Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) RENEWAL

General Permit Authorization No. TXR040227

APPLICATION AND PRELIMINARY DECISION. The City of Jersey Village MS4, 16327 Lakeview Drive, Jersey Village, Texas 77040, has applied to the Texas Commission on Environmental Quality (TCEQ) under Texas Pollutant Discharge Elimination System (TPDES) Small MS4 General Permit No. TXR040000 for a renewal of authorization number TXR040227 to discharge stormwater to surface water in the state from the City of Jersey Village MS4. The notice of intent (NOI) and stormwater management program (SWMP) were received by the TCEQ on July 22, 2019.

The MS4 area is located within the City of Jersey Village limits that is located within the Houston Urbanized Area in Harris County, Texas. The discharge from the MS4 will eventually reach White Oak Bayou Above Tidal in Segment No. 1017 of the San Jacinto River Basin.

A copy of the NOI, stormwater management program (SWMP), general permit, and general permit fact sheet are available for viewing and copying at Jersey Village City Hall, 16327 Lakeview Drive, Jersey Village, Texas 77040. The SWMP can also be viewed online at the City of Jersey Village's at https://www.jerseyvillagetx.com/. Substantial changes to the MS4's SWMP during the permit term will be posted on the same website.

The TCEQ Executive Director has completed the technical review of the application and SWMP. The SWMP, if approved, would establish additional terms and conditions, not included in the general permit, under which the MS4 must operate. The Executive Director has made the preliminary decision that the SWMP meets all statutory and regulatory requirements and made a preliminary decision to approve the small MS4's authorization under the TPDES Small (Phase II) MS4 General Permit No. TXR040000.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comments or to ask questions about the application. The TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. If significant interest exists, the Executive Director will direct the applicant to publish a notice of the public meeting and hold the public meeting. The applicant must publish notice of a public meeting at least 30 days prior to the meeting in a newspaper of general circulation in the county where the MS4 is located. If the MS4 is located in more than one county, the applicant must publish notice in a newspaper of general circulation in the county containing the largest residential population.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087

or electronically at https://www.tceq.texas.gov/goto/comment within 30 days of the date of newspaper publication of this notice.

After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant material, or significant public comments. The response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.

MAILING LIST. If you submit public comments, a request for a public meeting, or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; or (2) the mailing list for a specific county. If you wish to be placed on the permanent or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address above.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Any personal contact information you provide to the TCEQ will become part of the agency's records; this includes your name, phone number, email address, and physical address. For more information about this application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at https://www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al 1-800-687-4040.

Further information may also be obtained from City of Jersey Village at the address stated above or by calling Ms. Lorri Coody at 713-466-2101.

Issuance Date: December 28, 2022

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

IMPORTANT:

Use the INSTRUCTIONS to fill out each question in this form.

Once approved, your permit authorization can be viewed at: http://www.tceq.texas.gov/goto/wq-dpa

APPLICATION FEE:

You must pay the **$400** Application Fee to TCEQ for the application to be complete.

Payment and NOI must be mailed to separate addresses.

You can pay online at: http://www.tceq.texas.gov/goto/epay

Select Fee Type: GENERAL PERMIT MS4 PHASE II STORMWATER DISCHARGE NOI APPLICATION

Provide your payment information below, for verification of payment:

Mailed — Check/Money Order Number: Click here to enter text.

Check/Money Order Amount: Click here to enter text.

Name Printed on Check: Click here to enter text.

EPAY — Voucher Number: 425509

Is a copy of the Payment Voucher enclosed? ☒ Yes

One (1) copy of the NOI, Stormwater Management Program (SWMP) cover sheet, and SWMP MUST be submitted with the original NOI, SWMP cover sheet, and SWMP.

Is the copy attached? ☒ Yes

REASON FOR APPLICATION:

Select the reason you are submitting this application:

☐ New authorization

☒ Renewal of authorization number: TXR040227

Note: An authorization cannot be renewed after July 23, 2019

Section 1. OPERATOR (Applicant)

a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN 600664361

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

City of Jersey Village

c) Complete and attach a Core Data Form (TCEQ-10400) for this customer.

Section 2. ANNUAL BILLING CONTACT

The operator is responsible for paying the annual water quality fee. The annual fee will be assessed to permits 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.

Provide the name and contact information of the billing contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: Austin Bleess

Title: City Manager

Organization Name: City of Jersey Village

Phone Number: 713-466-2109

Fax Number: 713-466-2134

Email: ableess@ci.jersey-village.tx.us

Mailing Address: 16327 Lakeview Drive

City, State, and Zip Code: Jersey Village, Texas 77040-2029

Section 3. APPLICATION CONTACT

This is the person TCEQ will contact if additional information is needed about this application.

Provide the name and contact information of the application contact.

Prefix (Mr. or Ms.): Ms.

First and Last Name: Liz Stone

Title: MS4 Engineer

Organization Name: Jones|Carter

Phone Number: 281-363-4039

Fax Number: 281-363-3459

Email: mstone@jonescarter.com

Mailing Address: 1575 Sawdust Road, Suite 400

City, State, and Zip Code: The Woodlands, TX 77380

Section 4. REGULATED ENTITY (RE) INFORMATION FOR SITE

a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN 105559116

b) Name of site as known by the local community:

City of Jersey Village MS4

c) Name of the urbanized area(s) the Phase II MS4 is located within:

Houston, TX

d) Provide a brief description of the regulated MS4 boundaries: *Example: Area within the City of XXXX limits that is located within the xxx urbanized area*:

Area within the City of Jersey Village that is located within the Houston, TX urbanized area

Section 5. GENERAL CHARACTERISTICS

a) Is this site located on Indian Country Lands?

☐ Yes, do not submit this form. You must obtain authorization through U.S. EPA Region 6.

☒ No, continue to item b

b) Has TCEQ formally "designated" the small MS4 as needing coverage under this general permit?

☐ Yes. Attach a copy of the documentation sent to the MS4 by TCEQ.

☒ No

c) Select the MS4 level, which is based on the population served within the urbanized area (UA) **based on the most recent Decennial Census at the time of issuance of the general permit.**

☒ **Level 1:** Traditional small MS4s with a population of less than 10,000.

☐ **Level 2:** Traditional small MS4s with a population of at least 10,000 but less than 40,000.

Non-traditional MS4s: This level also includes all non-traditional small MS4s regardless of population unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage. *Examples of non-traditional small MS4s include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts.*

☐ **Level 3:** Traditional small MS4s with a population of at least 40,000 but less than 100,000.

☐ **Level 4:** Traditional small MS4s with a population of 100,000 or more.

d) What is the estimated current population served by your MS4 (regulated area?)

8,000 People

e) Is the MS4 part of a coalition?

☐ Yes

☒ No

f) If yes, list the entity names of the coalition members responsible for implementation of the SWMP *and* their unique TXR04#### number.

1. N/A	TXR04
2.	TXR04
3.	TXR04
4.	TXR04
5.	TXR04
6.	TXR04

If needed, add a copy of this page to add more entities.

g) What is your annual reporting year?

☐ Calendar year

☐ Small MS4 General Permit year

☒ MS4 Fiscal year – What is the last month and day of the fiscal year? October 31st – September 30th

h) Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this NOI has been developed according to the provisions of the Small MS4 General Permit TXR040000. ☒ Yes
2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP. ☒ Yes
3. Have the program elements in the previous SWMP been re-assessed and modified and new program elements been developed and implemented, as necessary?

   ☒ Yes

   ☐ No. This facility did not have a previous authorization.
4. Is the optional 7th Minimum Control Measure (MCM) for Municipal Construction Activities selected and included with the attached SWMP?

   ☒ No. Continue to Question 5.

   ☐ Yes.

   If yes, is MCM 7 limited to the regulated area within the urbanized area?

   ☐ Yes. Continue to Question 5.

   ☐ No

   If No, then MCM 7 is included in the geographic area or boundary outside of the urbanized area. Note: *In this case, you must incorporate the entire area (urbanized and non-urbanized areas) in the SWMP and implement all MCMs 1-7*

in the urbanized and non-urbanized areas.

5. Provide the name and contact information of the person responsible for implementing or coordinating implementation of the SWMP.

   Prefix (Mr. or Ms.): Mr.

   First and Last Name: Austin Bleess

   Title: City Manager

   Organization Name: City of Jersey Village

   Phone Number: 713-466-2109

   Fax Number: 713-466-2134

   Email: ableess@ci.jersey-village.tx.us

   Mailing Address: 16327 Lakeview Drive

   City, State, and Zip Code: Jersey Village, Texas 77040-2029

i) Discharge Information

1. What is the name of the waterbody(ies) receiving stormwater discharges from the MS4? White Oak Bayou Above Tidal
2. What is the classified segment number(s) that the discharges will eventually reach? 1017

   Does the small MS4 discharge directly or indirectly into the classified segment(s)?

   ☒ Directly

   ☐ Indirectly

3. Are any of the waterbody(ies) receiving discharges from the small MS4 identified as impaired waters (Category 4 or 5) in the *Texas Integrated Report of Surface Water Quality*?

   ☒ Yes

   What is the name of the impaired waterbody(ies) receiving the discharge from the small MS4? White Oak Bayou Above Tidal

   What is/are the pollutants(s) of concern? Bacteria

   ☐ No

4. Does the impaired water body(ies) have a TMDL (Category 4 waterbody)?

   ☒ Yes

   What is/are the pollutants with a TMDL? Bacteria

   ☐ No

5. Does your MS4 discharge into any other MS4 entity's jurisdiction prior to discharge into water in the state?

   ☐ Yes

   What is the name of the MS4 operator?

   ☒ No

6. Edwards Aquifer Rule

   Is the discharge or potential discharge within the Recharge Zone, Contributing Zone, within the Contributing Zone within the Transition Zone, or zero to ten (0 to 10) miles upstream of the Recharge Zone of the Edwards Aquifer?

   ☐ Yes – **NOTE: A copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the SWMP.**

   ☒ No

j) Public Participation Process

1. Provide the name and contact information of the person responsible for publishing notice of the executive director's preliminary determination on the MS4's NOI and SWMP?

   Prefix (Mr. or Ms.): Ms.

   First and Last Name: Lorri Coody

   Title: City Secretary

   Company: City of Jersey Village

   Phone Number: 713-466-2101

   Fax Number:

   Email: lcoody@jerseyvillagetx.com

   Mailing Address: 16327 Lakeview Drive

   Internal Routing (Mail Code, Etc.):

   City, State, and Zip Code: Jersey Village, TX 7040

2. Provide the name and location of the public place where copies of the NOI, SWMP, Small MS4 General Permit TXR040000, and general permit fact sheet may be viewed and copied by the public?

   Name of Public Place: Jersey Village City Hall

   Address of Public Place: 16327 Lakeview Drive

   County of Public Place: Harris County

3. Provide the address for the website where the MS4's SWMP and annual report will be posted. https://www.jerseyvillagetx.com/

   ☐ Do not have a website.

Section 6. CERTIFICATION

I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000 issued January 24, 2019.

☒ Yes

I certify that the small MS4 qualifies for coverage under the Phase II (Small) MS4 General Permit TXR040000.

☒ Yes

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

☒ Yes

I understand that authorizations active on September 1st of each year will be assessed an Annual Water Quality Fee.

☒ Yes

Operator Certification

Operator Signatory Name: Austin Bleess

Operator Signatory Title: City Manager

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

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 (use blue ink): Austin Bleess Date: 7/3/20R

TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission *(If other is checked please describe in space provided.)*

☐ New Permit, Registration or Authorization (*Core Data Form should be submitted with the program application.*)

☐ Renewal *(Core Data Form should be submitted with the renewal form)* ☐ Other

2. Customer Reference Number *(if issued)*	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number *(if issued)*
CN 600664361		RN 105559116

SECTION II: Customer Information

4. General Customer Information | **5. Effective Date for Customer Information Updates** (mm/dd/yyyy)

☐ New Customer ☒ Update to Customer Information ☐ Change in Regulated Entity Ownership

☐ Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)

The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).

6. Customer Legal Name *(If an individual, print last name first: eg: Doe, John)* — *If new Customer, enter previous Customer below:*

City of Jersey Village

7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number *(if applicable)*

11. Type of Customer: ☐ Corporation ☐ Individual Partnership: ☐ General ☐ Limited

Government: ☒ City ☐ County ☐ Federal ☐ State ☐ Other ☐ Sole Proprietorship ☐ Other:

12. Number of Employees
☐ 0-20 ☐ 21-100 ☒ 101-250 ☐ 251-500 ☐ 501 and higher

13. Independently Owned and Operated?
☒ Yes ☐ No

14. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check one of the following:*

☐ Owner ☐ Operator ☒ Owner & Operator
☐ Occupational Licensee ☐ Responsible Party ☐ Voluntary Cleanup Applicant ☐ Other:

15. Mailing Address:

16327 Lakeview Drive

City	Jersey Village	State	TX	ZIP	77040	ZIP + 4	2029

16. Country Mailing Information *(if outside USA)*	17. E-Mail Address *(if applicable)*
	ableess@ci.jersey-village.tx.us

18. Telephone Number	19. Extension or Code	20. Fax Number *(if applicable)*
(713) 466-2109		(713) 466-2134

SECTION III: Regulated Entity Information

21. General Regulated Entity Information *(If 'New Regulated Entity" is selected below this form should be accompanied by a permit application)*

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☒ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)

22. Regulated Entity Name *(Enter name of the site where the regulated action is taking place.)*

City of Jersey Village MS4

23. Street Address of the Regulated Entity: *(No PO Boxes)*	Same address from Section II						
	City		State		ZIP		ZIP + 4	
24. County	Harris						

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	Area within the City of Jersey Village limits that is located within the Houston, TX urbanized area.

