water in the state. The general permit specifies which small MS4s must obtain permit coverage, which are eligible for waivers, and which must obtain individual permit coverage. The permit also specifies that where discharges will reach waters of the U.S., a stormwater management program (SWMP) must be developed and implemented, and includes the minimum requirements for the SWMP.

The principal changes to the existing general permit include the following:

1. Permit coverage
 - a. Operators of small MS4s that are fully or partly located within an urbanized area, as determined by the 2000 or the 2010 Decennial Census, must obtain authorization for the discharge of stormwater runoff, and are eligible for coverage under the general permit unless otherwise specified. (Permit Part II.A.1).
 - b. Operators of small MS4s that were previously authorized under the general permit must reapply for coverage under the reissued general permit. (Permit Part II.A.3).
 - c. Regulated small MS4s are categorized into four levels in the permit, with different permit requirements applied to each level for some of the program elements. For the purpose of this section, the level of a small MS4 is based on the population served by the small MS4 within the 2010 UA, except for non-traditional MS4s such as transportation entities (Permit Part II.A.5):
 - (1) Level 1 serves a population of less than 10,000 within a UA;
 - (2) Level 2 serves 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 in the UA);
 - (3) Level 3 serves a population of at least 40,000 but less than 100,000 within a UA; and
 - (4) Level 4 serves a population of 100,000 or more within a UA.
2. Impaired Water Bodies and Total Maximum Daily Load (TMDL)
 - a. Revised the section entitled "Impaired Water Bodies and Total Maximum Daily Load Requirements" to address discharges to impaired water bodies listed in accordance with Section 303(d)(1) of the federal Clean Water Act (CWA). (Permit Part II.D.4).
3. Stormwater Management Program (SWMP)
 - a. Minimum Control Measures (MCMs) - The current permit includes six (6) required MCMs in the SWMP. The permit revises and to some extent,

reorganizes, the existing MCMs to include additional controls and details where appropriate. The revised list of MCMs includes (1) Public Education, Outreach, and Involvement; (2) Illicit Discharge Detection and Elimination; (3) Construction Site Stormwater Runoff Control; (4) Post-Construction Stormwater Management in New Development and Redevelopment; (5) Pollution Prevention and Good Housekeeping for Municipal Operations; and (6) Industrial Stormwater Sources. Portions of these MCMs are required only for certain levels of small MS4s; for example, MCM (6), related to Industrial Stormwater Sources, is required only for Level 4 permittees, as they are similar in populations to Phase I MS4s, which this MCM is based on. The permit maintains the optional 7th MCM, related to construction activities where the small MS4 is the site operator (Permit Part III.B).

- b. Added a section describing the kind of legal authority a small MS4 is required to have in order to develop and implement the SWMP. The section divides small MS4s up into traditional small MS4s (for example, cities) and non-traditional small MS4s (for example, counties, drainage districts, transportation entities, and municipal utility districts). Non-traditional small MS4, which might lack the enforcement authority and be unable to meet the goals in the permit, must either enter into interlocal agreements or notify the TCEQ as needed to report incidences of noncompliance.
 - c. Added a section requiring small MS4s to ensure resources and funding necessary to meet all requirements of the permit (Permit Part III.A.4).
 - d. Added a section requiring small MS4s to develop enforcement measures to respond to violations (Permit Part III.A.6).
4. MS4-operated construction sites (Optional 7th MCM)
- a. Stormwater Runoff from Concrete Batch Plants
- Updated language describing stormwater runoff from concrete batch plant at construction sites where the MS4 operator is the construction site operator and the MS4 operator elects to utilize the optional 7th MCM related to municipal construction. The language was updated to correspond to the TPDES construction general permit (CGP) TXR150000, March 5, 2008 (Permit Part VI.E).

- b. Effluent Limits

Added effluent limits for regulated construction sites based on the federal Effluent Limitation Guidelines (ELGs) at 40 CFR Part 450, and consist of a series of Best Management Practices (Permit Part VI.J.7). No numeric effluent limits are included at this time.

II. Executive Director's Recommendation

The executive director has made a preliminary decision that this general permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the general permit be issued to expire five years from date of issuance following the requirements of 30 TAC § 205.5(a).

III. Permit Applicability and Coverage

There are two ways in which a small MS4 would be required to obtain permit coverage. First, the federal NPDES Phase II stormwater rules at 40 CFR § 122.32(a)(1) require authorization for the discharge of stormwater from small MS4s located fully or partially within an urbanized area (UA) as defined by the U.S. Bureau of the Census (Census). These small MS4s are often referred to as *regulated* small MS4s. In addition, TCEQ can *designate* a small MS4 as requiring coverage (see federal Phase II rules at 40 CFR §§ 122.32(a)(2) and 123.35(b)). There are two groups that fall into this category. First, the rules require that TCEQ develop and apply designation criteria to small MS4s located outside of a UA which serve a jurisdiction with 10,000 or more people, and that have an average density of 1,000 or more people/square mile (see 40 CFR § 123.35(a)(2)). This assessment was required to be conducted before December 9, 2002, and the TCEQ assessed those small MS4s meeting this criteria by the required deadline (none were designated at that time). Secondly, the rules require TCEQ to designate any small MS4 as a regulated small MS4 where the small MS4 substantially contributes pollutants to a physically interconnected regulated MS4. Small MS4s meeting either of these criteria would be referred to as *designated* small MS4s. The rules also allow the TCEQ to designate additional small MS4s at any time. The portion of the small MS4 required to meet the conditions of the proposed general permit is that portion located within a UA, as well as any portion that is individually designated by the TCEQ. Maps detailing UAs is available at: <http://www.census.gov/geo/www/ua/2010urbanruralclass.html>

The UA maps were updated by the U.S. Census Bureau during 2012 based on the results of the 2010 U.S. Census. Newly identified UAs on the updated maps will also be regulated under the general permit.

In the preamble to the Phase II rules (See Federal Register (FR) 64, Number 235, page 68749), the EPA discusses instances where a municipal separate storm sewer may not be considered a system. The TCEQ agrees that certain complexes may have storm drainage structures that operate independently of each other (such as roof top drains flowing to the city street) rather than as a system. The TCEQ believes that most elementary and secondary schools do not operate a system, and that each school building would normally drain to a city's MS4 rather than to a system of drains operated by a school district. Similarly, a public office building complex may include roof and parking lot drains that flow to another entity's system. Universities, federal facilities, and many other public complexes do have a constructed drainage system, which would be defined as a small MS4, even if the drains eventually reached another MS4. In this general permit, the definition for small MS4 excludes storm drains associated with municipal (publicly owned) office and education complexes, where the complexes serve a nonresidential population, and where the buildings are not part of a larger MS4.

A. Regulated Small MS4s Subject to Permitting

The proposed general permit would authorize the discharge of stormwater runoff and certain non-stormwater discharges from the following small MS4s:

1. Small MS4s located wholly or partially within an urbanized area (UA) as defined by the U.S. Census Bureau in the 2000 or 2010 Census, and
2. Small MS4s individually designated by the TCEQ as described in Section III.B of this fact sheet.