26. Nearest City	State	Nearest ZIP Code
Houston	TX	77040

27. Latitude (N) In Decimal:	29.89		28. Longitude (W) In Decimal:	95.58	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
29	53	19	95	34	35

29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)	31. Primary NAICS Code (5 or 6 digits)	32. Secondary NAICS Code (5 or 6 digits)
9111			

33. What is the Primary Business of this entity? *(Do not repeat the SIC or NAICS description.)*

City government responsible for the environmental, safety, and municipal operations in its jurdisication

34. Mailing Address:	Same Address from Section II						
	City		State		ZIP		ZIP + 4	

35. E-Mail Address:	ableess@ci.jersey-village.tx.us

36. Telephone Number	37. Extension or Code	38. Fax Number *(if applicable)*
(713) 466-2109		(713) 466-2134

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

☐ Dam Safety	☐ Districts	☐ Edwards Aquifer	☐ Emissions Inventory Air	☐ Industrial Hazardous Waste
☐ Municipal Solid Waste	☐ New Source Review Air	☐ OSSF	☐ Petroleum Storage Tank	☐ PWS
☐ Sludge	☒ Storm Water	☐ Title V Air	☐ Tires	☐ Used Oil
	TXR040227			
☐ Voluntary Cleanup	☐ Waste Water	☐ Wastewater Agriculture	☐ Water Rights	☐ Other:

SECTION IV: Preparer Information

40. Name:	Liz Stone	41. Title:	MS4 Engineer

42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(281) 363-4039		(281) 363-3459	mstone@jonescarter.com

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Jersey Village	Job Title:	City Manager
Name *(In Print)* :	Austin Bleess	Phone:	(713) 466-2109
Signature:	Austin Bleess	Date:	7/3/2019

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

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

Operator

Operator name: City of Jersey Village

Required Program Elements

The SWMP needs to include:

- BMPs and measurable goals that are clear, specific, and measurable,
- Annual Reporting Year selected, and
- Estimated population served by the MS4.

Legal Authorities

Include in the SWMP the list of local legal authorities (i.e., ordinance, rule) that the MS4 has adopted to implement any of the MCMs. List all and what MCM they each cover.

Minimum Control Measures

For each MCM, complete the table by entering the page number where the required element can be found in the SWMP

MCM 1: Public Education, Outreach, and Involvement

Table 1: Required Elements for MCM 1

MCM 1 Required Elements	SWMP page number
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	8-18
Clearly define the goals and objectives of the program based on high-priority community-wide issues	8-18
Identify the target audiences	8-18
Develop or use appropriate educational material	8-18
Procedures to distribute educational material	8-18
Make the educational material available to the target audience at least annually	8-12

MCM 1 Required Elements	SWMP page number
Post the SWMP and annual reports on the MS4's website, if the MS4 has a website	11-12
Include the MS4's website address where the SWMP and annual reports will be found, if the MS4 has a website	11-12
SWMP includes a program that complies with state and local public notice requirements	17-18
Include public input in the implementation of the program	11-12,17-18
Include opportunities for citizen to participate in implementation of control measures	13-18
Ensure the public can easily can find information about the SWMP.	11-12,17-18
SWMP lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs could be stream-clean-ups, storm drain stenciling, volunteer water quality monitoring, brochures, billboards, and websites.	8-18
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	8-18
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	8-18

MCM 2: Illicit Discharge Detection and Elimination

Table 2: Required Elements for MCM 2

MCM 2 Required Elements	SWMP page number
Description of the program that will be used to detect, investigate and eliminate illicit discharges. The program includes a plan to detect and address illicit discharges, including illegal dumping to the MS4 system.	19-35
MS4 map: The map includes: • Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.; • Location and name of all surface waters receiving discharge from the MS4s outfalls; • For Level 3 and 4 small MS4s: Location of MS4 owned or operated facilities and stormwater controls; and • For Level 4 small MS4s: Location of priority areas.	19-21

MCM 2 Required Elements	SWMP page number
Methods for informing and training MS4 field staff	22-23
Procedures for tracing the source of an illicit discharge	28-31
Procedures for removing the source of the illicit discharge	32-33
Procedures to facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4	24-27
Procedures for responding to illicit discharges and spills	28-29
Procedures for inspections in response to complaints	30-31
For Level 2, 3, and 4 small MS4: Procedures to prevent and correct leaking on-site sewage disposal systems	30-31
For Level 3 and 4 small MS4s: Procedures for follow-up investigation to verify that the illicit discharge has been eliminated	N/A
For Level 4 small MS4s: Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges	N/A
For Level 4 small MS4s: Procedures for a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening consists of (1) field observations and (2) field screening.	N/A
For Level 4 small MS4s: Procedures to reduce the discharge of floatables in the small MS4	N/A
SWMP lists BMPs used to fulfill this MCM. Examples of possible BMPs could be hazardous materials disposal opportunities, inspections of the storm sewer system, and dye testing.	19-35
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	19-35
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	19-35

MCM 3: Construction Site Stormwater Runoff Control

Table 3: Required Elements for MCM 3

MCM 3 Required Elements	SWMP page number
Program requires operators of construction sites one acre and greater (including larger common plan) to select, install, implement, and maintain stormwater control measures	36-46

MCM 3 Required Elements	SWMP page number
Description of 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	36-38
Program requires construction site operators to implement BMPs for erosion and sediment control	36-42
Program requires construction site operators to have procedures for initiating and completing soil stabilization measures	36-42
Program requires construction site operators to implement BMPs to control pollutants from equipment and vehicle washing and other wash waters	36-42
Program requires construction site operators to implement BMPs to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials	36-42
Program requires construction site operators to implement BMPs to minimize the discharge of pollutants from spills and leaks.	36-42
Program ensures that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000	39-42
Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities	36-42
Procedures for construction site plan review to consider water quality impacts	39-40
Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law	41-42
Procedures for receipt and consideration of information submitted by the public	11-12,17-18
Procedures for MS4 staff training	43-44
For Level 3, and 4 small MS4s: Procedures to develop and maintain an inventory of all permitted active public and private construction sites greater than one acre (and sites that are less than one acre if part of larger common plan of development or sale)	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: 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; perform site inspections and enforcement; provide education and training for construction site operators; and mechanism to prohibit discharges into MS4 where necessary.	36-46

MCM 3 Required Elements	SWMP page number
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	36-46
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	36-46

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

Table 4: Required Elements for MCM 4

MCM 4 Required Elements	SWMP page number
Description of a program that will be developed, implemented and enforced, to control stormwater discharges from private and public new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more (and sites that disturb less than one acre that are part of a larger common plan of development or sale)	47-55
Description of ordinance or other regulatory mechanism that is in place or planned which will regulate discharges from new development and redevelopment projects	47-49
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	47-53
Procedures to document and maintain records of enforcement actions	52-53
Procedures to ensure long-term operation and maintenance of post construction stormwater control measures	47-53
Operation and maintenance of post construction stormwater control measures is documented	52-53
For Level 4 small MS4s: Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. Inspections must be documented	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: local ordinance in place or planned; guidance document for developers to use; specific BMPs established for particular watersheds; list of appropriate BMPs provided to operators; elimination of curbs and gutters; incentives for use of permeable choices, such as porous pavement; requirements for wet ponds or other BMPs for certain size sites; and xeriscaping.	47-55
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	47-55

MCM 4 Required Elements	SWMP page number
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	47-55

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Table 5: Required Elements for MCM 5

MCM 5 Required Elements	SWMP page number
Description of an operation and maintenance (O&M) program, including an employee training component, 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	56-72
Develop and maintain an inventory of facilities and stormwater controls that are owned or operated by the MS4	59-60
Procedures to inform or train staff involved in implementing pollution prevention and good housekeeping practices. Maintain training attendance records	61-62
Procedures to remove and properly dispose of waste from the MS4	63-64
Contractors hired by the MS4 must be required to comply with operating procedures. Develop contractor oversight procedures	65-66
Evaluate O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, right-of-way maintenance, etc.	56-58, 67-72
Identify pollutants of concern that could be discharged from the O&M activities	69-70
Develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities	56-58, 67-72
Conduct inspections of pollution prevention measures and maintain inspection log	56-58, 67-72
Procedures for inspecting and maintaining structural controls	52-53, 67-72
For Level 3 and 4 small MS4s: Develop and implement an O&M program to reduce the collection of pollutants in catch basins and other surface structures in the storm sewer system	N/A

MCM 5 Required Elements	SWMP page number
For Level 3 and 4 small MS4s: Develop a list of potential problem areas in the storm sewer system for increased inspection (for example, areas with recurring illegal dumping)	N/A
For Level 3 and 4 small MS4s: Implement an O&M program to reduce discharge of pollutants from roads that includes at least a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure	N/A
For Level 3 and 4 small MS4s: Assess its facilities for their potential to discharge pollutants into stormwater and identify 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 discharged in stormwater. Document the results of the assessments	N/A
For Level 3 and 4 small MS4s: Develop facility specific stormwater management Standard Operation Procedures for high priority facilities	N/A
For Level 3 and 4 small MS4s: MS4 implements stormwater controls at high priority facilities that address good housekeeping; de-icing and anti-icing storage; fueling operations and vehicle maintenance; equipment and vehicle washing	N/A
For Level 3 and 4 small MS4s: Develop and implement an inspection program that includes high priority facilities	N/A
For Level 4 small MS4s: Develop an application and management program for pesticides, herbicides, and fertilizers used at public open spaces. Implement the following: educational activities, permits, etc for applicators and distributors; encourage of non-chemical solutions for pest management; develop schedules that minimizes discharge of pollutants; ensure collection and proper disposal of unused pesticides, herbicides, and fertilizers	N/A
For Level 4 small MS4s: Evaluate flood control projects. Design, construct, and maintain new flood control structures to provide erosion prevention and pollutant removal from stormwater. Retrofitting of existing structural flood control devices is implemented to the maximum extent practicable (MEP)	N/A
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	56-72

MCM 5 Required Elements	SWMP page number
disposal; disposal of cigarette butts; and park maintenance (e.g., providing trash bags).	
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	56-72
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	56-72

MCM 6: Industrial Stormwater Sources

Table 6: Required Elements for MCM 6

MCM 6 Required Elements	SWMP page number
For Level 4 MS4 only: Identify and control industrial stormwater sources that at least includes the MS4's 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).	N/A
For Level 4 MS4 only: Procedures for inspecting and implementing control measures for discharges from industrial stormwater sources.	N/A

Optional MCM 7: Municipal Construction Activities

This MCM is only applicable where the small MS4 has selected to be the construction site operator for their municipal construction activities. This MCM provides an alternative to the MS4 operator seeking discharge authorization under the Construction Stormwater General Permit TXR150000.

Table 7: Required Elements for MCM 7

MCM 7 Required Elements	SWMP page number
Description of how municipal construction activities will be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations	N/A
Description of the area that this MCM will address and where the MS4 operator's municipal 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

MCM 7 Required Elements	SWMP page number
If the area included in this MCM includes areas outside of the UA, then all MCMs (MCM 1 through MCM 7) will be implemented over those additional areas as well	N/A
Description of how contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or how the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed	N/A
General description of how a construction SWP3 will be developed for each municipal construction site	N/A
Records of municipal construction activities authorized under this optional MCM	N/A

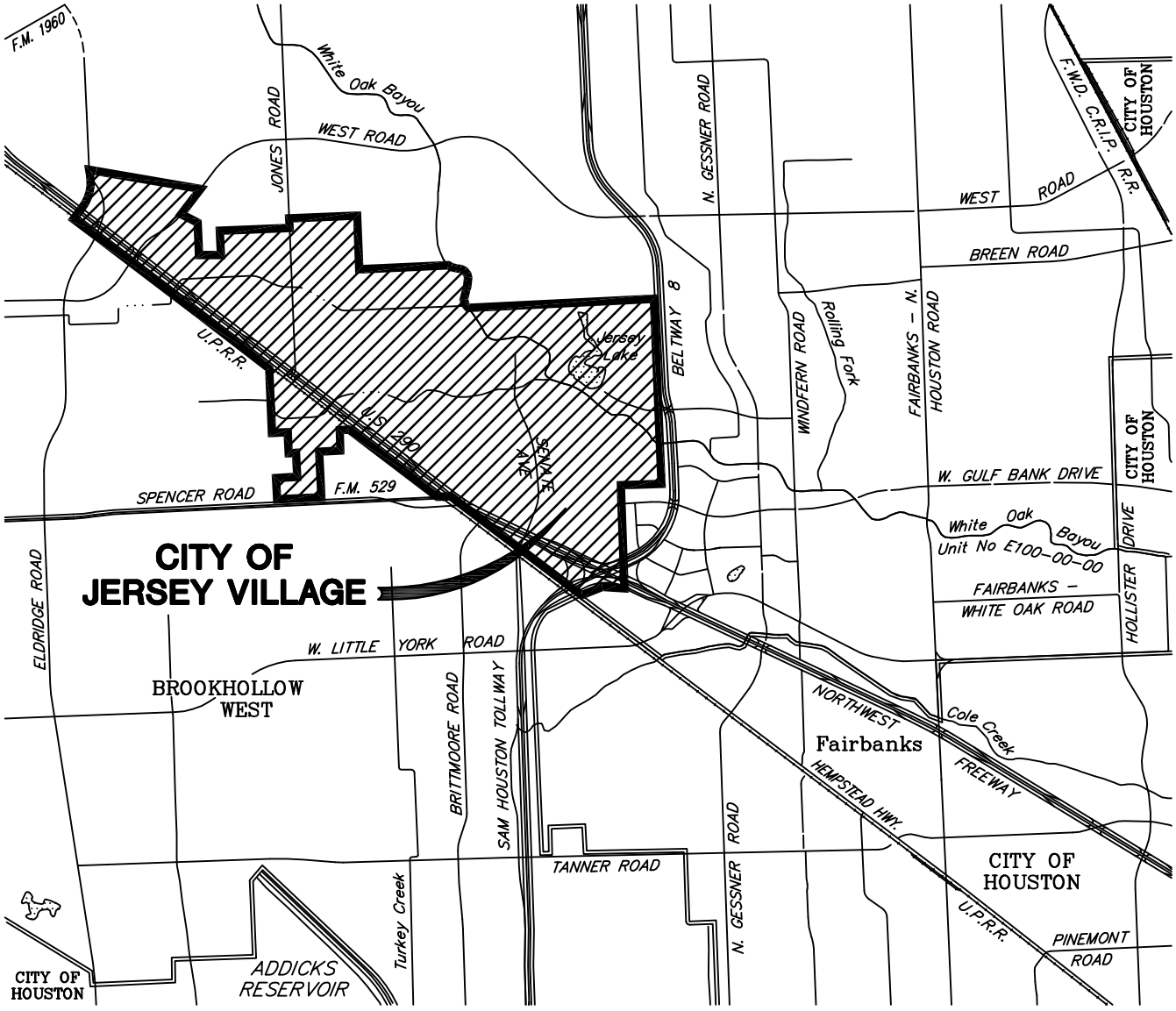
STORM WATER MANAGEMENT PROGRAM

FOR

CITY OF JERSEY VILLAGE

HARRIS COUNTY, TEXAS

Permit No. TXR040227



July 2019

JC Job No. 05440-0003-00

JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439

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STORM WATER MANAGEMENT PROGRAM

CITY OF JERSEY VILLAGE

PART I

BACKGROUND

PREPARED BY:

JONES|CARTER
Texas Board of Professional Engineers Registration No. F-439

CITY OF JERSEY VILLAGE

The City of Jersey Village (the "City") was incorporated in 1956. It covers approximately 3.58 square miles. The center of the City is located near Latitude 29° 53' 19" N and Longitude 95° 34' 35" W and is approximately 98 to 106 feet above sea level. Average temperature is 79 degrees Fahrenheit and the average annual rainfall is approximately 48 inches. The regional topography is flat. Currently, the City of Jersey Village has a population of approximately 8,000 within the urbanized area according to 2010 US Census data. This population categorized the City as a Level 1 small MS4 since its population is less than 10,000. The City is located within Harris County.