B. Designated Small MS4s Subject to Permitting

Certain small MS4s may be designated by the TCEQ as requiring permit coverage based on federal requirements at 40 CFR § 122.32(a)(2). The TCEQ has developed the following criteria, one or more of which may be considered in designating a small MS4:

1. Controls for discharges are determined to be necessary for source water protection of public drinking water resources based on the results of source water assessments by the TCEQ.
2. Controls for discharges are necessary to protect sea grass areas of Texas bays as delineated by the Texas Parks & Wildlife Department.
3. Controls for discharges are necessary to protect receiving waters designated as having an exceptional aquatic life use.
4. Controls are required for pollutants of concern expected to be present in discharges to a receiving water listed on the CWA § 303(d) list based on an approved total maximum daily loading plan.
5. Discharges from an adjacent small MS4 are determined by TCEQ to be significantly contributing pollutants to the regulated MS4. The TCEQ would make this determination after receiving a written request by a regulated adjacent MS4 operator.
6. Additional factors relative to the environmental sensitivity of receiving watersheds.

Specific thresholds are not established for each of the designation criteria. Instead, designation must occur following a case-by-case consideration and is based on a finding that controls are necessary to protect water quality. If designated, the MS4 operator will be notified by the executive director and allowed to apply for authorization under either the proposed general permit or an individual TPDES stormwater permit. The application for either permit must be submitted within 180 days of the notice.

In 2002, the TCEQ applied these designation criteria to the small MS4s located outside of a UA which served a jurisdiction with 10,000 or more people, and which had an average density of 1,000 or more people per square mile. At that time, the TCEQ did not designate any small MS4 or portion of a small MS4 that was not located within a UA. The TCEQ may evaluate small MS4s again that meet these criteria, as well as other small MS4s. Small MS4s that are not located within a UA may be designated by TCEQ at any time in the future, and will be required to develop and submit an NOI and SWMP within 180 days of being notified in writing by TCEQ of that designation. TCEQ may also designate small MS4s as a result of a petition received based on 40 CFR §123.35(c). According to the regulations, a determination would need to be made within 180 days of receiving such a written petition.

C. Permit Waivers

Two possible waivers from permitting requirements are provided in the federal rules at 40 CFR §122.32, and are continued in the proposed permit.

1. Waiver Option No. 1 - A small MS4 may qualify for a waiver if it serves a total population of less than 1,000 within a UA or UAs, and:

- a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the TPDES or NPDES 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 Total Maximum Daily Load (TMDL) that addresses the pollutant(s) of concern;

In order to meet this waiver, the small MS4 operator must submit a letter requesting the waiver including the certifying statement that the above-described criteria for Waiver Option No. 1 are met. This waiver request must be submitted on a form approved by the TCEQ.

2. Waiver Option No. 2 – A small MS4 may qualify for a waiver if it serves a total population of less than 10,000 within a UA or UAs and meets all of 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 EPA 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.

The receiving waters evaluation for Waiver Option 2 is a TMDL-equivalent evaluation that may be performed by the small MS4 using TCEQ protocol with appropriate guidance from the TCEQ. The evaluation would need to include the pollutants of concern, including at a minimum: biochemical oxygen demand (5-day); sediment (or a parameter that addresses sediment such as total suspended solids, turbidity, or siltation); pathogens; oil and grease; and any other pollutant that has been identified as a cause of impairment of any receiving water body. The small MS4 must coordinate with TCEQ Wastewater Permitting staff and Water Quality Assessment staff prior to initiating such a study.

Because of the comprehensive nature of the required receiving water evaluation, and the necessary finding that future discharges from the small MS4 could not potentially exceed water quality standards, Waiver Option No. 2 will be difficult to obtain. However, this option is allowed by federal rules and is therefore included in the proposed general permit and made available to certain small MS4s. The small MS4 would need to first coordinate with the TCEQ to determine if a waiver is attainable under this option, and must complete a TCEQ waiver form after completing all of the necessary studies.

D. Ineligible Discharges

The following discharges are not eligible for permit coverage under the proposed general permit and must obtain coverage under either an individual or an alternative general TPDES permit:

1. Discharges from Phase I (medium and large) MS4s (Phase I MS4s are those that are located in a city or county with a residential population of 100,000 or more based on the 1990 Census);
2. Discharges from small MS4s that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses of receiving waters;
3. New sources or new discharges of the pollutant(s) of concern to impaired waters, unless otherwise allowable under TCEQ rules, applicable state law, and any TMDL and TMDL Implementation Plan (I-Plan) that exists for the applicable receiving water;
4. Stormwater discharges that combine with sources of non-stormwater, unless the non-stormwater source is an allowable non-stormwater discharge described in the proposed general permit, or the non-stormwater source is authorized under a separate TPDES permit; and
5. Discharges otherwise prohibited under existing state rules.
6. 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 activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

E. 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 measure, or other minimum control measures (MCMs), provided that they have not been determined by the MS4 operator or the TCEQ to be substantial sources of pollutants to the small MS4:

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;
14. Street wash water excluding street sweeper waste water;

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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 National Pollutant Discharge Elimination System (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.

Discharge of the waters listed above may contain pollutants that would need to be addressed by the small MS4. For example, discharges from water line flushing could contain levels of chlorine that could have an impact on aquatic life, in which case the small MS4 may need to require that controls be put on the discharge of chlorinated water line flushing.

F. Discharges from Small MS4 Construction Activities

The proposed general permit provides small MS4 operators an option to discharge stormwater runoff, and certain non-stormwater runoff, from construction sites under the authority of the small MS4 general permit, where the small MS4 is the operator of the construction activity.

In order for the MS4 operator to cover these activities under this general permit, an optional stormwater MCM must be developed and implemented to address these activities. The MCM must describe the general procedures the MS4 operator will develop to implement a stormwater pollution prevention plan (SWP3), with consideration for local weather and soil conditions, and the steps to be taken to meet and maintain the status as operator at small MS4 construction sites. The MS4 operator must also describe in the MCM the area within which construction related discharges will be authorized under this general permit. The permittee may choose to cover activities exclusively within the UA boundary, within corporate limits or extra territorial jurisdiction (ETJ), within special districts, or within other similar jurisdictional boundaries of the permittee. However, discharges from construction activities outside of the regulated area, such as outside of the UA or outside of the area(s) designated by TCEQ, are only eligible for authorization under this general permit for those areas where the MS4 operator meets the requirements of Parts III.B.1. through III.B.6 of the general permit, related to MCMs. The notice of intent (NOI) will require the permittee to provide information or a description on the boundary of coverage.

A separate detailed SWP3 must be developed and implemented for each regulated construction site. Contractors at a construction site where the small MS4 is the sole operator are not required to obtain separate authorization for stormwater discharges, provided the MS4 operator can meet and maintain the status of sole operator for the site, where the contractor does not meet the definition of operator for the site, and where the SWP3 is developed to address the activities of the contractor. If the contractor meets the definition of construction site operator, then the contractor would need to obtain authorization under the TPDES CGP or an individual permit.

40 CFR § 122.28(b)(2)(i), as adopted by reference in Title 30, Texas Administrative Code (TAC) § 205.7, requires the submittal of an NOI to authorize certain discharges under a general permit. While 40 CFR § 122.28(b)(2)(v) allows some exceptions to this requirement, it does not exclude the permittee from the requirement to submit an NOI for authorization of discharges of stormwater runoff associated with industrial activity. Because federal rules at 40 CFR § 122.26(b)(14)(x) includes large construction sites in its definition of industrial activity, discharges of construction activity of five or more acres (including activities which are part of a larger common plan of development) are required to submit an NOI. Therefore, if an MS4 operator seeks to obtain coverage for these discharges under this proposed general permit, then the MS4 operator must include information on the construction activities on its NOI required under this general permit. The applicant must develop site-specific information on how construction activities will be conducted and SWP3s developed to control pollution. This information must be formalized as an MCM and incorporated as a part of the MS4 operator's stormwater management program (SWMP).

The SWMP that is submitted with the NOI must include this optional MCM in order for the permittee's construction activities to be eligible for authorization under this general permit. The NOI will include a certification statement that the small MS4 must sign, in which the MS4 operator agrees to comply with the conditions and requirements of this general permit for its construction activities. This certification on the NOI will satisfy the previously cited regulatory requirement regarding the NOI. Separate NOIs for each construction activity would not be required, provided that the appropriate information is included in the optional control measure. The MS4 operator must subsequently develop a separate SWP3 for each large and small construction activity, and must post a construction site notice that includes a signed certification that a SWP3 was developed and is implemented according to the conditions and requirements of this general permit. The site notice would be considered a "report" for the purposes of this general permit, and therefore may be signed by a person properly authorized by the MS4 operator under 30 TAC § 305.128, regarding delegation of signatory authority for reports.

If the MS4 operator determines that it does not wish to implement the optional seventh MCM at the time of original application under this general permit, and at a later date does choose to utilize this option, then a notice of change (NOC) will be equivalent to the NOI required under the rules.

If this optional MCM is not developed by the MS4 operator, then discharges of stormwater runoff from large and small construction activities must be authorized under a separate TPDES stormwater permit. Additionally, if the MS4 operator either cannot or chooses not to meet and maintain the status as the sole operator for any specific construction activity, then authorization under a separate TPDES permit must be obtained for the additional operators, during construction activities at that specific site. Finally, if the MS4 operator chooses not to utilize this optional MCM for one or more construction activities, then the MS4 operator must obtain separate authorization for the site(s) under the CGP or individual TPDES permit.

IV. Permit Conditions and Effluent Limitations

A. Notice of Intent

The proposed permit would require small MS4s to submit to the TCEQ a notice of intent (NOI) to comply with the conditions of the general permit, along with an attached Stormwater Management Program (SWMP).

B. Public Notice and Public Participation

An applicant under the proposed general permit would be subject to the following procedures:

1. The applicant must submit the NOI and attached SWMP to the executive director. TCEQ staff will review the application for administrative and technical completeness.
2. 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 determination on the NOI and SWMP.
3. The notice will be provided to the applicant, and will include, at a minimum:
 - a. The legal name of the applicant;
 - b. An indication whether the NOI is for a new small MS4 or is a renewal of an existing authorization;
 - c. The address of the applicant;
 - d. 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;
 - e. The location and mailing address where the public may provide comments to the TCEQ;
 - f. 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
 - g. If required by the executive director, the date, time, and location of the public meeting.
4. 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.
5. The public comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held, the comment period will end at the closing of the public meeting. 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.

6. 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 must publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.
7. If a public meeting is held, the applicant must describe the contents of the NOI and SWMP. The applicant must also provide maps and other data on the small MS4. The applicant must 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.
8. The applicant must 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.
9. 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.
10. 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.

C. Stormwater Management Program (SWMP)

The proposed SWMP requirements were developed based on:

1. The existing Phase II MS4 general permit TXR040000 issued August 13, 2007;
2. Input from the Stormwater Stakeholder Work Group;
3. Federal Phase II rules of 40 CFR §122.34; and

EPA guidance document of April 2010, entitled MS4 Permit Improvement Guide. The proposed general permit allows small MS4s to share resources in meeting the responsibilities of the SWMP with other regulated MS4s that are either physically interconnected or that are located in the same watershed. This allowance will help to foster a more coordinated approach to resolving local water quality issues and to provide a more efficient use of local MS4 resources. MS4s may combine or share efforts necessary to meet the SWMP requirements of the permit, but each MS4 must be separately authorized (individual NOIs are required). Additionally, individual SWMPs must be developed and maintained by each of the MS4s. Each operator is separately responsible for compliance with the conditions of the general permit and the SWMP, even if efforts are combined or shared between the MS4s.

Small MS4s must develop a SWMP, according to the provisions of this general permit, to the extent allowable under state and local law, to address the portions of the small MS4 that are either located within the UA or that are designated by the TCEQ, with discharges that reach waters of the U.S.. Waters of the U.S. are defined in the general permit. Waters of the U.S. do not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition). This exclusion applies only to manmade bodies of water that 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.

The SWMP is a comprehensive document that details the steps that the small MS4 will take to reduce or eliminate pollutants in stormwater discharges to the maximum extent practicable (MEP). The phrase "to the extent allowable under local law," as used in the paragraph above, means that small MS4s must develop any necessary ordinances, regulations, or other regulatory controls to meet the general permit requirements to the extent that their authority to make such ordinances is not prohibited by state or federal statutes or regulations.

Operators of non-traditional small MS4s, such as counties, drainage districts, and transportation entities, may lack the authority to develop ordinances or to implement enforcement actions. For these MS4 operators, the proposed general permit requires the permittee to enter into inter-local agreements with municipalities in which the small MS4 is located. These inter-local agreements must include procedures for enforcement and inspections to the extent necessary to meet the goals of the general permit. Where the permittee is unable to enter into an inter-local agreement, the permittee may report instances of non-compliance or possible illicit discharges to the TCEQ's Field Operations Division for possible follow-up investigations or enforcements.

The permit requires the small MS4 to ensure that it has adequate resources and funding necessary to meet all requirements of the permit.

The small MS4s must develop a SWMP to include the MCMs described below, which are based on federal rules at 40 CFR §122.34(b) and 40 CFR §122.26(d)(2)(iv). The permit introduces a tiered approach to meeting the MCM requirements such that some categories, or Levels, of MS4 operators are not required to implement all or all parts of the MCMs. The small MS4s are categorized by the following four Levels:

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

Level 2: Operators of 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, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of the population served within a UA or UAs;

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

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

The six MCMs are separately described below and include:

1. Public Education, Outreach, and Involvement

The federal Phase II rules require regulated small MS4 operators to implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff (see 40 CFR §122.34(b)(1)). The rules also require a public involvement and participation program that, at a minimum, complies with state and local public notice requirements (see 40 CFR § 122.34(b)(2)).

The draft general permit requires small MS4s to educate the public about the impact of stormwater discharges on receiving water bodies and what steps they can take to reduce the contamination of stormwater. The small MS4s are encouraged to use existing public materials in their program, such as using examples from the EPA's Nonpoint Source Outreach Toolbox (www.epa.gov/nps/toolbox) or from other agencies and municipalities with similar public education goals.