ORGANIZATION

The City is governed by a City Council/City Manager form of government. The City Council (including the mayor) makes policies and the City Manager carries out the policies in the day-to-day business of running the City.

ORDINANCES AND GUIDANCE

All development within the City limits must comply with the City of Jersey Village rules and regulations. Construction plan reviews are required on all applicable construction projects.

LEGAL AUTHORITY

The City of Jersey Village has the legal authority to enforce compliance with the Storm Water Management Program through the City's Ordinance.

SCHEDULE

The annual reporting years of the City of Jersey Village's SWMP will follow the fiscal years of the City of Jersey Village (October - September). During implementation of the previous SWMP, the City of Jersey Village permitting years were in line with the 2014 Small MS4 General Permit year (December 14th – December 13th). To transition to this new annual permitting schedule, Permit Year 1 will be from December 13, 2018 to September 30, 2019. Permit Years 2 to 5 will be from October 1st to September 30th.

INSPECTION/ENFORCEMENT

The Public Works Department, Code Enforcement, and City Operator provide inspections and enforcement measures for all public and private development within the City limits.

INFRASTRUCTURE/MUNICIPAL OPERATIONS

The City Streets and Drainage Division handle runoff management, street drainage system maintenance, and maintenance of drainage ditches in coordination with the Public Works Department. Harris County Flood Control District maintains all rivers, creeks, streams, and bayous within the City limits. The City owns, operates, and maintains the majority of the streets and inlets pertaining to the storm sewer system in coordination with the City Engineer.

CONSTRUCTION AND DEVELOPMENT

Public and private development which occurs within the City limits is reviewed by the Public Works and Development Service Departments. Both public and private construction projects are subject to the requirements stated in the Texas Construction General Permit TPDES No. TXR150000.

PROGRAM FUNDING

The City of Jersey Village will fund this program through the City operating fund.

LIMITATIONS ON PERMIT COVERAGE

The City of Jersey Village discharges storm water directly into Classified Stream Segment 1017 – Whiteoak Bayou Above Tidal. The classified segment is listed in *TCEQ's 2014 Texas Integrated Report Index of Water Quality Impairments*. The stream segment is impaired according to the Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ). The pollutant of concern for the watershed is bacteria. The EPA and TCEQ have approved an Implementation Plan (I-Plan) for Stream Segment 1017, *Implementation Plan for Seventy-Two Total Maximum Daily Loads for Bacteria in the Houston-Galveston Region*. The SWMP developed benchmark goals from the recommendations listed in the I-Plan. As per the requirements of the Phase II General Permit No. TXR040000, if a small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contributed to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concerns. The SWMP needs to include target controls and measurable goals. According to *Eighteen Total Maximum Daily Loads for Bacteria in Buffalo and Whiteoak Bayous and Tributaries,* a Waste Load Allocation (WLA) for storm water for assessment unit 1017_01 is listed as 58.94 billion MPN/day. This information is provided on Table 54. Final TMDL Allocations for All Impaired Assessment Units at Wet-Flow (Critical) Conditions.

DEFINITIONS

Below are some common key words listed throughout the Storm Water Management Program. For additional definitions refer to the TPDES General Permit No. TXR040000.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, treatment requirements, maintenance procedures, operating procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants.

City Inspector – City of Jersey Village individual or group of individuals within the Development Services and Public Works Department responsible for receiving applications, reviewing construction drawings, and issuing permits for a variety of construction activities that require a permit per city ordinances.

City Operator – City of Jersey Village individual or group of individuals within the Public Works Department responsible for operating the City owned facilities: such as water, sanitary sewer, and storm sewer. For the purpose of this permit, the City Operator is responsible for management and operation of their respective municipal separate storm sewer system subject to the terms of this general permit.

City Plan Reviewer – City of Jersey Village individual or group of individuals within the Development Services and Public Works Department responsible for reviewing construction drawings, performing construction site inspections, and ensuring and construction activities adhere to the storm water quality standards.

City Secretary – City of Jersey Village appointed official responsible for documenting all official records for the City and administering the records management program.

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

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 firefighting activities.

Impaired Water - A surface water body that is identified as impaired on the latest approved CWA §303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved Texas

Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d) which lists the category 4 and 5 water bodies.

Implementation Plan (I-Plan) - A detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the total maximum daily load (TMDL).

Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roadways, streets, curbs, gutters, inlets, manholes, catch basins, ditches, man-made channels, or any other drainage systems) designed or intended to collect and/or convey storm water. This permit applies to storm water drainage systems only, not a combined sewer system. The facilities must be owned and operated by public entity (including cities, counties, municipal utility districts, drainage districts, transportation authorities, etc.

Program Administrator – City of Jersey Village individual or group of individuals within the various departments responsible for administering and implementing the best management practices (BMPs) in accordance with the SWMP.

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

Structural Control - 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. Some common structural controls and practices include but are not limited to detention ponds, drainage swales, vegetative ditches, filter strips, storm drain inlet protection, silt fences, rock outlet protection, reinforced soil retaining systems, temporary and permanent sediment basins.

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 small MS4S as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

STORM WATER MANAGEMENT PROGRAM

PART II

MINIMUM CONTROL MEASURES

EXECUTIVE SUMMARY

The City of Jersey Village has prepared this Storm Water Management Program (SWMP) to obtain coverage for storm water discharges under Texas Pollutant Discharge and Elimination System (TPDES) General Permit No. TXR040000. The General Permit requires that five (5) Minimum Control Measures (MCMs) be addressed with Best Management Practices (BMPs). The following is a list of the five (5) MCMs along with the BMPs selected to address them:

1. Public Education, Outreach, & Involvement
- a. Utility Bill Inserts
- b. Utilize MS4 Website
- c. Storm Drain Marking
- d. Volunteer Recycling Program
- e. Opportunity for Public Comment

2. Illicit Discharge Detection & Elimination
- a. Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls
- b. Training for Illicit Discharge Detection & Elimination
- c. Public Reporting Using Utility Bill Inserts
- d. Public Reporting Using Electronic Education
- e. Responding to Illicit Discharges & Spills
- f. Source Investigation of Illicit Discharges
- g. Source Elimination of Illicit Discharges
- h. Evaluation of Ordinance for Illicit Discharge Detection & Elimination

3. Construction Site Storm Water Runoff Control
- a. Evaluation of Ordinance for Construction Site Storm Water Runoff Control
- b. Construction Site Plan Review
- c. Construction Site Inspection & Enforcement
- d. Training for Construction Site Storm Water Runoff Control
- e. Guidance Manual for Construction Site Storm Water Runoff Control

4. Post-Construction Storm Water Management in New Development & Redevelopment
- a. Evaluation of Ordinance to Address Post-Construction Stormwater Runoff
- b. Guidance Manual for Post-Construction Storm Water Runoff Controls
- c. Inspection Program for Post-Construction Storm Water Runoff Controls
- d. Training for Post-Construction Storm Water Runoff Controls

5. Pollution Prevention & Good Housekeeping for Municipal Operations
- a. Street Sweeping Measures
- b. Inventory of Facilities & Storm Water Structural Controls
- c. Training for Pollution Prevention & Good Housekeeping
- d. Disposal of Waste
- e. Contractor Oversight
- f. Inspections & Assessments on Facilities
- g. Municipal Operation & Maintenance Activities
- h. Assessment of Storm & Sanitary Sewer Systems

Jones | Carter developed this SWMP with assistance from the City of Jersey Village. Each BMP was selected for its perceived effectiveness and cost. Some of the BMPs may be changed over the course of the permit as actual effectiveness and cost become apparent. The schedule of implementation for each BMP is based on an assumed effort and cost. The schedules might also change as the actual scope of the BMP is developed.

1. PUBLIC EDUCATION, OUTREACH, & INVOLVEMENT

1.1 Regulatory Requirement

> ***TPDES General Permit No. TXR040000 Part III.Section B.1.(a)(1) – All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public or 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 steps that the public can take to reduce pollutants in stormwater.***

> ***TPDES General Permit TXR040000 Part III.Section B.1.(b) – All permittees shall involve the public, and, at a minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP…***

1.2 Current Programs

Currently, the City of Jersey Village has a variety of public outreach and education programs in effect per the previous Storm Water Management Program (SWMP). All Best Management Practices (BMPs) included in the previous SWMP will be continued in the new SWMP and focus on general public hazards associated with illegal discharges, improper disposal of waste, impacts storm water discharges have on local waterways, and steps the public can conduct to reduce pollutants in storm water.

1.3 Selected BMPs for Public Education

1.3.1 BMP1a – *Utility Bill Inserts*

THE CITY OF JERSEY VILLAGE will continue to issue educational material which describes the impacts storm water discharges have on local water ways and outlines steps to reduce pollutants in storm water. This educational material will be distributed as an insert in the utility bill at least biannually.

1.3.1.1 Measurable Goals

The educational material will address storm water quality concerns, including reduction of fats, oils, and grease (FOG) in the sanitary system and additional environmental problems, as needed, within the MS4 service area. This educational insert will be distributed at least biannually as a utility bill insert to all residents, businesses, commercial and industrial facilities that receive water and sewer service from the MS4. If residents elected to receive their utility bills digitally the MS4 will evaluate the effectiveness of sending educational materials digitally. Additional educational materials may be made available. The quantity that are distributed will be documented and included in the annual reports. The educational material will be reviewed and modified if needed to ensure program effectiveness.

1.3.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X			X	X	X				

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

1.3.1.3 Procedures

Permit Year 1 – Update/Revise educational material, as needed. Distribute to the community biannually. Provide quantity of public education material distributed in the annual reports.

Permit Year 2 – Update/Revise educational material, as needed. Distribute to the community biannually. Provide quantity of public education material distributed in the annual reports.

Permit Year 3 – Update/Revise educational material, as needed. Distribute to the community biannually. Provide quantity of public education material distributed in the annual reports. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Update/Revise educational material, as needed. Distribute to the community biannually. Provide quantity of public education material distributed in the annual reports.

Permit Year 5 – Update/Revise educational material, as needed. Distribute to the community biannually. Provide quantity of public education material distributed in the annual reports.

1.3.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for the development and distribution of the utility bill inserts to meet the Measurable Goals (1.3.1.1).

1.3.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

1.3.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

1.3.2 BMP1b – *Utilize MS4 Website*

THE CITY OF JERSEY VILLAGE will continue promoting educational materials on their Storm Water Management Program link on the City website (www.jerseyvillage.info). This information describes the impacts storm water discharges have on local water ways and steps to reduce pollutants in storm water. This information will be available on the City website via the internet.

1.3.2.1 Measurable Goals

The MS4ss approved Storm Water Management Program and submitted Annual Reports will be posted on the City's official, public website as per the requirements of TPDES General Permit No. TXR040000. This will allow the public to have readily viewable access to the SWMP and Annual Reports. The MS4 will document when the documents have been posted to the website by providing theses date(s) in the annual reports.

Additionally, the City's website currently contains electronic educational material that is easily accessible. A variety of educational material will be available for all residents and businesses within the City limits. The educational material will address storm water quality concerns, problems within the MS4 service area, pet waste, and general residential education. This educational material will be distributed on the City's website year-round. All electronic educational materials will be documented for annual report purposes. The educational information will be reviewed and modified, if needed, once per permit year to ensure program effectiveness.

1.3.2.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

1.3.2.3 Procedures

Permit Year 1 – Update/Revise electronic educational material, as needed. Ensure the information is available online. Document all items for annual report purposes.

Permit Year 2 – Post the approved SWMP (when available) and submitted Annual Report to the City's website. Document date(s) when this occurs. Update/Revise electronic educational material, as needed. Ensure the information is available online. Document all items for annual report purposes.

Permit Year 3 – Post the approved SWMP (when available) and submitted Annual Report to the City's website. Document date(s) when this occurs. Update/Revise electronic educational material, as needed. Ensure the information is available online. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Post the approved SWMP (when available) and submitted Annual Report to the City's website. Document date(s) when this occurs. Update/Revise electronic educational material, as needed. Ensure the information is available online. Document all items for annual report purposes.

Permit Year 5 – Post the approved SWMP (when available) and submitted Annual Report to the City's website. Document date(s) when this occurs. Update/Revise electronic educational material, as needed. Ensure the information is available online. Document all items for annual report purposes.

1.3.2.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, are responsible for the development and distribution of the electronic educational materials to meet the Measurable Goals (1.3.2.1).

1.3.2.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

1.3.2.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

1.4 Selected BMPs for Public Outreach

1.4.1 BMP1c – *Storm Drain Marking*

THE CITY OF JERSEY VILLAGE will continue to mark storm sewer inlets with messages to not pollute the local waterway. These inlet markers will primarily be installed by local volunteer groups with the City limits.

1.4.1.1 Measurable Goals

The City will provide volunteer opportunities by allowing individuals or groups to locate and install markers on storm sewer inlets within the City, as needed. The overall goal is to mark the storm sewer inlets which discharge into the storm sewer system and educate the public on illicit discharges. The City will provide all volunteers the necessary supplies to install and/or replace inlet markers. The City will evaluate the need to replace previously installed markers and replace if resources are available. The intent of this best management practice is to allow volunteer participation and educate the public on storm water quality issues including the prohibition of illicit discharges. All volunteer activities will be documented and included in the annual reports. The MS4 will provide the number of storm water inlet markers in the annual report. The program will be reviewed and modified when needed to ensure program effectiveness. The MS4 will report 100% of installed storm drain markers by the end of September each permit year.

1.4.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

1.4.1.3 Procedures

Permit Year 1 – Promote opportunities for volunteer groups to participate in the inlet marking program. Coordinate and distribute inlet marking materials to all volunteers. Document the number of inlet markers installed in the annual report.

Permit Year 2 – Promote opportunities for volunteer groups to participate in the inlet marking program. Coordinate and distribute inlet marking materials to all volunteers. Document the number of inlet markers installed in the annual report.