Stormwater management programs (SWMPs) can be greatly improved by involving the community throughout the entire process of developing and implementing the program. Involving the community will benefit the permittee itself as well as the community. By listening to the public's concern and coming up with solutions together, the permittee will gain the support of the public and the community will become invested in the program. The permittee will likewise gain even more insight into the most effective ways to communicate its messages.

The permit requires the permittee to involve the public (for example, provide opportunities for public comment or public meeting) in the development of the program. Public input and involvement can include many different activities such as meeting with local land planners and provide input on land use code or ordinance updates, stream clean-ups, storm drain marking, and volunteer monitoring.

Permittees are encouraged to work together with other entities that have an impact on stormwater to implement this MCM.

The permit includes the following proposed language under this MCM:

(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)

The Phase II regulations require regulated small MS4 operators to develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4 (see 40 CFR §122.34(b)(3)). Through the IDDE MCM the permittee is required to respond to complaints about illicit discharges or spills and to actively seek out illicit discharges and behaviors that could result in illicit discharges such as illegal connection to the small MS4, improper disposal of wastes, or dumping of used motor oil or other chemicals.

The permit requires the permittee to have an up-to-date MS4 map. Level 4 permittees would be required to identify areas with a high risk for illicit discharges, and these areas must be prioritized for more frequent investigations. Priority areas could include: (1) Areas with older infrastructure that are more likely to have illicit discharges; (2) Industrial, commercial, or mixed use areas; (3) Areas with a history of illegal dumping; (4) Areas with a history of illegal discharges; (5) Areas with onsite sewage disposal systems; (6) Areas with older sewer lines or with a history of sanitary sewer overflows (SSOs) or cross-connections; (7) Areas that discharge to sensitive waterbodies; and (8) Areas within sensitive watersheds.

The CWA § 402(p)(3)(B)(ii), requires MS4 permits to "effectively prohibit non-stormwater discharges into the storm sewers." The permit implements this requirement, in part by requiring the development of procedures to investigate and

eliminate illicit discharges. Standard operating procedures (SOPs) with necessary forms provide guidance to investigators and ensure that consistent investigations occur of every illicit discharge incident.

The public must have a central contact point, such as a stormwater hotline, to report observed illicit incidents. An incident could be anything from an overturned gasoline tanker to sediment leaving a construction site or a sanitary sewer overflow entering the storm drain.

The permit requires the permittee to implement a method for informing or training field staff, who may come into contact or observe illicit discharges, on the identification and proper procedures for reporting illicit discharges. Field staff to be trained may include, but are not limited to, municipal maintenance staff, inspectors, and other staff whose job responsibilities regularly take them out of the office and into areas within the MS4 area. Permittee field staff is out in the community on a day-to-day basis and are in the best position to locate and report spills, illicit discharges, and potentially polluting activities. With proper training and information on reporting illicit discharges easily accessible, these field staff can greatly expand the reach of the IDDE program.

The permit requires MS4s serving a population more than 100,000 (Level 4 MS4s) to develop a dry weather screening program. The program consists of field observations and field screening monitoring. Visually screening outfalls during dry weather and conducting field tests, where flow is occurring, will assist permittees in determining the source of illicit discharge. For example, the presence of surfactants is an indicator that sewage could be present in the discharge and the parameters specific conductivity, ammonia, surfactant, pH and other chemicals may similarly be indicative of industrial sources.

The permit includes the following proposed language under the MCM:

(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));*

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.(g)(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:

(2) *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.

(3) *Dry Weather Field Screening*

By the end of the permit term, permittee 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(g)(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

The Phase II regulations require regulated small MS4s to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to the MS4 from construction activities that result in a land disturbance of one acre or greater (see 40 CFR § 122.34(b)(4)). The permit requires the permittee to ensure that construction site operators use appropriate erosion and sediment controls to reduce or eliminate impacts on receiving water bodies.

The permittee is required to implement procedures to conduct inspections of large and small construction projects, and Level 3 and 4 MS4s are further required to

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maintain an inventory of construction sites in their area. This will help the permittee to effectively know where the construction activities are occurring. A construction site inventory could track information such as project size, disturbed area, distance to any water body or flow channel, when the erosion and sediment control or stormwater plan was approved by the permittee, and whether the project is covered by the TCEQ's CGP. Such information will help the permittee to track and target its inspection.

The permit requires the permittee to develop and implement site plan review procedures, which describes which plans will be reviewed as well as when an operator may begin construction. The permittee is required to develop SOPs to perform the site plan reviews to ensure that the review process is consistent. The site plan review also provides the permittees with a way to track construction sites.

The permit requires the permittee to implement procedures for performing inspections of construction sites. Inspection frequencies are determined by the permittee and based on the evaluation of factors that are a threat to water quality such as soil erosion potential, site slope, proximity to receiving waters and water quality status of the receiving water. The sites must be inspected during the active construction phase, to ensure that stormwater controls are maintained.

For inspections to be successful the permittee is required to develop inspection and enforcement procedures. The permit language includes minimum requirements that construction site inspections must include. Also, the permittee must ensure MS4 staff is trained to perform the inspections.

The permit includes the following proposed language under the MCM:

(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 program fully implemented by the end of this permit term.

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

(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

The Phase II stormwater regulation requires regulated small MS4s to develop, implement, and enforce a program to address stormwater discharges from new development and redevelopment sites that disturb one acre or more, and requires that the program ensure controls are in place that would prevent or minimize water quality impacts (see 40 CFR §122.34(b)(5)).

Developed land changes the hydrology of sites, leading to higher stormwater discharge volume and higher pollutant loads. Frequently, the volume, duration, and velocity of stormwater discharges can cause degradation to aquatic systems.

The permit requires that MS4 operators have owners and developers install and maintain stormwater control measures appropriate for the community. In addition, permittees are required to maintain all long term post-construction stormwater controls measures. In many cases, controls will be located on private property, and it will be necessary to establish some provisions to assure the responsibility and accountability for the operation and maintenance of these controls.

Structural controls may include practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales; many of which are considered to be low impact development practices, or green infrastructure BMPs.

The permittees are required to inspect post-construction controls to ensure that control measures are operating correctly and are being maintained. Without maintenance stormwater controls will not be able properly to protect water quality.

For the purpose of the permit "Redevelopment" does not include routine maintenance activities and linear utility installation. Examples of linear utility installation are construction activities that maintain the original line, grade, and hydraulic capacity of the surrounding areas, such as the installation of underground gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains and water mains. Routine maintenance activities are construction activities that are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including but not limited to: (1) Re-grading of gravel roads or parking lots; (2) stream bank restoration projects (does not include the placement of spoil material); (3) Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch; (4) Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment; (5) Full depth milling and filling of exiting asphalt pavements, replacement of concrete pavements slabs, and similar work that does not expose soil or disturb the bottom six inches of subbase material; (6) Long-term use of equipment storage areas at or near highway maintenance facilities; (7) Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment; and (8) Replacement of curbs, gutters, sidewalk and guide rail posts.

The permit includes the following proposed language under this MCM:

(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 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

The stormwater Phase II regulations require operators of regulated MS4s to develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations (see 40 CFR §122.34(b)(6)).

The permit requires the MS4 operator to maintain an inventory of municipal facilities and of stormwater controls. Municipally-owned facilities serve as hubs of activity for a variety of municipal staff from many different departments. Some municipalities will have one property at which all activities take place (for example, the municipal maintenance yard), whereas others will have several specialized facilities. An inventory of facilities will help staff responsible for stormwater compliance build a better awareness of their locations within the small MS4 service area and their potential to contribute stormwater pollutants. The facility inventory will also serve as a basis for setting up periodic facility assessments and developing, where necessary, facility stormwater pollution plans.

The permit requires Level 3 and Level 4 permittee to perform, once per permit term, an assessment of its facilities to identify which of the facilities are most likely to contribute stormwater pollutants and which are in need in stormwater controls. Those facilities with a high potential to generate stormwater pollutants must be described as *high priority* facilities and this category of facilities are required to have facility specific stormwater management standard operating procedures (SOPs) developed. Developing and maintaining site-specific SOPs for each facility will help ensure that employees responsible for facility operation are aware of the stormwater controls required for the site.

The permit requires Level 3 and Level 4 permittees to develop an inspection program to perform inspections of, at a minimum, high priority municipal facilities and to document the results of the inspections. Regular inspections will allow inspectors to observe different types of operations that occur at different times of the year (e.g. landscape maintenance crews are less active in the winter) and ensure that corrective action can be taken where necessary to improve stormwater controls.

The permit includes requirements for MS4 operation and maintenance activities, such as maintaining the storm sewer system, maintaining roads and managing chemical applications. Level 3 and Level 4 small MS4s are required to develop an O&M program to reduce the collection of pollutants in catch basins and other surface drainage structures. Catch basins collect and trap stormwater pollutants such as sediments, metals, hydrocarbons, bacteria, pesticides, trash, and other pollutants. Because they collect solids they need to be cleaned out on a regular basis to prevent those pollutants being discharges to water bodies. The materials removed from catch basins need to be treated and disposed off in a way such it does not reenter the small MS4.

Operation and maintenance of roads may, for Level 3 and Level 4 small MS4s, include a street sweeping program. Street sweeping removes both fine and large particles from streets and has thereby a positive effect on water quality. Some small MS4s have roads without a curb and gutter, and they are therefore not suitable for street sweeping. In these cases source controls or inlet protection measures, to minimize pollutant discharges to storm drains and creeks, can be used in place of sweeping.

The permit includes requirements for Level 4 small MS4s for managing public spaces, such as by addressing the application of pesticides, herbicides, and fertilizers. The permit language encourages non-chemical solutions, such as using native plants to minimize fertilization and replace pesticide use with manual insect and weed removal thereby reducing chemical exposure to stormwater.

The Phase II regulation found at 40 CFR §122.34(b)(6) specifically requires that the permittee develop a “training component” that trains employees “to prevent and reduce stormwater pollution from activities such as park and open space

maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The permit requires the permittee to develop a training program and to train all appropriate employees involved in implementing pollution prevention and good housekeeping practices.

The permit includes language for situations where permittees use third-party contractors to conduct municipal maintenance activities. Contractors must be held to the same standards as the permittee.

The permit language proposed under this MCM is included below:

(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 permittees 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;*
- 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;*

- (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;*
 - (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)(2)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.*

5. Industrial Stormwater Sources

The Phase I stormwater regulation, found at 40 CFR §§122.26(d)(2)(i)(B, C,E, and F), 122.26(d)(2)(iv), and 122.26(d)(2)(iv)(A), requires permittees to develop and implement an inspection and oversight program to monitor and control pollutants in stormwater discharges from industrial facilities.

The permit includes a new Industrial Stormwater Sources MCM for small MS4s that serve a population of 100,000 or more within a UA. EPA's MS4 Improvement Guide recommends this MCM be included in Phase II permits, and TCEQ believes that it is appropriate to include it for those Phase II MS4s that have similar populations as the Phase I MS4s. Phase I" medium" MS4s are defined as *MS4s located in an incorporated place with a population of 100,000 or more but less than 250,000 as determined by the 1990 Decennial Census by the Bureau of the Census.* (40 CFR § 122.26(b)(7)(i)).

The permit requires the permittee to identify and control pollutants in stormwater discharges to the small MS4 from industrial or commercial sites that contributes a substantial pollutant loading to the small MS4. The permit language under this MCM is similar to language in some Phase I MS4 individual permits.

The permit language proposed under this MCM is included below:

- (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.*

6. Authorization for Construction Activities Where the MS4 is the Site Operator

The MS4 operator may develop an optional seventh MCM for discharges from construction activities, and may obtain authorization under the general permit for discharges from construction activities where the MS4 is the operator. In order to qualify for this provision, MS4 operators must maintain control over the plans and specifications of the construction activity, or must maintain the status of the operator with day-to-day operational control over the construction site, to the extent necessary to meet the requirements of the SWP3 for that site. Implementation of this minimum measure allows the small MS4 to obtain this necessary authorization under the terms of this five-year term permit and replaces the requirement to seek separate permit coverage for each construction activity that it conducts. Where the small MS4 is able to demonstrate itself to be the sole operator for these activities, by meeting both criteria listed in the definition of "construction site operator," contractors would not have to seek separate authorization. This provision is allowed for construction activities located in the regulated area, such as within a UA or within an area designated by TCEQ, small MS4s are required to summarize in the annual report pertinent information related to the construction activities performed in the previous year. Small MS4s electing this provision must notify the TCEQ upon submittal of the NOI form, along with an attached SWMP that includes this measure. Utilization of the optional seventh MCM does not preclude a small MS4 from obtaining coverage under the TPDES Construction General Permit, TXR150000, or under an individual TPDES permit.

7. SWMP Implementation.

The SWMP may be implemented on a scheduled stepwise basis throughout the term of the general permit. If full development and implementation of the SWMP is not practicable, then the program must be developed with targeted milestones establishing a schedule that represents the maximum extent practicable (MEP) standard. Implementation must be initiated upon receipt of written approval from the TCEQ of the NOI and SWMP. The general permit contains provisions that allow revisions to the SWMP throughout the term of the permit, without immediate notification to the TCEQ, so that SWMPs can be adjusted based on experiences and findings to become more effective and efficient. Schedules for SWMP

implementation, the status of the implementation schedules, and modifications to the SWMP must be summarized in the annual report. These permit provisions allow small MS4s to develop and implement SWMPs according to available funding, manpower, and ability and allow for revisions where more efficient or effective BMPs are identified. Complete implementation of the SWMP is required within five years from the date of issuance of the general permit.

MS4 operators who were permitted under the existing Phase II MS4 general permit must implement the SWMP that was approved during the application process during the first permit term; however, they will have five years to implement new portions of the SWMP. MS4 operators that were not regulated under the existing permits based on the 2000 UA maps will have a total of five years from the date this general permit is reissued to fully implement their SWMP.