Permit Year 3 – Promote opportunities for volunteer groups to participate in the inlet marking program. Coordinate and distribute inlet marking materials to all volunteers. Document the number of inlet markers installed in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Promote opportunities for volunteer groups to participate in the inlet marking program. Coordinate and distribute inlet marking materials to all volunteers. Document number of inlets markers installed in the annual report.

Permit Year 5 – Promote opportunities for volunteer groups to participate in the inlet marking program. Coordinate and distribute inlet marking materials to all volunteers. Document the number of inlet markers installed in the annual report.

1.4.1.4 Responsible Persons

The City Council, acting through the Department of Public Works for the City, is responsible for promoting and coordinating the inlet marking program to meet the Measurable Goals (1.4.1.1).

1.4.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

1.4.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

1.4.2 BMP1d – Volunteer *Recycling Program*

THE CITY OF JERSEY VILLAGE will continue the volunteer recycling program for all residents within the City. This program will allow public involvement, reduce pollutants in the storm sewer system, and promote good housekeeping principles.

1.4.2.1 Measurable Goals

The City will continue to conduct a volunteer recycling program for all residents and provide instructions on the recycling process. The City will promote the program to the community and distribute educational materials related to good housekeeping principles. The City will provide educational materials describing the general public hazards associated with illegal discharges and the improper disposal of waste. This recycling program will reduce the amount of materials which are not properly disposed of and impact local waterways. The City will document the recycling program in the annual report by providing the number of households or by the pick-up frequency. The program will be reviewed and modified to ensure program effectiveness. The MS4 will continue to provide a volunteer recycling program for 100% of its service area customers by the of September each permit year.

1.4.2.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

1.4.2.3 Procedures

Permit Year 1 – Continue the volunteer recycling program during the permit year. Coordinate with the City's waste management coordinator to monitor the program. Document in the annual report by number of households or the pick-up frequency.

Permit Year 2 – Continue the volunteer recycling program during the permit year. Coordinate with the City's waste management coordinator to monitor the program. Document in the annual report by number of households or the pick-up frequency.

Permit Year 3 – Continue the volunteer recycling program during the permit year. Coordinate with the City's waste management coordinator to monitor the program. Document in the annual report by number of households or the pick-up frequency.

Permit Year 4 – Continue the volunteer recycling program during the permit year. Coordinate with the City's waste management coordinator to monitor the program. Document in the annual report by number of households or the pick-up frequency.

Permit Year 5 – Continue the volunteer recycling program during the permit year. Coordinate with the City's waste management coordinator to monitor the program. Document in the annual report by number of households or the pick-up frequency.

1.4.2.4 Responsible Persons

The City Council, acting through the Department of Public Works for the City, is responsible for administrating the recycling program to the community to meet the Measurable Goals (1.4.2.1).

1.4.2.5 Targeted Controls

This BMP will target residents, businesses, commercial and industrial facilities that reside within the City of Jersey Village limits to reduce the impairment caused by Bacteria.

1.4.2.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

1.5 Selected BMPs for Public Opportunities

1.5.1 BMP1e – *Opportunity for Public Comment*

THE CITY OF JERSEY VILLAGE will continue to comply with state and local public notice requirements when implementing a public involvement/participation program. These requirements consist of including opportunities for constituents within the MS4 area to participate and assist in the development and implementation of the Storm Water Management Program (SWMP).

1.5.1.1 Measurable Goals

The general public within the City will have an opportunity to review and comment on the SWMP. The TCEQ Executive Director's preliminary decision of the Notice of Intent (NOI) and SWMP will be issued in accordance with TPDES General Permit No. TXR040000. A public notice will be published as per the requirements from TCEQ to allow public comment for at least 30 days. As per the requirements of the General Permit, the approved SWMP will be posted on the City's official website. This will provide opportunities for constituents within the MS4 service area to participate in the development and implementation of the comprehensive program. All City council meetings are open to the public and best management practices are routinely discussed at these meetings. All items will be documented in the annual reports including the number of opportunities for public comments and any comment received.

1.5.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

1.5.1.3 Procedures

Permit Year 1 – Publish notice in accordance with TPDES General Permit No. TXR040000 when authorized by TCEQ. Consider public comments regarding development of the SWMP, if any received. Document number of public comment opportunities in the annual report.

Permit Year 2 – If not performed in Permit Year 1 publish notice in accordance with TPDES General Permit No. TXR040000 when authorized by TCEQ. Consider public comments regarding development of the SWMP, if any received. Document number of public comment opportunities in the annual report.

Permit Year 3 – Consider public comments regarding development of the SWMP, if any received. Document number of public comment opportunities in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 –Consider public comments regarding development of the SWMP, if any received. Document number of public comment opportunities in the annual report.

Permit Year 5 – Consider public comments regarding development of the SWMP, if any received. Document number of public comment opportunities in the annual report.

1.5.1.4 Responsible Persons

The City Council, acting through the City Secretary's Office for the City, is responsible for allowing public comments to meet the Measurable Goals (1.5.1.1).

1.5.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

1.5.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2. ILLICIT DISCHARGE DETECTION & ELIMINATION (IDDE)

2.1 Regulatory Requirement

> ***TPDES General Permit No. TXR040000 Part III.Section B.2.(a)(1) – All permittees shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4s. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system... The IDDE program must include:***
>
> ***a. An up-to-date MS4 map.***
>
> ***b. Methods for informing and training MS4 field staff.***
>
> ***c. Procedures for tracing the source of an illicit discharge***
>
> ***d. Procedures for removing the source of the illicit discharge.***
>
> ***e. Procedures to prevent and correct any leaking on-site sewage disposal systems.***

2.2 Current Programs

Currently, the City of Jersey Village has a variety of programs to detect and address illicit discharges per the previous Storm Water Management Program (SWMP). All Best Management Practices (BMPs) included in the previous SWMP will be continued in the new SWMP and focus on detecting, investigating, and eliminating illicit discharges into the small MS4.

2.3 Selected BMPs for MS4 Mapping

2.3.1 BMP2a – *Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls*

THE CITY OF JERSEY VILLAGE will continue updating the City map showing the locations of all public storm sewer lines, outfalls, surface waters, and structural controls within the City in the previous permit term. The map will be revised, as needed. All items will be shown and labeled on an overall map.

2.3.1.1 Measurable Goals

The City will continue to annually review and update its storm sewer system map, as needed. Information to include in the existing map will be obtained from construction plans, record drawings, aerial photos, visual inspections, and any other tasks deemed necessary. This City map has been created using CAD and may, in the future, be converted to Geographic Information System (GIS). The map will be evaluated annually to ensure program effectiveness. Documentation will be included in the annual report to state if the storm sewer system map was updated.

2.3.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
							X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

2.3.1.3 Procedures

Permit Year 1 – Incorporate any new data involving storm sewer outfalls, inlets, storm sewer lines, structural controls and surface waters into the City map. Document the actions conducted in the annual report.

Permit Year 2 – Incorporate any new data involving storm sewer outfalls, inlets, storm sewer lines, structural controls and surface waters into the City map. Document the actions conducted in the annual report.

Permit Year 3 – Incorporate any new data involving storm sewer outfalls, inlets, storm sewer lines, structural controls and surface waters into the City map. Document the actions conducted in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Incorporate any new data involving storm sewer outfalls, inlets, storm sewer lines, structural controls and surface waters into the City map. Document the actions conducted in the annual report.

Permit Year 5 – Incorporate any new data involving storm sewer outfalls, inlets, storm sewer lines, structural controls and surface waters into the City map. Document the actions conducted in the annual report.

2.3.1.4 Responsible Persons

The City Council, acting through the Public Works Department of the City, are responsible for updating the storm sewer map to meet the Measurable Goals (2.3.1.1).

2.3.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.3.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the entire implementation process of the I-Plan when in conjunction with other stormwater runoff implementation activities. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.4 Selected BMPs for Education and Training

2.4.1 BMP2b –*Training for Illicit Discharge Detection & Elimination*

THE CITY OF JERSEY VILLAGE will continue to utilize a training program which describes the impact storm water discharges have on local water ways and steps to reduce the amount of pollutants in storm water. This educational training program will be offered to City field staff and other interested parties on an annual basis.

2.4.1.1 Measurable Goals

The training program will address how to identify illicit discharges or illicit connections to the small MS4. The educational training will be provided annually by the City and is available to all City field staff. The training program material and attendance list will be documented, and this information will be provided in the annual reports. The program will be reviewed and modified as necessary to ensure program effectiveness. Once per permit year by the end of June, the MS4 will hold an illicit discharge detection and elimination training presentation for appropriate City field staff, Public Works Director, and support staff.

2.4.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
				X	X	X			

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

2.4.1.3 Procedures

Permit Year 1 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 2 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 3 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 5 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

2.4.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for conducting the training program to meet the Measurable Goals (2.4.1.1).

2.4.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.4.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the entire implementation process of the I-Plan when in conjunction with other stormwater runoff implementation activities. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.5 Selected BMPs for Public Reporting of Illicit Discharges and Spills

2.5.1 BMP2c – *Public Reporting Using Utility Bill Inserts*

Currently, THE CITY OF JERSEY VILLAGE will continue to develop educational material which includes the contact information for the City. This allows residents to report illicit discharges and any other information that pertains to the MS4. This contact information will be included in the educational handout and distributed as an insert in the utility bill.

2.5.1.1 Measurable Goals

The educational insert will continue to include the contact information for the City (name, phone number, and possibly email address). This will allow residents to report illicit discharges, construction and post-construction site runoff concerns, and request MS4 information. This educational material including the City's contact information will be distributed biannually as a utility bill insert to all residents, businesses, and commercial and industrial facilities that receive water and sewer service from the City. The City may send educational materials digitally if this is the preferred means for residents. The quantity distributed will be documented and included in the annual reports. The contact information will be reviewed and updated annually to ensure program effectiveness.

2.5.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X				X	X				

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	X	X				X	X				

2.5.1.3 Procedures

Permit Year 1 – Include contact information for the City in the educational insert. Distribute the utility bill insert to the community biannually. Provide quantity of public education material distributed in the annual reports.

Permit Year 2 – Update contact information, as needed. Distribute the utility bill insert to the community annually. Provide quantity of public education material distributed in the annual reports.

Permit Year 3 – Update contact information, as needed. Distribute the utility bill insert to the community biannually. Provide quantity of public education material distributed in the annual reports. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Update contact information, as needed. Distribute the utility bill insert to the community biannually. Provide quantity of public education material distributed in the annual reports.

Permit Year 5 – Update contact information, as needed. Distribute the utility bill insert to the community biannually. Provide quantity of public education material distributed in the annual reports.

2.5.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for the development and distribution of the utility bill inserts to meet the Measurable Goals (2.5.1.1).

2.5.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.5.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.5.2 BMP2d – *Public Reporting Using Electronic Education*

THE CITY OF JERSEY VILLAGE will continue to include the contact information of the City on the electronic educational materials. This will allow residents to report illicit discharges, illegal dumping and any other information that pertains to the MS4.

2.5.2.1 Measurable Goals

The electronic educational materials will include the contact information of the City (name, phone number, and possibly email address). This will allow residents to report illicit discharges, illegal dumping, construction and post-construction site runoff, and request MS4 information. The website and electronic educational material including the City's contact information will be available to all residents, businesses, commercial and industrial facilities that view the website and materials provided. The website and electronic educational materials will be documented for annual report purposes. The contact information will be reviewed and updated, if needed, annually to ensure program effectiveness.

2.5.2.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

2.5.2.3 Procedures

Permit Year 1 – Update contact information for the Program Administrator on the City's website, as needed. Document the amount of responses for the annual report.

Permit Year 2 – Update contact information, as needed. Ensure correct information is available on the City's website. Document all responses in the annual report.

Permit Year 3 – Update contact information, as needed. Ensure correct information is available on the City's website. Document all responses in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Update contact information, as needed. Ensure correct information is available on the City's website. Document all responses in the annual report.

Permit Year 5 – Update contact information, as needed. Ensure correct information is available on the City's website. Document all responses in the annual report.

2.5.2.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for the development and distribution of the electronic educational materials to meet the Measurable Goals (2.5.2.1).

2.5.2.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.5.2.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) proposes a 5-percent (5%) reduction in Bacteria from homeowner education efforts. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.6 Selected BMPs for Responding to Illicit Discharges & Spills

2.6.1 BMP2e – *Responding to Illicit Discharges & Spills*

THE CITY OF JERSEY VILLAGE will continue to develop and maintain procedures for responding to illicit discharges, illegal dumping and spills. The procedures will outline corrective action measures.

2.6.1.1 Measurable Goals

The City will evaluate current procedures and determine if changes need to be implemented to appropriately respond to illicit discharges, illegal dumping and spills. The City's Emergency Management Department will be responsible for identifying the problem and conducting the appropriate actions in response to any illicit discharges, illegal dumping or spills. Each response and action conducted will be documented and the number of instances will be included in the annual report. The procedures for responding to illicit discharges, illegal dumping and spills will be evaluated annually to ensure program effectiveness.

2.6.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

2.6.1.3 Procedures

Permit Year 1 – Evaluate current procedures and determine if changes need to be conducted. Respond to all reports and conduct the appropriate action as concerns illicit discharges, illegal dumping and spills. Document all reports and action items. Provide the number of responses to illicit discharges, illegal dumping and spills in the annual report.

Permit Year 2 – Evaluate current procedures and determine if changes need to be conducted. Respond to all reports and conduct the appropriate action as concerns illicit discharges, illegal dumping and spills. Document all reports and action items. Provide the number of responses to illicit discharges, illegal dumping and spills in the annual report.

Permit Year 3 – Evaluate current procedures and determine if changes need to be conducted. Respond to all reports and conduct the appropriate action as concerns illicit discharges, illegal dumping and spills. Document all reports and action items. Provide the number of responses to illicit discharges, illegal dumping and spills in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Evaluate current procedures and determine if changes need to be conducted. Respond to all reports and conduct the appropriate action as concerns illicit discharges, illegal dumping and spills. Document all reports and action items. Provide the number of responses to illicit discharges, illegal dumping and spills in the annual report.

Permit Year 5 – Evaluate current procedures and determine if changes need to be conducted. Respond to all reports and conduct the appropriate action as concerns illicit discharges, illegal dumping and spills. Document all reports and action items. Provide the number of responses to illicit discharges, illegal dumping and spills in the annual report.

2.6.1.4 Responsible Persons

The City Council, acting through the Emergency Management Department for the City, is responsible for responding to reports and implementing the appropriate actions to meet the Measurable Goals (2.6.1.1).