Federal rules at 40 CFR § 123.35(g) require permitting authorities to issue a menu of BMPs to assist small MS4s in complying with the Phase 2 regulations. During the development of the existing general permit, the TCEQ had adopted the EPA menu of BMPs by including that menu as a resource to small MS4s through a link on the TCEQ stormwater web page at:

<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>

The TCEQ may develop additional guidance during the term of this permit and will make any guidance available on the TCEQ's web page at:

http://www.tceq.texas.gov/permitting/stormwater/sw_permits.html

D. Reporting Requirements

1. The proposed general permit requires small MS4s to provide documentation on the development, implementation, and evaluation of the SWMP. The documentation must be included as a part of the SWMP and may be required to be submitted in the annual report. The preparation and review of the annual report by the small MS4 may ensure progressive improvement of stormwater controls and reduce pollutants to the maximum extent practicable. At a minimum, the documentation must include:
 - a. A list of any public or private entities assisting with the development or implementation of the SWMP;
 - b. If applicable, a list of MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
 - c. A list of all BMPs and measurable goals for each of the MCM;
 - d. A schedule for the implementation of all SWMP requirements;
 - e. A description of how each measurable goal will be evaluated; and
 - f. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.
2. Additionally, the small MS4 must evaluate the following items and must include the information in an annual report:

- a. Program compliance;
- b. The appropriateness of the chosen BMPs;
- c. Progress toward achieving identified measurable goals.

V. Changes From Existing General Permit:

The major changes to the permit include the following:

1. Added definitions of:
 - Arid Areas;
 - Catch basins;
 - Construction Activity,
 - Control Measure;
 - Edwards Aquifer;
 - Edwards Aquifer Recharge Zone;
 - General Permit;
 - High Priority Facilities;
 - Hyperchlorinated Water;
 - Illegal Dumping;
 - Impaired Water;
 - Indicator Pollutant;
 - Major Outfall;
 - Municipal Separate Storm Sewer System (MS4);
 - Non-traditional Small MS4;
 - Semiarid Areas; and
 - Traditional Small MS4
2. Removed definition of:
 - Daily Maximum
3. Removed the Section entitled "Commonly Used Acronyms."
4. Added that operators of small MS4s, fully or partly located within a UA, as determined by the 2000 or 2010 Decennial Census, are regulated. (Part II.A.1 in the permit). This change is in addition to the current requirement that operators of small MS4s fully or partially located within a UA as defined under the 2000 Census, which is being continued from the existing permit based on the Phase II regulations.
5. Added that operators of previously permitted small MS4s must reapply or obtain a waiver if applicable. (Part II.A.3 in the permit).
6. Categorized regulated small MS4s into 4 levels (Part II.A.5 in the permit):
 - a. Level 1: Operators of small MS4s that serve a population less than 10,000 within a UA;
 - b. Level 2: Operators of 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, universities, colleges, correctional institutions, municipal utility districts and other districts regardless of population served within the UA,

- unless the non-traditional small MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.
- c. Level 3: Operators of small MS4s that serve a population of at least 40,000 but less than 100,000 within a UA;
 - d. Level 4: Operators of small MS4s that serve a population of 100,000 or more within a UA.
7. Added a statement that discharges authorized by a TPDES or NPDES permit or that are not required to be permitted may be included in the list of Allowable of Non-Stormwater Discharges (Part II.C in the permit).
 8. Expanded the language in the section Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements. Small MS4s discharging to a water quality impaired waterbody with an approved TMDL, where the impairment is caused or contributed to by stormwater, shall include in the SWMP controls targeting the pollutant(s) of concern along with controls required in the TMDL or Implementation Plan (IP) plan. For each targeted control the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented. A benchmark must be determined based on a Waste Load Allocation (WLA) for the small MS4. 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 practically (MEP). The BMPs would need to be evaluated and modified as necessary within an adaptive management framework during the permit term. Adaptive management requires the permittee to assess and modify, as necessary, any or all existing BMPs to optimize reduction in stormwater pollutants through an iterative process. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines. The exceedance of a benchmark is not a permit violation and does not of itself indicate a violation of instream water quality standards. If the pollutant of concern is bacteria the SWMP must include focused BMPs targeting those sources. The SWMP and annual report must include information on implementing any focused controls and must include monitoring or assessment of progress in achieving benchmarks. If the permittee reduces applicable pollutant discharges for the pollutants listed in the TMDL to the MEP, this reduction is deemed to be adequate progress toward achieving assigned TMDL WLAs during this five year permit period. Small MS4s discharging directly to water quality impaired water bodies without an approved TMDL shall determine if the discharge contains the pollutant(s) of concern, and if so the small MS4 shall implement focused BMPs along with corresponding measurable goals that will eliminate the discharge of the pollutant(s) of concern. (Part II.D.4 of the permit).
 9. Added the NOI also must include an electronic mail address of the MS4 operator. (Part II.D.4 of the permit).
 10. Clarified that the public notice must be published at least once in a newspaper of *general* circulation in the municipality or county where the small MS4 is located (Part II.D.12 in the permit).
 11. Added a section to describe modifications to the SWMP. TCEQ can require the permittee to update its SWMP in which case the modifications have to be done within 90 days. If the permittee determines modifications are needed, such changes must be made as soon as practicably, but not later than 60 days (Permit Part II.E.3).

12. Added that non-substantive changes such as minor clarifications to the SWMP, correctional or typographical errors or other similar administrative comments does not require submittal of a NOC.
13. Added a section to require permittees to develop or update their SWMP, as applicable and submit it to SWMP to the TCEQ as part of the application process. Permittees who were not previously regulated and existing permittees must submit their SWMP within 180 days following the issue date of the permit (Permit Part III.A.1).
14. Added a section entitled *Developing a Stormwater Management Program* (Part III.A in the permit). The section describes that, at a minimum, a SWMP must include ordinances or other regulatory mechanisms necessary to enforce the SWMP, including what the legal ordinance must address to implement the SWMP. The permit provides guidance to non-traditional small MS4s (for example counties, drainage districts, municipal utility districts, and transportation entities) that do not have the authority to develop ordinances, on how they can meet the goals of the permit. The section describes that operators are required to ensure that it has adequate resources and funding to implement the program, and have a plan for how to respond to violations.
15. Added a section describing the six MCMs, all of which have been expanded from the original general permit, based on the EPA MS4 Improvement Guide, with consideration from the stormwater stakeholder workgroup: (1) Public Education, Outreach and Involvement; (2) Illicit Discharge Detection and Elimination; (3) Construction Site Stormwater Runoff Control; (4) Post Construction Stormwater Management in New Development and Redevelopment; (5) Pollution Prevention and Good House Keeping for Municipal Operations; and (6) Industrial Stormwater Sources (Part IV.C of this fact sheet and Part III.B in the permit).
16. Removed the requirement to consider specific groups (residents, visitors, public service employees, business, commercial and industrial facilities, and construction site personnel) in the Public Education, Outreach and Involvement MCM (Part III.B.(1) in the permit). This is consistent with the Phase II regulations at 40 CFR § 122.34(b)(1) and should allow MS4 operators to streamline this MCM.
17. Made several minor changes to the Standard Permit Conditions in Part V of the general permit.
18. Added that the permittee must submit annual reports at the end of each reporting year, and provided the flexibility for each MS4 to have a different reporting year. In the permit, the permittee may choose its reporting year based on the permit year, the permittee's fiscal year, or the calendar year. This information will need to be provided to the TCEQ during the NOI submittal.
19. Added language under the optional 7th MCM, related to small MS4 Construction Activities, to correspond to requirements in the Construction General Permit (CGP) TXR150000 effective on March 5, 2008 (Part VI in the permit).
20. Added that that the permittee must make the NOI and the SWMP available to the public at reasonable times during business hours (Part IV.A.(c) in the permit).
21. Added the limitation that discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by the general permit, and site-specific controls may be

required to ensure that protection of endangered or threatened species is achieved. This change is consistent with other water quality general permits.

22. Pursuant to the October 23, 2013 Commissioner's Order on the Livestock Manure Composting General Permit, WQG200000, the draft permit was similarly revised to clarify that an applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to denial or suspension of authorization.

VI. Addresses

Questions concerning this proposed draft general permit should be sent to:

TCEQ, Stormwater & Pretreatment Team Leader
Wastewater Permitting Section (MC-148)
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-4671
swgp@tceq.texas.gov

Comments regarding the proposed draft general permit during the public comment period must be submitted either by mail to the following address, by facsimile (fax) followed by mail, or electronically as described below (please refer to the public notice for official instructions):

By Mail:
TCEQ, Chief Clerk's Office (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

By fax: (512) 239-3311*

*Fax must be followed by hard copy in mail to CCO at address above within three days of fax date.

Electronically: www10.tceq.state.tx.us/epic/ecmnts/

Questions Regarding Public Comments Should Be Directed to CCO: (512) 239-3300

Supplementary information on this Fact Sheet is organized as follows:

VII. Legal Basis

Section (§) 26.121 of the Texas Water Code (TWC) makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC, § 26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, § 26.040 provides the commission with authority to amend rules adopted under TWC § 26.040 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the EPA have signed a Memorandum of Agreement (MOA) which authorizes the administration of the National Pollutant

Discharge Elimination System (NPDES) program to the TCEQ as it applies to the State of Texas.

CWA, §§ 301, 304, and 401 (33 United States Code (USC), §§ 1331, 1314, and 1341) include provisions which state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability; (2) comply with EPA-approved state water quality standards; and (3) comply with other state requirements adopted under authority retained by states under CWA, § 510, 33 USC, §1370.

VIII. Regulatory Background

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the Clean Water Act (CWA), prohibit the discharge of any pollutant to navigable waters of the U.S. from a point source unless the discharge is authorized by an NPDES permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as stormwater runoff from small MS4s, are also significant contributors to water quality problems. EPA developed permit requirements for small MS4s that are intended to improve water quality by reducing the quantity of pollutants that stormwater discharges into storm sewer systems during storm events.

In 1990, EPA promulgated rules establishing Phase I of the NPDES stormwater program. Phase I addresses discharges from medium and large MS4s, which are those MS4s with a population of 100,000 people or more, based on the 1990 Census. Phase I MS4s were required by the EPA to obtain individual NPDES permits. No additional Phase I MS4s will be created by later Census results. The federal Phase II stormwater regulations extended permitting requirements to certain small MS4s, and required that a more general stormwater management program (SWMP) be developed than was required for medium and large MS4s under Phase I. The Phase II regulations were published on December 8, 1999 in the Federal Register, requiring affected small MS4s to obtain permit coverage by March 10, 2003. The Phase II regulations are identified in federal rules at 40 CFR §§ 122.30 through 122.37, which were adopted by the TCEQ at 30 TAC § 281.25(b). This proposed TPDES general permit would offer the necessary authorization for these small MS4 discharges.

IX. Permit Coverage

1. The proposed general permit would apply to discharges of stormwater runoff associated with small MS4s. The guidelines for small MS4s were published in the Federal Register on December 8, 1999 (64 FR 68722).
2. Applicants seeking authorization to discharge stormwater runoff from small MS4s under the conditions and requirements of the proposed general permit must submit a completed Notice of Intent (NOI) on a form approved by the executive director, as well as a description of the SWMP. The NOI form will include at a minimum, the legal name and address of the owner and operator, the facility name and address, specific description of its location (including the street address, if applicable, and county), the type of facility and discharge, the name of the receiving water, information on impaired waters, the boundary of the area where construction activities are covered under the general permit (if the optional MCM is developed), and other information requested by the TCEQ. The NOI must be signed according to TCEQ rules at 30 TAC § 305.44, which establishes

requirements regarding who may sign an application for a permit applicant, and requires that a legal certification be made regarding the permit application. The specific language in this rule can be found at:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac), by searching Title 30, Texas Administrative Code (TAC), Chapter 305, Subchapter C (related to Application for Permit).

MS4 operators can locate information regarding the classified segment(s) receiving the discharges from the MS4 in the "Atlas of Texas Surface Waters" at the following TCEQ web address. This document includes identification numbers, descriptions, and maps:

http://www.tceq.texas.gov/comm_exec/forms_pubs/pubs/gi/gi-316/index.html

MS4 operators can find the latest EPA-approved list of impaired water bodies (the Texas 303(d) List) at the following TCEQ web address:

http://www.tceq.texas.gov/compliance/monitoring/water/quality/data/wqm/305_303.html

3. Submission of an NOI and SWMP is an acknowledgment by the regulated small MS4 that the conditions of this general permit are applicable to the proposed discharges and that the applicant agrees to comply with the conditions of the general 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 the general permit. The documents must be submitted by certified mail, return receipt requested, to the address indicated on the NOI form. Following review of the NOI, SWMP, and any public comments received on the application, the executive director will 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 until a complete NOI and SWMP are submitted, or 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. Denial of coverage under the general permit is subject to the requirements of 30 TAC § 205.4(c). After receiving written approval from the TCEQ, the applicant must implement the approved SWMP in accordance with the terms and conditions of the general permit.
4. If the operational control of the small MS4 changes, the present operator must submit an NOT and the new operator must submit an NOI and SWMP to obtain authorization under this general permit. The NOT and NOI must be submitted concurrently no greater than 10 days after the change occurs.
5. A permittee must submit current information to the executive director by submitting a Notice of Change (NOC) no later than 30 days before a change in information previously provided to the executive director within an NOI occurs. An NOC is also required for changes to the SWMP that are made after TCEQ has approved the NOI and SWMP. If changes are proposed before the applicant has received written approval of the NOI and SWMP from the TCEQ, then this information must be submitted in a letter as supplemental application information. An NOC must be signed according to TCEQ rules at 30 TAC § 305.44. The permit includes a list of minor changes that may be made without submitting an NOC, and also includes information regarding time frames for implementing changes requested on an NOC.

6. A discharger may terminate coverage under the general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. The NOT must be signed according to TCEQ rules at 30 TAC § 305.44. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ. If TCEQ provides for electronic submission of NOTs during the term of this permit, authorization to discharge terminates 24 hours following confirmation of receipt of the electronic NOT form by the TCEQ.