2.6.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.6.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects an indicator bacteria loading from illicit discharges, illegal dumping and dumping to be reduced by 5-percent (5%) over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.6.2 BMP2f – *Source Investigation of Illicit Discharges*

THE CITY OF JERSEY VILLAGE will continue to conduct investigations on illicit discharges identified within the City limits and develop written procedures for inspections and follow-up inspections.

2.6.2.1 Measurable Goals

The City will investigate, detect, and locate illicit discharges when they are discovered or reported. If an illicit discharge is reported, the City will promptly gather the appropriate information so the discharge can be quickly located. Upon inspecting the discharge, the City will prioritize the illicit discharge's risk of pollution and proceed with properly removing the illicit discharge, if applicable. These steps are outlined in BMP 2.6.3. The City will develop written illicit discharge procedures describing the basis for conducting inspections and conducting follow-up inspections, if needed, by the end September in Permit Year 2.

2.6.2.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

2.6.2.3 Procedures

Permit Year 1 – Continue to train personnel on procedures to investigate and document illicit discharges. Conduct discharge investigations, then update and revise procedures, as needed. Document all items for inclusion in the annual report.

Permit Year 2 – Develop written inspection and follow-up procedures to conduct illicit discharge investigations. Train personnel on procedures to investigate and document illicit discharges. Conduct discharge investigations, then update and revise procedures, as needed. Document all items in the annual report.

Permit Year 3 – Train personnel on procedures to investigate and document illicit discharges. Conduct discharge investigations, then update and revise procedures, as needed. Document all items in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Train personnel on procedures to investigate and document illicit discharges. Conduct discharge investigations, then update and revise procedures, as needed. Document all items in the annual report.

Permit Year 5 – Train personnel on procedures to investigate and document illicit discharges. Conduct discharge investigations, then update and revise procedures, as needed. Document all items in the annual report.

2.6.2.4 Responsible Persons

The City Council acting through the Emergency Management Department for the City, is responsible for investigating illicit discharges and spills to meet the Measurable Goals (2.6.2.1).

2.6.2.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.6.2.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects an indicator bacteria loading from illicit discharges and dumping to be reduced by 5-percent (5%) over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.6.3 BMP2g – *Source Elimination of Illicit Discharges*

THE CITY OF JERSEY VILLAGE will continue to eliminate the source of an illicit discharge upon determination of the source. This will occur as a result of the source investigations. Corrective actions will be outlined in order to safely eliminate the source of illicit discharges.

2.6.3.1 Measurable Goals

After the investigation process has been completed, the City will determine the appropriate steps to eliminate an illicit discharge. Training will be provided on procedures to safely remove illicit discharges. The City is responsible for corrective action in removing any illicit discharges within the City limits. The overall goal of this program is to remove any illicit discharge before the material enters the storm sewer system and discharges to surface water. After the source has been eliminated, the City will conduct follow up inspections, if needed, to ensure the corrective measures have been implemented by the responsible party. All training materials and elimination documentation will be included in the annual reports. The source elimination program will be evaluated annually to ensure program effectiveness. The MS4 will continue to eliminate the source of 100% of reported illicit discharges by the end of September for each permit year.

2.6.3.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

2.6.3.3 Procedures

Permit Year 1 – Continue to implement procedures for removing illicit discharges and spills, if warranted. Document all items in the annual report.

Permit Year 2 – Continue to implement procedures for removing illicit discharges and spills, if warranted. Document all items in the annual report.

Permit Year 3 – Continue to implement procedures for removing illicit discharges and spills, if warranted. Document all items in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to implement procedures for removing illicit discharges and spills, if warranted. Document all items in the annual report.

Permit Year 5 – Continue to implement procedures for removing illicit discharges and spills, if warranted. Document all items in the annual report.

2.6.3.4 Responsible Persons

The City Council, acting through the Emergency Management Department for the City, is responsible for eliminating illicit discharges to meet the Measurable Goals (2.6.3.1).

2.6.3.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by bacteria.

2.6.3.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects an indicator bacteria loading from illicit discharges and dumping to be reduced by 5-percent (5%) over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

2.7 *Selected BMPs for City Ordinance*

2.7.1 BMP2h – *Evaluation of Ordinance for Illicit Discharge Detection & Elimination*

THE CITY OF JERSEY VILLAGE'S Ordinance is a mechanism for the City to regulate the use of their facilities and assess fines/penalties for noncompliance. The City's Ordinance will be evaluated to prohibit non-storm water discharges into the storm sewer system and enforce implementation actions.

2.7.1.1 Measurable Goals

The City of Jersey Village will evaluate the language in the Ordinance to ensure non-storm water discharges are prohibited from entering the storm sewer system and to confirm it is up to date with the TPDES General Permit No. TXR040000 for illicit discharges and illegal dumping in storm water runoff. If changes are required, the Attorney of the City will review a draft version of the language to be included in the Ordinance. If the Attorney of the City grants approval, then the Ordinance will be updated in Permit Year 2. If approval is delayed, then the Ordinance will be updated in Permit Year 3.

2.7.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

2.7.1.3 Procedures

Permit Year 1 – Continue implementing the Ordinance. Review the current Ordinance and, if necessary, develop a proposed draft of the changes and send to the Attorney of the City for review. Document all items for annual report purposes.

Permit Year 2 – Continue implementing the Ordinance. Review the current Ordinance and, if necessary, develop a proposed draft of the changes and send to the Attorney of the City for review. Document all items for annual report purposes. Pending Attorney approval, finalize the Ordinance.

Permit Year 3 – Continue implementing the Ordinance. Pending Attorney approval, if not granted in Permit Year 2, finalize the Ordinance. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue implementing the Ordinance. Review annually and propose changes as necessary.

Permit Year 5 – Continue implementing the Ordinance. Review annually and propose changes as necessary.

2.7.1.4 Responsible Persons

The City Council, acting through the Engineer and Attorney for the City, is responsible for amending the Ordinance as necessary to meet the Measurable Goals (2.7.1.1).

2.7.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

2.7.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects a 5-percent (5%) reduction in bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

3. CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

3.1 Regulatory Requirement

> ***TPDES General Permit No. TXR040000 Part III.Section B.3.(a)(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…This must include the development and implementation of an ordinance or other regulatory mechanism…to require erosion and sediment control. The requirements include:***
> ***(b)(1) Annual review of the SWMP and MCM implementation procedures;***
> ***(b)(2)) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;***
> ***(b)(3) Prohibited discharges from construction activities;***
> ***(b)(4) Procedures for construction site plan review;***
> ***(b)(5) Procedures for inspecting large and small construction projects and enforcement, if necessary, if inspection findings indicate legal involvement…;***
> ***(b)(6) Procedures for public to submit comments on construction sites;***
> ***(b)(7) Training of MS4 staff;***

3.2 Current Programs

Currently, the City of Jersey Village has a variety of programs to address construction site storm water runoff control per the previous Storm Water Management Program (SWMP). All Best Management Practices (BMPs) included in the previous SWMP will be continued in the new SWMP and focus on selecting, installing, implementing, and maintaining storm water control measures that prevent illicit discharges.

3.3 Selected BMPs for Ordinance

3.3.1 BMP3a – *Evaluation of Ordinance for Construction Site Storm Water Runoff Control*

THE CITY OF JERSEY VILLAGE's Ordinance is a mechanism for the City to regulate the use of their facilities and assess fines/penalties for noncompliance. The City's Ordinance will be evaluated to enforce a program to reduce pollutants in storm water runoff from construction activities.

3.3.1.1 Measurable Goals

The City of Jersey Village will evaluate the language in their Ordinance to ensure non-storm water discharges are prohibited from construction sites and enforcement actions are implemented. The language in the Ordinance will provide regulations for construction activities that result in a land disturbance of greater than or equal to one acre or for a construction activity that is part of a larger common plan of development or sale that would disturb one acre or more. The Ordinance will have language pertaining to the control of waste generated by construction activities and requirements for erosion and sediment control. If changes are required, the Attorney of the City will review a draft version of the language to be included in the Ordinance. If the Attorney of the City grants approval, then the Ordinance will be updated in Permit Year 2. If approval is delayed, then the Ordinance will be updated in Permit Year 3.

3.3.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

3.3.1.3 Procedures

Permit Year 1 – Continue implementing the Ordinance. Review current Ordinance and, if necessary, develop a proposed draft of the changes and send to the Attorney of the City for review. Pending Attorney approval, finalize the Ordinance. Document all items in the annual report.

Permit Year 2 – Continue implementing the Ordinance. Pending Attorney of the City approval, if not granted in Permit Year 1, finalize the Ordinance. Document all items in the annual report. Review annually and propose changes if needed.

Permit Year 3 – Continue implementing the Ordinance. Pending Attorney approval, if not granted in Permit Year 2, finalize the Ordinance. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue implementing the Ordinance. Review annually and propose changes if needed.

Permit Year 5 – Continue implementing the Ordinance. Review annually and propose changes if needed.

3.3.1.4 Responsible Persons

The City Council, acting through the Engineer and Attorney for the City, is responsible for the implementation of the Ordinance to meet the Measurable Goals (3.3.1.1).

3.3.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

3.3.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects a 5-percent (5%) reduction in bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

3.4 Selected BMPs for Construction Site Plan Review

3.4.1 BMP3b – Construction Site Plan Review

THE CITY OF JERSEY VILLAGE will continue to develop, implement, and evaluate construction site plan review procedures in order to prevent water quality impacts within the City. The City will determine if the necessary measures are being conducted in order to minimize the discharge of pollutants from construction sites. All public and private construction plans will be reviewed to ensure the applicable Storm Water Pollution Prevention Plan (SWP3) has been developed in accordance with TPDES Construction General Permit (CGP) No. TXR150000.

3.4.1.1 Measurable Goals

Construction site plan reviews are applicable for all construction activities that result in a land disturbance of greater than or equal to one acre or for a construction activity that is part of a larger common plan of development or sale that would disturb one acre or more. The City will continue to utilize a plan review process which involves a design checklist for the Storm Water Pollution Prevention Plan (SWP3) to ensure compliance with TPDES CGP No. TXR150000 for development within the MS4 service area. A variety of items are checked, such as erosion and sediment control, best management practices (BMPs), soil stabilization, project size, and construction type. This design checklist will be completed for all applicable construction projects and the amount of reviews will be included in the annual reports. By performing these actions, the City will ensure all applicable measures are taken to reduce illicit discharges related to construction sites. The construction site plan review process will be evaluated annually to ensure the City has an effective program to prohibit illicit discharges from entering the storm sewer system.

3.4.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

3.4.1.3 Procedures

Permit Year 1 – Conduct plan reviews to ensure no discharges occur as a result of pollutants from construction sites. The City will continue to review all construction projects in accordance with the TPDES Construction General Permit No. TXR150000. Provide the number of construction site plan reviews in the annual report.

Permit Year 2 – Conduct plan reviews to ensure no discharges occur as a result of pollutants from construction sites. The City will review all construction projects in accordance with the TPDES Construction General Permit No. TXR150000. Provide the number of construction site plan reviews in the annual report.

Permit Year 3 – Conduct plan reviews to ensure no discharges occur as a result of pollutants from construction sites. The City will review all construction projects in accordance with the TPDES Construction General Permit TXR150000. Provide the number of construction site plan reviews in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Conduct plan reviews to ensure no discharges occur as a result of pollutants from construction sites. The City will review all construction projects in accordance with the TPDES Construction General Permit TXR150000. Provide the number of construction site plan reviews in the annual report.

Permit Year 5 – Conduct plan reviews to ensure no discharges occur as a result of pollutants from construction sites. The City will review all construction projects in accordance with the TPDES Construction General Permit TXR150000. Provide the number of construction site plan reviews in the annual report.

3.4.1.4 Responsible Persons

The City Council, acting through the Code Enforcement Department for the City, is responsible for reviewing all construction plans to meet the Measurable Goals (3.4.1.1).

3.4.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

3.4.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects that the amount of bacteria leaving individual construction sites may be reduced by up to 85-percent (85%) if water quality best management practices are implemented for the first time and to the full extent possible. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

3.5 Selected BMPs for Construction Site Inspections & Enforcement

3.5.1 BMP3c – *Construction Site Inspection & Enforcement*

THE CITY OF JERSEY VILLAGE will continue to inspect large and small construction sites during the active construction phase. The inspections will be conducted using an inspection checklist for development within the MS4 service area. The inspection will enforce compliance and determine whether the site has appropriate coverage under TPDES CGP No. TXR150000. The site inspection checklist and enforcement actions will be tracked and reported in the annual reports.

3.5.1.1 Measurable Goals

The City will continue to implement a construction site inspection and enforcement program within the City for all construction activities which result in a land disturbance of greater than or equal to one acre. This inspection and enforcement program also apply to a construction activity that is part of a larger common plan of development or sale that would disturb one acre or more. A Trained City Construction Inspector will conduct an unannounced site visit during the beginning stages of construction and complete an inspection checklist. This checklist has been created to determine if the proper control measures have been selected, installed, implemented, and maintained on each construction site. The City Inspector will evaluate the entire construction site to ensure no threat exists to the environment as a result of construction activities including illicit discharges such as wastewater from washout activities, fuels, oils, soaps, solvents, dewatering activities and other pollutants. These inspections will be documented, and the amount conducted will be included in the annual reports. Enforcement actions may be conducted, as necessary, to ensure no illicit discharges enter the storm sewer system. The MS4 will inspect 100% of applicable construction sites by the end of September each permit year.

3.5.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

3.5.1.3 Procedures

Permit Year 1 – Continue the construction site inspections and enforcement procedures to ensure construction site inspections are being conducted satisfactorily. The City will inspect all construction projects in accordance with TPDES CGP No. TXR150000 and include the number of inspections in the annual report. Review the inspection checklist annually and propose changes as necessary.

Permit Year 2 – Continue the construction site inspections and enforcement procedures to ensure construction site inspections are being conducted satisfactorily. The City will inspect all construction projects in accordance with TPDES CGP No. TXR150000 and include the number of inspections in the annual report. Review the inspection checklist annually and propose changes as necessary.

Permit Year 3 – Continue the construction site inspections and enforcement procedures to ensure construction site inspections are being conducted satisfactorily. The City will inspect all construction projects in accordance with TPDES CGP No. TXR150000 and include the number of inspections in the annual report. Review the inspection checklist annually and propose changes as necessary. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue the construction site inspections and enforcement procedures to ensure construction site inspections are being conducted satisfactorily. The City will inspect all construction projects in accordance with TPDES CGP No. TXR150000 and include the number of inspections in the annual report. Review the inspection checklist annually and propose changes as necessary.