X. Technology-Based Requirements

The conditions established by the general permit are based on Section 402(p)(3)(B) of the Clean Water Act (CWA) which mandates that a permit for discharges from MS4s must:

1. Effectively prohibit the discharge of non-stormwater to the MS4; and
2. Require controls to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP) including best management practices (BMPs), control techniques, and system, design and engineering methods, and such other appropriate provisions.

The conditions of the proposed general permit have been developed to comply with the technology-based standards of the Clean Water Act. The draft general permit includes an SWMP requirement that includes MCMs utilizing a series of BMPs, rather than numeric limitations, to address the minimization of pollutants in stormwater discharges to waters of the U.S.. The Federal Phase II regulations define a small MS4 SWMP as a program comprising of at least six MCMs that collectively are expected to result in significant reductions of pollutants discharged into receiving water bodies. Implementation of the MEP standard will typically require the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the six MCMs. TCEQ believes that the requirements of the draft general permit, if properly implemented, will meet the MEP standard required in the federal rules at 40 CFR § 122.34.

A statement is continued in the permit which indicates that the BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with 30 TAC Chapter 319, Subchapter B.

The proposed general permit provides for development of an optional 7th MCM that would authorize a small MS4 to discharge stormwater runoff from construction activities disturbing one or more acres where it is the operator. This provision allows the small MS4 the option of separate coverage for these construction activities under TPDES general permit TXR040000 rather than the CGP, TXR150000. Discharges for stormwater runoff from construction support activities including concrete batch plant, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under the general permit. The following proposed limitations and monitoring frequencies are applicable to stormwater discharges from concrete batch plants authorized as a support activity at regulated construction sites:

Table 1: Benchmark Monitoring for Concrete Batch plants

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/Quarter	Grab
Total Suspended Solids	100 mg/L	1/Quarter	Grab

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
pH	6.0-9.0 S.U.	1/Quarter	Grab
Total Iron	1.3 mg/L	1/Quarter	Grab

XI. Water Quality-Based Requirements

The Texas Surface Water Quality Standards (TSWQS) found at 30 TAC Chapter 307 state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the “Procedures to Implement the Texas Surface Water Quality Standards” is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any waste which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional conditions are included in the TPDES permits, which may include discharge limitations. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water-quality-based controls.

TPDES stormwater permits do not typically contain water-quality-based effluent limits (WQBELs). As stated in 30 TAC § 307.8(e), controls on the quality of permitted stormwater discharges are largely based on implementing BMPs and/or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on stormwater are needed. Also, according to EPA rules at 40 CFR § 122.34(a), narrative effluent limitations requiring implementation of BMPs are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the MEP) and to protect water quality for small MS4s. It has been preliminarily determined that where permit requirements are properly implemented no significant degradation is expected and existing uses will be maintained and protected.

XII. Monitoring

If the small MS4 discharges stormwater from a construction project authorized under this general permit that includes a supporting concrete batch plant, compliance monitoring is required. Discharges from the batch plant must be sampled at a minimum frequency of once per quarter (1/quarter).

The MS4 operator may additionally sample discharges from the small MS4 in order to assess the effectiveness of stormwater MCMs, measure the effectiveness of BMPs, to detect illicit discharges to the small MS4, or for other similar reasons.

The permittee may also be required to identify sources of pollutant(s) of concern where the small MS4 discharges directly to a water body that is impaired for a pollutant present in the discharge. Examples of pollutants of concern may be bacteria and sediment.

XIII. Procedures for Final Decision

The memorandum of agreement (MOA) between the EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is proposed for consideration by the Commissioners of the TCEQ. According to 30 TAC Chapter 205, when the initial draft general permit is submitted for public comment prior to being proposed to the Commission of the TCEQ, notice must be published, at a minimum, in at least one newspaper of statewide or regional circulation. The commission may also publish notice in additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

1. The county judge of the county or counties in which the discharges under the general permit could be located;
2. If applicable, state and federal agencies for which notice is required in 40 CFR, §124.10(c);
3. Persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and
4. Any other person the executive director or chief clerk may elect to include.

After notice of the initial permit is published in the Texas Register and the newspaper, the public will have 30 days to provide public comment on the IDP.

Any person, agency, or association may make a request for a public comment meeting on the proposed general permit to the executive director of the TCEQ before the end of the public comment period. A public comment meeting will be granted when the executive director or commission determines, on the basis of requests, that a significant degree of public interest in the draft general permit exists. A public comment hearing is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act. The executive director may call and conduct public meetings in response to public comment.

If the executive director calls a public meeting, the commission will give a minimum of 30 days public notice in the Texas Register of the date, time, and place of the meeting, as required by commission rules. The public notice for the draft general permit and for the public meeting(s) may be combined. The public comment is automatically extended until the conclusion of all public meetings on the draft general permit. The executive director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The proposed general permit will then be filed with the commission to consider final authorization of the permit. The executive director's response to public comment will be made available to the public and filed with the chief clerk at least ten days before the commission acts on the proposed general permit.

Once the permit is completed, it is sent to the Office of the Chief Clerk of the TCEQ. The notice is published in the Texas Register, and the permit is placed on the Commission's agenda. For additional information about this general permit, contact the Stormwater & Pretreatment Team at (512) 239-4671.

XIV. Administrative Record

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

TPDES General Permit Number TXR040000 for Small MS4s

A. Code of Federal Regulations (CFR) and Federal Register (FR) Citations:

40 CFR Chapter 122

Federal Register dated February 17, 1998 (Volume 63, No. 31, Pages 7858-2906)

Federal Register dated December 8, 1999 (Volume 64, No. 235, Pages 68722-68851)

B. Letters/Memoranda/Records of Communication:

Memorandum from the U.S. EPA (Hanlon) dated April 16, 2004 from, "Implementing the Partial Remand of the Stormwater Phase II Regulations Regarding Notices of Intent & NPDES General Permitting for Phase II MS4s." Stakeholder comments provided to the TCEQ in September 2011 and October 2011.

Memo from the Water Quality Standards Team of the Water Quality Assessment Section of the TCEQ.

Comment letters received during the initial public notice period.

C. Miscellaneous:

MS4 Permit Improvement Guide, U.S. EPA, Office of Water. Office of Wastewater Management, Water Permits Division, April 2010 (EPA 833-R-10-001)

U.S. Environmental Protection Agency's Fact Sheet No. 2.0, "Stormwater Phase II Final Rule - Small MS4 Stormwater Program Overview," January 2000 (EPA 833-F-00-002).

U.S. Environmental Protection Agency's Fact Sheet No. 2.1, "Stormwater Phase II Final Rule – Who's Covered? Designation and Waivers of Regulated Small MS4s," January 2000 (EPA 833-F-00-003).

U.S. Environmental Protection Agency's Fact Sheet No. 2.2, "Stormwater Phase II Final Rule - Urbanized Area - Definition and Description," December 1999 (EPA 833-F-00-004).

The Clean Water Act, 33 U.S.C. Chapter 26

Quality Criteria for Water (1986), EPA 440/5 86 001, 5/1/86.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 307.10 (21 TexReg 9765, 4/30/97).

"Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.

TCEQ Rules.

30 TAC Chapters 39, 205, 213, 281, 311, 305, 307, 309, 319, 321, 331