Permit Year 5 – Continue the construction site inspections and enforcement procedures to ensure construction site inspections are being conducted satisfactorily. The City will inspect all construction projects in accordance with TPDES CGP No. TXR150000 and include the number of inspections in the annual report. Review the inspection checklist annually and propose changes as necessary.

3.5.1.4 Responsible Persons

The City Council, acting through the Code Enforcement Department for the City, is responsible for conducting construction site inspections and enforcement actions to meet the Measurable Goals (3.5.1.1).

3.5.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

3.5.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects that the amount of bacteria leaving individual construction sites may be reduced by up to 85-percent (85%) if water quality best management practices are implemented for the first time and to the full extent possible. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

3.6 Selected BMPs for Educational Training

3.6.1 BMP3d – *Training for Construction Site Storm Water Runoff Control*

THE CITY OF JERSEY VILLAGE will continue to provide training to the field staff who are responsible for implementing the construction site storm water runoff control program. The training will ensure the construction site plan reviews and site inspections are being conducted to minimize the discharge of pollutants from construction sites.

3.6.1.1 Measurable Goals

The City will provide educational training for City staff on how to conduct construction site inspections. Training topics will also cover enforcement actions to ensure all construction sites are achieving compliance with TPDES Construction General Permit No. TXR150000. All participants will gain knowledge on how BMPs minimize the discharge of pollutants from equipment and vehicle washing, building materials and products, construction waste and trash, fertilizers, pesticides, herbicides, sanitary waste, and spills and leaks. Personnel will be trained on how to observe water quality control measures, effective BMPs on construction sites, and address insufficient BMPs. Personnel will ensure construction site activities do not contribute to illicit discharges within the City limits. Date(s) of the training will be included in the annual reports. Once per permit year by the end of June, the MS4 will hold a training presentation for construction site storm water runoff control for all appropriate City field staff.

3.6.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
				X	X	X			

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

3.6.1.3 Procedures

Permit Year 1 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 2 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 3 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 5 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

3.6.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for conducting the training program to meet the Measurable Goals (2.4.1.1).

3.6.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

3.6.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the entire implementation process of the I-Plan when in conjunction with other stormwater runoff implementation activities. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

3.7 Selected BMPs for Guidance Manual

3.7.1 BMP3e – *Guidance Manual for Construction Site Storm Water Runoff Control*

THE CITY OF JERSEY VILLAGE will continue to review and inspect construction site activities within the City limits to prevent illicit discharges. The City will continue to utilize the guidance manual to aid in determining effective BMPs for construction sites and address insufficient BMPs.

3.7.1.1 Measurable Goals

The City will continue to utilize the *Storm Water Management Handbook for Construction Activities* by Harris County, Harris County Flood Control District, and the City of Houston which was adopted in previous SWMP permit years to aid in implementing construction site BMPs. The guidance manual provides information on how to implement erosion and sediment control, soil stabilization, and best management practices (BMPs). The guidance manual is a resource for the City to use on storm water facilities owned and operated by the MS4. The guidance manual will be used, where applicable, to ensure the City addresses construction site storm water structural controls. The MS4 will continue to utilize the guidance manual on 100% of applicable construction sites by the end of September each permit year.

3.7.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

3.7.1.3 Procedures

Permit Year 1 – Continue current procedures utilizing the guidance manual.

Permit Year 2 – Continue current procedures utilizing the guidance manual.

Permit Year 3 – Continue current procedures utilizing the guidance manual. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue current procedures utilizing the guidance manual.

Permit Year 5 – Continue current procedures utilizing the guidance manual.

3.7.1.4 Responsible Persons

The City Council, acting through the Department of Public Works for the City, is responsible for ensuring the guidance manual is available to meet the Measurable Goals (3.7.1.1).

3.7.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

3.7.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects that the amount of bacteria leaving individual construction sites may be reduced by up to 85-percent (85%) if water quality best management practices are implemented for the first time and to the full extent possible. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

4. POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT & REDEVELOPMENT

4.1 Regulatory Requirement

> ***TPDES General Permit No. TXR040000 Part III.Section B.4.(a)(1) – All permittees shall develop, implement, and enforce a program…to control stormwater discharges from new development and redeveloped sites…The program must be established for private and public development sites. This must include the development and implementation of an ordinance or other regulatory mechanism…to address post-construction runoff from new development and redevelopment projects. The program must include:***
>
> ***(b)(1) Annual review of the SWMP and MCM implementation procedures;***
>
> ***(b)(2) Documentation and maintenance of enforcement action;***
>
> ***(b)(3) Ensure adequate long-term operation and maintenance of BMPs.***

4.2 Current Programs

Currently, THE CITY OF JERSEY VILLAGE has a variety of programs to address post-construction storm water management in new development and redevelopment per the previous Storm Water Management Program (SWMP). All Best Management Practices (BMPs) included in the previous SWMP will be continued in the new SWMP and focus on reducing the discharge of pollutants.

4.3 Selected BMPs for Post-Construction Storm Water Management in New Development and Redevelopment

4.3.1 BMP4a – *Evaluation of Ordinance to Address Post-Construction Stormwater Runoff Control*

THE CITY OF JERSEY VILLAGE's Ordinance is a legal mechanism for the City to regulate the use of their facilities and assess fines/penalties for noncompliance. The City's Ordinance will be evaluated to ensure discharge of pollutants are not allowed within the MS4.

4.3.1.1 Measurable Goals

THE CITY OF JERSEY VILLAGE will evaluate the language in the Ordinance to prohibit non-storm water discharges. If changes are needed, the Attorney of the City will review a draft version of the language to be included in the Ordinance. The language will establish and enforce that Landowners or Operators of new development or redevelopment are responsible for maintaining their storm water structural controls. The language related to post-construction runoff will be documented for annual report purpose once the Ordinance is finalized. The Ordinance will be reviewed and modified once during Permit Year 2 to ensure the Ordinance is up to date with the TPDES General Permit No. TXR040000.

4.3.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

4.3.1.3 Procedures

Permit Year 1 – Continue implementing the Ordinance. Review current Ordinance and, if necessary, develop a proposed draft of the changes and send to the Attorney of the City for review. Pending Attorney approval, finalize the Ordinance. Document all items in the annual report.

Permit Year 2 – Continue implementing the Ordinance. Pending Attorney of the City approval, if not granted in Permit Year 1, finalize the Ordinance. Document all items in the annual report. Review annually and propose changes if needed.

Permit Year 3 – Continue implementing the Ordinance. Pending Attorney approval, if not granted in Permit Year 2, finalize the Ordinance. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue implementing the Ordinance. Review annually and propose changes if needed.

Permit Year 5 – Continue implementing the Ordinance. Review annually and propose changes if needed.

4.3.1.4 Responsible Persons

The City Council, acting through the Engineer and Attorney for the City, is responsible for the implementation of the Ordinance to meet the Measurable Goals (4.3.1.1).

4.3.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

4.3.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects a 5-percent (5%) reduction in bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

4.4 Selected BMPs for Long-Term Maintenance of Post-Construction Measures

4.4.1 BMP4b – *Guidance Manual for Post-Construction Storm Water Runoff Controls*

THE CITY OF JERSEY VILLAGE will continue to ensure long-term operation and maintenance of structural storm water control measures installed by the City. The City will continue to utilize the guidance manual to aid in the establishment, implementation, and maintenance of structural and non-structural BMPs appropriate for the community.

4.4.1.1 Measurable Goals

The City will continue to utilize the *Storm Water Management Handbook for Construction Activities* by Harris County, Harris County Flood Control District, and the City of Houston which was adopted in previous SWMP permit years to aid in implementing post-construction BMPs. The guidance manual provides information on how to provide long-term maintenance of post-construction storm water control measures. The guidance manual is a resource for the City to use on the facilities owned and operated by the MS4. The manual will be used, where applicable, to ensure the City addresses long term maintenance on structural controls they own and operate. The program will be reviewed and modified once per permit year to ensure program effectiveness.

4.4.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

4.4.1.3 Procedures

Permit Year 1 – Continue current procedures utilizing the guidance manual.

Permit Year 2 – Continue current procedures utilizing the guidance manual.

Permit Year 3 – Continue current procedures utilizing the guidance manual. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue current procedures utilizing the guidance manual.

Permit Year 5 – Continue current procedures utilizing the guidance manual.

4.4.1.4 Responsible Persons

The City Council, acting through the Department of Public Works for the City, is responsible for ensuring the guidance manual is available to meet the Measurable Goals (4.4.1.1).

4.4.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

4.4.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects that the amount of bacteria leaving individual construction sites may be reduced by up to 85-percent (85%) if water quality best management practices are implemented for the first time and to the full extent possible. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

4.5 Selected BMPs for Inspection on Post-Construction Measures

4.5.1 BMP4c – *Inspection Program for Post-Construction Storm Water Runoff Controls*

THE CITY OF JERSEY VILLAGE will continue to perform inspections on all completed construction activities for all permitted, active, public, and private construction sites that result in a total land disturbance of greater than or equal to one acre. Inspections will also be performed for a construction activity that is part of a larger common plan of development or sale that would disturb one acre or more within the City limits. The inspections will ensure permanent structural controls were properly constructed to reduce the potential impact of illicit discharges.

4.5.1.1 Measurable Goals

City Inspectors will evaluate all completed construction activities within the City limits listed on the construction site inventory list. These inspections will ensure permanent structural controls were properly constructed and that the long-term functionality of the BMP is maintained. Training will be provided to City staff focused on inspecting complete construction activities and documenting the inspection using a form created by the City. This form will outline all the necessary information required to perform the construction inspections. The inspection form will be documented for annual report purposes. The number of post-construction inspections will be included in the annual report. The program will be reviewed and modified annually to ensure program effectiveness. The MS4 will inspect 100% of applicable post-construction sites by the end of September each permit year.

4.5.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

4.5.1.3 Procedures

Permit Year 1 – Continue to conduct inspections on all complete construction activities to ensure post-construction site inspections are being conducted satisfactorily. Review the inspection checklist annually and propose changes if needed. Include the number of inspections in the annual report.

Permit Year 2 – Continue to conduct inspections on all complete construction activities to ensure post-construction site inspections are being conducted satisfactorily. Review the inspection checklist annually and propose changes if needed. Include the number of inspections in the annual report.

Permit Year 3 – Continue to conduct inspections on all complete construction activities to ensure post-construction site inspections are being conducted satisfactorily. Review the inspection checklist annually and propose changes if needed. Include the number of inspections in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to conduct inspections on all complete construction activities to ensure post-construction site inspections are being conducted satisfactorily. Review the inspection checklist annually and propose changes if needed. Include the number of inspections in the annual report.

Permit Year 5 – Continue to conduct inspections on all complete construction activities to ensure post-construction site inspections are being conducted satisfactorily. Review the inspection checklist annually and propose changes if needed. Include the number of inspections in the annual report.

4.5.1.4 Responsible Persons

The City Council, acting through the Code Enforcement Department for the City, is responsible for conducting post-construction inspections to meet the Measurable Goals (4.5.1.1).

4.5.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

4.5.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the enter implementation process. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

4.6 Selected BMPs for Training on Post-Construction Measures

4.6.1 BMP4d – *Training for Post-Construction Storm Water Runoff Controls*

THE CITY OF JERSEY VILLAGE will continue to educate City staff who are responsible for conducting post-construction storm water control measures. The training program will identify why pollutant discharges are prohibited within the MS4. This educational training program will be offered to field staff on an annual basis.

4.6.1.1 Measurable Goals

The training program will address the requirements that all owners and operators of new development and redevelopment must install and maintain a combination of structural and nonstructural BMPs appropriate for protecting surface waters. The educational training will be offered annually to the City field staff. The training program material and attendance list will be documented for annual report purposes. The program will be reviewed and modified annually to ensure program effectiveness. Date(s) of the training will be included in the annual reports.

4.6.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
				X	X	X			

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

4.6.1.3 Procedures

Permit Year 1 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 2 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 3 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

Permit Year 5 – Continue to offer the training program and update/revise it, as needed. Offer the training program to City field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the Annual Report.

4.6.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for conducting an annual training session to meet the Measurable Goals (4.6.1.1).

4.6.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

4.6.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the enter implementation process. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5. POLLUTION PREVENTION & GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

5.1 Regulatory Requirement

> ***TPDES General Permit No. TXR040000 Part III.Section B.5.(a) – All permittees shall develop and implement and 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…Requirements of this program include:***
>
> ***(b)(1) Development of permittee-owned facilities and control inventory;***
>
> ***(b)(2) Training of MS4 staff;***
>
> ***(b)(3) Appropriate disposal of waste;***
>
> ***(b)(4) Providing Oversight of Contractors;***
>
> ***(b)(5) Assessment of municipal operation and maintenance activities;***
>
> ***(b)(6) Structural control maintenance of permittee-owned structural facilities.***

5.2 Current Programs

Currently, the City of Jersey Village has a variety of operation and maintenance programs, staff trainings, and procedures to prevent or reduce pollutant runoff from municipal activities and municipally owned areas per the previous Storm Water Management Program (SWMP). All Best Management Practices (BMPs) included in the previous SWMP will be continued in the new SWMP and focus on reducing the discharge of pollutants.

5.3 Selected BMPs for Street Sweeping Measures

5.3.1 BMP5a – *Street Sweeping Measures*

The City of Jersey Village will continue to utilize street sweeping measures on city-owned streets throughout the MS4 area.

5.3.1.1 Measurable Goals

The City will continue to utilize the city-owned street sweeper on streets owned and maintained by the MS4. The City primarily uses the street sweeper before and/or after city-sponsored efforts such as parades, minor street/municipal construction activities, festival-related events or after heavy rainfalls. The City will report the number of miles used by the street sweeper in the annual reports.

5.3.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

5.3.1.3 Procedures

Permit Year 1 – Continue to utilize the street sweeping measures by the City. Provide the number of estimated miles the street sweeper used in the annual reports.

Permit Year 2 – Continue to utilize the street sweeping measures by the City. Provide the number of estimated miles the street sweeper used in the annual reports.

Permit Year 3 – Continue to utilize the street sweeping measures by the City. Provide the number of estimated miles the street sweeper used in the annual reports. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to utilize the street sweeping measures by the City. Provide the number of estimated miles the street sweeper used in the annual reports.

Permit Year 5 – Continue to utilize the street sweeping measures by the City. Provide the number of estimated miles the street sweeper used in the annual reports.

5.3.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for utilizing the street sweeper to meet the Measurable Goals (5.3.1.1).

5.3.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.3.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the enter implementation process. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.4 Selected BMPs Permittee-Owned Facilities & Storm Water Structural Controls

5.4.1 BMP5b – *Inventory of Facilities & Storm Water Structural Controls*

The City of Jersey Village will continue to maintain an inventory of facilities and storm water structural controls owned and operated within the regulated area of the City. If feasible, the inventory may include all applicable permit numbers, registration numbers, and authorizations for each facility.

5.4.1.1 Measurable Goals

The City will maintain an updated inventory list of the facilities owned and operated by the City. The City is responsible for evaluating and updating the inventory list solely on the facilities and storm water structural controls they own and operate. The inventory list may include equipment storage and maintenance facilities, fuel storage facilities, hazardous waste disposal facilities, material storage yards, buildings, schools, libraries, police stations, fire stations, office buildings, golf courses, swimming pools, public works yards, recycling facilities, solid waste handling facilities, street repair and maintenance sites, vehicle storage and maintenance yards, and structural storm water controls. The inventory list will be readily available upon request by the TCEQ. The inventory list will be evaluated annually and should include all facilities that have the ability to contribute illicit discharges. The inventory list will assist the City towards identifying their facilities location and the potential to contribute storm water pollution within the MS4 service area.

5.4.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
							X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

5.4.1.3 Procedures

Permit Year 1 – Continue to maintain an updated inventory list. Document all items for annual report purposes.

Permit Year 2 – Continue to maintain an updated inventory list. Document all items for annual report purposes.

Permit Year 3 – Continue to maintain an updated inventory list. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to maintain an updated inventory list. Document all items for annual report purposes.

Permit Year 5 – Continue to maintain an updated inventory list. Document all items for annual report purposes.

5.4.1.4 Responsible Persons

The City of Jersey Village, acting through the Department of Public Works for the City, is responsible for updating the inventory list to meet the Measurable Goals (5.4.1.1).

5.4.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.4.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the enter implementation process. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.5 Selected BMPs for Education and Training

5.5.1 BMP5b – *Training for Pollution Prevention & Good Housekeeping*

THE CITY OF JERSEY VILLAGE will continue to provide a training program which describes the implementation of pollution prevention and good housekeeping practices. The training will ensure good housekeeping practices are being conducted to minimize the discharge of pollutants from City facilities. This educational training program will be offered to field staff on an annual basis.

5.5.1.1 Measurable Goals

The training program will address how to effectively implement pollution prevention and good housekeeping practices in municipal activities and at City owned facilities. The educational training will be available to field staff for the City and offered annually. The training program materials and attendance list will be documented for annual report purposes. The program will be reviewed and modified annually to ensure program effectiveness. Date(s) of the training will be included in the annual reports.

5.5.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
				X	X	X			

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
						X	X	X			

5.5.1.3 Procedures

Permit Year 1 – Continue to offer the training program and update/revise it, as needed. Offer the training program to field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the annual report.

Permit Year 2 – Continue to offer the training program and update/revise it, as needed. Offer the training program to field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the annual report.

Permit Year 3 – Continue to offer the training program and update/revise it, as needed. Offer the training program to field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to offer the training program and update/revise it, as needed. Offer the training program to field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the annual report.

Permit Year 5 – Continue to offer the training program and update/revise it, as needed. Offer the training program to field staff and document the materials and attendance list for the annual report. Provide the date(s) of the training in the annual report.

5.5.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for conducting the training program to meet the Measurable Goals (5.5.1.1).

5.5.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.5.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects to reduce bacteria loading from stormwater and land development by up to 20-percent (20%) over the enter implementation process. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.6 Selected BMPs for Disposal of Waste

5.6.1 BMP6d – *Disposal of Waste*

THE CITY OF JERSEY VILLAGE will continue to ensure that all waste disposed within the small MS4 is disposed of in accordance with 30 Texas Administration Code (TAC) Chapters 330 or 335. The City will provide spill response kits at City facilities to prevent illicit discharges from entering the storm sewer system.

5.6.1.1 Measurable Goals

The City will ensure all waste materials removed from the City limits are properly disposed and do not contribute as illicit discharges within the City. The City will verify all facilities within the City limits will dispose of waste in accordance with 30 TAC Chapters 330 or 335. The City will continue to provide spill response kit(s) in convenient locations at City facilities. If spills occur, the kit(s) can be used to safely remove the pollutants before they enter the storm sewer system. The number of spill response kit(s) available for the City's use will be included in the annual reports. The MS4 will verify that at least one (1) spill response kit is available for their use at the end of September every permit year.

5.6.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X									

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X									

5.6.1.3 Procedures

Permit Year 1 – Review 30 TAC Chapters 330 and 335 and evaluate methods for waste disposal. Ensure all waste is properly disposed of and does not contribute as illicit material. Document the number of spill response kits in the annual report.

Permit Year 2 – Review 30 TAC Chapters 330 and 335 and evaluate methods for waste disposal. Ensure all waste is properly disposed of and does not contribute as illicit material. Document the number of spill response kits in the annual report.

Permit Year 3 – Review 30 TAC Chapters 330 and 335 and evaluate methods for waste disposal. Ensure all waste is properly disposed of and does not contribute as illicit material. Document the number of spill response kits in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Review 30 TAC Chapters 330 and 335 and evaluate methods for waste disposal. Ensure all waste is properly disposed of and does not contribute as illicit material. Document the number of spill response kits in the annual report.

Permit Year 5 – Review 30 TAC Chapters 330 and 335 and evaluate methods for waste disposal. Ensure all waste is properly disposed of and does not contribute as illicit material. Document the number of spill response kits in the annual report.

5.6.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for evaluating waste disposal to meet the Measurable Goals (5.6.1.1).

5.6.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.6.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects 5-percent (5%) reduction in indicator bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.7 Selected BMPs for Contractor Requirements & Oversight

5.7.1 BMP5e – *Contractor Oversight*

THE CITY OF JERSEY VILLAGE will continue to provide Contractor Oversight during municipal maintenance activities to ensure Contractors use the appropriate BMP control measures and standard operating procedures (SOPs).

5.7.1.1 Measurable Goals

The City will monitor Contractors performing municipal activities within the City limits. Storm water quality structural control measures, good housekeeping practices and facility specific storm water management operating procedures will be evaluated when hiring a Contractor. Any contractors hired by the City to perform maintenance and/or construction activities on permittee-owned facilities must be contractually require to comply with requirements in the General Permit and SWMP. Oversight procedures must be maintained on-site and readily available for inspection by TCEQ. Any instances of improper use or lack of control measures will be documented and addressed promptly by the Contractor. All documentation will be included in each annual report by providing the number of contractor oversights requiring corrective action. The program will be reviewed and modified once per permit year to ensure program effectiveness. Starting in Permit Year 2, the MS4 will require 100% of new contractors hired by the MS4 to have text written in their contracts requiring them to comply with the requirements outlined in the General Permit and SWMP.

5.7.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

5.7.1.3 Procedures

Permit Year 1 – Continue to provide Contractor oversight during construction activities within the City. Provide number of contractor oversights in the annual report.

Permit Year 2 – Continue to provide Contractor oversight during construction activities within the City. Provide number of contractor oversights in the annual report.

Permit Year 3 – Continue to provide Contractor oversight during construction activities within the City. Provide number of contractor oversights in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to provide Contractor oversight during construction activities within the City. Provide number of contractor oversights in the annual report.

Permit Year 5 – Continue to provide Contractor oversight during construction activities within the City. Provide number of contractor oversights in the annual report.

5.7.1.4 Responsible Persons

The City Council, acting through the Code Enforcement Department for the City, is responsible for providing Contractor oversight to meet the Measurable Goals (5.7.1.1).

5.7.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.7.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects that the amount of bacteria leaving individual construction sites may be reduced by up to 85-percent (85%) if water quality best management practices are implemented for the first time and to the full extent possible. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.8 Selected BMPs for Inspections & Assessments on Facilities

5.8.1 BMP5f – *Inspections & Assessments on Facilities*

The City of Jersey Village and will continue to perform annual inspections on the facilities and storm water structural controls they own and operate for their potential to discharge pollutants. Assessments will be conducted on all facilities based on their potential to generate storm water pollutants. The inspections and assessments will ensure the facilities are operating sufficiently and do not contribute illicit discharges.

5.8.1.1 Measurable Goals

City Inspector will inspect all City facilities and storm water structural controls based on the information included on the inventory list. The City will provide an inspection and assessment form to document the actions conducted. Along with the inspection form, training will be provided to City staff to ensure the City Inspector can effectively inspect and assess the facilities, and verify their facilities do not contribute illicit discharges. The form will aid the City Inspector in identifying high priority facilities based on their potential to discharge pollutants into the storm sewer system. High priority facilities are facilities with a high potential to generate stormwater pollutants such as 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. The results of the assessment, deficiencies detected, and corrective actions conducted at the high priority facilities will be documented and included for annual report purposes. The facility assessment and inspection program will be reviewed and modified once per permit year to ensure program effectiveness. The MS4 will inspect 100% of their permittee-owned facilities and storm water structural controls at the end of September each permit year.

5.8.1.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

5.8.1.3 Procedures

Permit Year 1 – The City is responsible for inspecting and assessing their respective facilities and storm water structural controls. Document all items for annual report purposes.

Permit Year 2 – The City is responsible for inspecting and assessing their respective facilities and storm water structural controls. Document all items for annual report purposes.

Permit Year 3 – The City is responsible for inspecting and assessing their respective facilities and storm water structural controls. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – The City is responsible for inspecting and assessing their respective facilities and storm water structural controls. Document all items for annual report purposes.

Permit Year 5 – The City is responsible for inspecting and assessing their respective facilities and storm water structural controls. Document all items for annual report purposes.

5.8.1.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for ensuring facilities are inspected annually to meet the Measurable Goals (5.8.1.1).

5.8.1.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.8.1.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects a 5-percent (5%) reduction in bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.8.2 BMP5g – *Municipal Operation & Maintenance Activities*

The City of Jersey Village will continue to evaluate existing operation and maintenance (O&M) activities and develop pollution prevention measures that will reduce the discharge of pollutants in storm water. The City will also identify pollutants of concern that could be discharged from O&M activities.

5.8.2.1 Measurable Goals

The City will evaluate current O&M activities for their potential to discharge pollutants in storm water, such as right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation. The City will identify and create a list of any pollutants of concern that could be discharged from O&M activities. Some examples of pollutants of concern that could be discharged from O&M activities are: metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash. Once all O&M activities are evaluated, a list will be created of these pollutants. Following the creation of the needed pollutant list, the City will consider implementing pollution prevention measures, such as: replacing materials and chemicals with more environmentally benign materials or methods; changing operations to minimize the exposure or mobilization of pollutants; and placing barriers around or conducting runoff away from chemical storage areas to prevent discharge into surface waters. The City will develop and implement a set of pollution prevention measures to fit the City's needs for O&M activities. A summary of these activities will be included in the annual reports. The City will evaluate the pollutant list and pollution prevention measures annually in order to ensure program effectiveness. The MS4 will create a list of pollutants of concern at the end of September in permit year 2 and review the list each subsequent permit year.

5.8.2.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
							X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
									X	X	X

5.8.2.3 Procedures

Permit Year 1 – Continue to evaluate O&M activities as needed. Include a summary of these activities in the annual report.

Permit Year 2 – Continue to evaluate O&M activities as needed. Include a summary of these activities in the annual report.

Permit Year 3 – Continue to evaluate O&M activities as needed. Include a summary of these activities in the annual report. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – Continue to evaluate O&M activities as needed. Include a summary of these activities in the annual report.

Permit Year 5 – Continue to evaluate O&M activities as needed. Include a summary of these activities in the annual report.

5.8.2.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for evaluating O&M activities to meet the Measurable Goals (5.8.2.1).

5.8.2.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.8.2.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects a 5-percent (5%) reduction in bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

5.8.3 BMP5g – *Assessment of Storm & Sanitary Sewer Systems*

The City of Jersey Village will continue to evaluate the MS4's storm and sanitary sewer systems. This will reduce the discharge of pollutants such as bacteria into the MS4 and its receiving stream.

5.8.3.1 Measurable Goals

The City will evaluate the storm and sanitary sewer systems, as needed, to identify any areas that may need detailed-assessment, repair, replacement, or further mitigation. Portions of the storm sewer system will be assessed, as needed. The City's sanitary sewer system including the sanitary sewer lines, lift stations, and wastewater treatment plant will continue to be evaluated and if deemed necessary, improvements will be performed to reduce overflows and address inadequacies. If overflow occur, the MS4 will continue to report these instances as required to TCEQ and immediately remediate the issue. The MS4 will attempt to reduce the potential blockage from fats, oil and grease in their sanitary sewer system through public education measures addressed in BMP 1.3.1. Each permit year by the of September, the MS4 will fix 100% of underlying sanitary sewer overflow issues to prevent further SSOs.

5.8.3.2 Schedule

Permit Year 1 (2018-2019)									
Dec	Jan-19	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X

Permit Year 2 (2019-2020)											
Oct	Nov	Dec	Jan-20	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 3 (2020-2021)											
Oct	Nov	Dec	Jan-21	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 4 (2021-2022)											
Oct	Nov	Dec	Jan-22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

Permit Year 5 (2022-2023)											
Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
X	X	X	X	X	X	X	X	X	X	X	X

5.8.3.3 Procedures

Permit Year 1 – The City is responsible for assessing their respective storm and sanitary sewer systems. Document all items for annual report purposes.

Permit Year 2 – The City is responsible for assessing their respective storm and sanitary sewer systems. Document all items for annual report purposes.

Permit Year 3 – The City is responsible for assessing their respective storm and sanitary sewer systems. Document all items for annual report purposes. Document all items for annual report purposes. Evaluate the BMP's progress to achieve the WLA Benchmark. If the program is sufficient, continue existing procedures. If the program is insufficient, develop alternative BMPs and procedures to achieve the Benchmark Goal.

Permit Year 4 – The City is responsible for assessing their respective storm and sanitary sewer systems. Document all items for annual report purposes.

Permit Year 5 – The City is responsible for assessing their respective storm and sanitary sewer systems. Document all items for annual report purposes.

5.8.3.4 Responsible Persons

The City Council, acting through the Public Works Department for the City, is responsible for ensuring the storm and sanitary sewers are assessed as needed to meet the Measurable Goals (5.8.1.1).

5.8.3.5 Targeted Controls

This BMP will target residents, businesses, visitors, commercial and industrial facilities that reside within the City limits to reduce the impairment caused by Bacteria.

5.8.3.6 Implementation Plan Reduction

The Implementation Plan (I-Plan) expects a 5-percent (5%) reduction in bacteria loading from illicit discharges and dumping over twenty-five (25) years when in conjunction with other illicit discharges and dumping implementation strategies. This BMP will be evaluated in Permit Year 3 to ensure program effectiveness and overall success.

CITY OF JERSEY VILLAGE
MS4 Schedule

Minimum Control Measures	Best Management Practices	Duration	Start	Finish	Permit Year 1 (2018-2019) Months									
1. Public Education, Outreach, and Involvement					Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1.3.1.a	Utility Bill Inserts	120 Days	Dec	May	X				X	X	X			
1.3.2.b	Utilize MS4 Website	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
1.4.1.c	Storm Drain Marking	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
1.4.2.d	Volunteer Recycling Program	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
1.5.1.e	Opportunity for Public Comment	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
2. Illicit Discharge Detection and Elimination														
2.3.1.a	Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls	90 Days	Jul	Sep								X	X	X
2.4.1.b	Training for Illicit Discharge Detection & Elimination	90 Days	Apr	Jun					X	X	X			
2.5.1.c	Public Reporting Using Utility Bill Inserts	120 Days	Dec	May	X				X	X				
2.5.2.d	Public Reporting Using Electronic Education	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
2.6.1.e	Responding to Illicit Discharge & Spills	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
2.6.2.f	Source Investigation of Illicit Discharges	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
2.6.3.g	Source Elimination of Illicit Discharges	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
2.7.1.h	Evaluation of Ordinance for Illicit Discharge Detection & Elimination													
3. Construction Site Storm Water Runoff Control														
3.3.1.a	Evaluation of Ordinance for Construction Site Storm Water Runoff Control													
3.4.1.b	Construction Site Plan Review	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
3.5.1.c	Construction Site Inspection & Enforcement	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
3.6.1.d	Training for Construction Site Storm Water Runoff Control	90 Days	Apr	Jun					X	X	X			
3.7.1.e	Guidance Manual for Construction Site Storm Water Runoff Control	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
4. Post-Construction Storm Water Management in New Development and Redevelopment														
4.3.1.a	Evaluation of Ordinance to Address Post-Construction Stormwater Runoff													
4.4.1.b	Guidance Manual for Post-Construction Storm Water Runoff Controls	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
4.5.1.c	Inspection Program for Post-Construction Storm Water Runoff Controls	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
4.6.1.d	Training for Post-Construction Storm Water Runoff Controls	90 Days	Apr	Jun					X	X	X			
5. Pollution Prevention & Good Housekeeping for Municipal Operations														
5.3.1.a	Street Sweeping Measures	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
5.4.1.b	Inventory of Facilities & Storm Water Structural Controls	90 Days	Jul	Sep								X	X	X
5.5.1.c	Training for Pollution Prevention & Good Housekeeping	90 Days	Apr	Jun					X	X	X			
5.6.1.d	Disposal of Waste	30 Days	Dec	Dec	X									
5.7.1.e	Contractor Oversight	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
5.8.1.f	Inspections & Assessments on Facilities	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X
5.8.2.g	Municipal Operation & Maintenance Activities	90 Days	Jul	Sep								X	X	X
5.8.3.h	Assessment of Storm & Sanitary Sewer System	305 Days	Dec	Sep	X	X	X	X	X	X	X	X	X	X

City of Jersey Village TEXAS

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439

CITY OF JERSEY VILLAGE
MS4 Schedule

Minimum Control Measures	Best Management Practices	Duration	Start	Finish	Permit Year 2 (2019-2020) Months											
1. Public Education, Outreach, and Involvement					**Oct**	**Nov**	**Dec**	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**
1.3.1.a	Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
1.3.2.b	Utilize MS4 Website	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.1.c	Storm Drain Marking	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.2.d	Volunteer Recycling Program	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.5.1.e	Opportunity for Public Comment	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2. Illicit Discharge Detection and Elimination																
2.3.1.a	Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls	90 Days	Jul	Sep										X	X	X
2.4.1.b	Training for Illicit Discharge Detection & Elimination	90 Days	Apr	Jun							X	X	X			
2.5.1.c	Public Reporting Using Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
2.5.2.d	Public Reporting Using Electronic Education	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.1.e	Responding to Illicit Discharge & Spills	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.2.f	Source Investigation of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.3.g	Source Elimination of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.7.1.h	Evaluation of Ordinance for Illicit Discharge Detection & Elimination	90 Days	Oct	Dec	X	X	X									
3. Construction Site Storm Water Runoff Control																
3.3.1.a	Evaluation of Ordinance for Construction Site Storm Water Runoff Control	90 Days	Oct	Dec	X	X	X									
3.4.1.b	Construction Site Plan Review	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.5.1.c	Construction Site Inspection & Enforcement	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.6.1.d	Training for Construction Site Storm Water Runoff Control	90 Days	Apr	Jun							X	X	X			
3.7.1.e	Guidance Manual for Construction Site Storm Water Runoff Control	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4. Post-Construction Storm Water Management in New Development and Redevelopment																
4.3.1.a	Evaluation of Ordinance to Address Post-Construction Stormwater Runoff	90 Days	Oct	Dec	X	X	X									
4.4.1.b	Guidance Manual for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.5.1.c	Inspection Program for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.6.1.d	Training for Post-Construction Storm Water Runoff Controls	90 Days	Apr	Jun							X	X	X			
5. Pollution Prevention & Good Housekeeping for Municipal Operations																
5.3.1.a	Street Sweeping Measures	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.4.1.b	Inventory of Facilities & Storm Water Structural Controls	90 Days	Jul	Sep										X	X	X
5.5.1.c	Training for Pollution Prevention & Good Housekeeping	90 Days	Apr	Jun							X	X	X			
5.6.1.d	Disposal of Waste	90 Days	Oct	Dec	X	X	X									
5.7.1.e	Contractor Oversight	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.1.f	Inspections & Assessments on Facilities	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.2.g	Municipal Operation & Maintenance Activities	90 Days	Jul	Sep										X	X	X
5.8.3.h	Assessment of Storm & Sanitary Sewer Systems	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X

City of Jersey Village TEXAS

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439

CITY OF JERSEY VILLAGE
MS4 Schedule

Minimum Control Measures	Best Management Practices	Duration	Start	Finish	Permit Year 3 (2020-2021) Months											
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1. Public Education, Outreach, and Involvement																
1.3.1.a	Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
1.3.2.b	Utilize MS4 Website	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.1.c	Storm Drain Marking	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.2.d	Volunteer Recycling Program	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.5.1.e	Opportunity for Public Comment	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2. Illicit Discharge Detection and Elimination																
2.3.1.a	Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls	90 Days	Jul	Sep										X	X	X
2.4.1.b	Training for Illicit Discharge Detection & Elimination	90 Days	Apr	Jun							X	X	X			
2.5.1.c	Public Reporting Using Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
2.5.2.d	Public Reporting Using Electronic Education	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.1.e	Responding to Illicit Discharge & Spills	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.2.f	Source Investigation of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.3.g	Source Elimination of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.7.1.h	Evaluation of Ordinance for Illicit Discharge Detection & Elimination	90 Days	Oct	Dec	X	X	X									
3. Construction Site Storm Water Runoff Control																
3.3.1.a	Evaluation of Ordinance for Construction Site Storm Water Runoff Control	90 Days	Oct	Dec	X	X	X									
3.4.1.b	Construction Site Plan Review	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.5.1.c	Construction Site Inspection & Enforcement	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.6.1.d	Training for Construction Site Storm Water Runoff Control	90 Days	Apr	Jun							X	X	X			
3.7.1.e		365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4. Post-Construction Storm Water Management in New Development and Redevelopment																
4.3.1.a	Evaluation of Ordinance to Address Post-Construction Stormwater Runoff	90 Days	Oct	Dec	X	X	X									
4.4.1.b	Guidance Manual for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.5.1.c	Inspection Program for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.6.1.d	Training for Post-Construction Storm Water Runoff Controls	90 Days	Apr	Jun							X	X	X			
5. Pollution Prevention & Good Housekeeping for Municipal Operations																
5.3.1.a	Street Sweeping Measures	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.4.1.b	Inventory of Facilities & Storm Water Structural Controls	90 Days	Jul	Sep										X	X	X
5.5.1.c	Training for Pollution Prevention & Good Housekeeping	90 Days	Apr	Jun							X	X	X			
5.6.1.d	Disposal of Waste	90 Days	Oct	Dec	X	X	X									
5.7.1.e	Contractor Oversight	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.1.f	Inspections & Assessments on Facilities	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.2.g	Municipal Operation & Maintenance Activities	90 Days	Jul	Sep										X	X	X
5.8.3.h	Assessment of Storm & Sanitary Sewer Systems	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X

City of Jersey Village TEXAS

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439

CITY OF JERSEY VILLAGE
MS4 Schedule

Minimum Control Measures	Best Management Practices	Duration	Start	Finish	Permit Year 4 (2021-2022) Months											
1. Public Education, Outreach, and Involvement					**Oct**	**Nov**	**Dec**	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**
1.3.1.a	Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
1.3.2.b	Utilize MS4 Website	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.1.c	Storm Drain Marking	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.2.d	Volunteer Recycling Program	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.5.1.e	Opportunity for Public Comment	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2. Illicit Discharge Detection and Elimination																
2.3.1.a	Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls	90 Days	Jul	Sep										X	X	X
2.4.1.b	Training for Illicit Discharge Detection & Elimination	90 Days	Apr	Jun							X	X	X			
2.5.1.c	Public Reporting Using Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
2.5.2.d	Public Reporting Using Electronic Education	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.1.e	Responding to Illicit Discharge & Spills	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.2.f	Source Investigation of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.3.g	Source Elimination of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.7.1.h	Evaluation of Ordinance for Illicit Discharge Detection & Elimination	90 Days	Oct	Dec	X	X	X									
3. Construction Site Storm Water Runoff Control																
3.3.1.a	Evaluation of Ordinance for Construction Site Storm Water Runoff Control	90 Days	Oct	Dec	X	X	X									
3.4.1.b	Construction Site Plan Review	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.5.1.c	Construction Site Inspection & Enforcement	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.6.1.d	Training for Construction Site Storm Water Runoff Control	90 Days	Apr	Jun							X	X	X			
3.7.1.e	Guidance Manual for Construction Site Storm Water Runoff Control	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4. Post-Construction Storm Water Management in New Development and Redevelopment																
4.3.1.a	Evaluation of Ordinance to Address Post-Construction Stormwater Runoff	90 Days	Oct	Dec	X	X	X									
4.4.1.b	Guidance Manual for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.5.1.c	Inspection Program for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.6.1.d	Training for Post-Construction Storm Water Runoff Controls	90 Days	Apr	Jun							X	X	X			
5. Pollution Prevention & Good Housekeeping for Municipal Operations																
5.3.1.a	Street Sweeping Measures	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.4.1.b	Inventory of Facilities & Storm Water Structural Controls	90 Days	Jul	Sep										X	X	X
5.5.1.c	Training for Pollution Prevention & Good Housekeeping	90 Days	Apr	Jun							X	X	X			
5.6.1.d	Disposal of Waste	90 Days	Oct	Dec	X	X	X									
5.7.1.e	Contractor Oversight	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.1.f	Inspections & Assessments on Facilities	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.2.g	Municipal Operation & Maintenance Activities	90 Days	Jul	Sep										X	X	X
5.8.3.h	Assessment of Storm & Sanitary Sewer Systems	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X

City of Jersey Village TEXAS

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439

CITY OF JERSEY VILLAGE
MS4 Schedule

Minimum Control Measures	Best Management Practices	Duration	Start	Finish	Months											
1. Public Education, Outreach, and Involvement					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1.3.1.a	Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
1.3.2.b	Utilize MS4 Website	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.1.c	Storm Drain Marking	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.4.2.d	Volunteer Recycling Program	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
1.5.1.e	Opportunity for Public Comment	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2. Illicit Discharge Detection and Elimination																
2.3.1.a	Maps of Inlets, Storm Sewer Lines, Outfalls, Surface Waters & Structural Controls	90 Days	Jul	Sep										X	X	X
2.4.1.b	Training for Illicit Discharge Detection & Elimination	90 Days	Apr	Jun							X	X	X			
2.5.1.c	Public Reporting Using Utility Bill Inserts	120 Days	Nov	May		X	X				X	X				
2.5.2.d	Public Reporting Using Electronic Education	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.1.e	Responding to Illicit Discharge & Spills	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.2.f	Source Investigation of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.6.3.g	Source Elimination of Illicit Discharges	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
2.7.1.h	Evaluation of Ordinance for Illicit Discharge Detection & Elimination	90 Days	Oct	Dec	X	X	X									
3. Construction Site Storm Water Runoff Control																
3.3.1.a	Evaluation of Ordinance for Construction Site Storm Water Runoff Control	90 Days	Oct	Dec	X	X	X									
3.4.1.b	Construction Site Plan Review	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.5.1.c	Construction Site Inspection & Enforcement	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
3.6.1.d	Training for Construction Site Storm Water Runoff Control	90 Days	Apr	Jun							X	X	X			
3.7.1.e	Guidance Manual for Construction Site Storm Water Runoff Control	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4. Post-Construction Storm Water Management in New Development and Redevelopment																
4.3.1.a	Evaluation of Ordinance to Address Post-Construction Stormwater Runoff	90 Days	Oct	Dec	X	X	X									
4.4.1.b	Guidance Manual for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.5.1.c	Inspection Program for Post-Construction Storm Water Runoff Controls	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
4.6.1.d	Training for Post-Construction Storm Water Runoff Controls	90 Days	Apr	Jun							X	X	X			
5. Pollution Prevention & Good Housekeeping for Municipal Operations																
5.3.1.a	Street Sweeping Measures	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.4.1.b	Inventory of Facilities & Storm Water Structural Controls	90 Days	Jul	Sep										X	X	X
5.5.1.c	Training for Pollution Prevention & Good Housekeeping	90 Days	Apr	Jun							X	X	X			
5.6.1.d	Disposal of Waste	90 Days	Oct	Dec	X	X	X									
5.7.1.e	Contractor Oversight	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.1.f	Inspections & Assessments on Facilities	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X
5.8.2.g	Municipal Operation & Maintenance Activities	90 Days	Jul	Sep										X	X	X
5.8.3.h	Assessment of Storm & Sanitary Sewer Systems	365 Days	Oct	Sep	X	X	X	X	X	X	X	X	X	X	X	X

City of Jersey Village TEXAS

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439

Texas Commission on Environmental Quality

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

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued December 13, 2013

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: 1-24-19

ISSUED DATE: 1-24-19

For the Commission

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

Table of Contents

Part I. Definitions

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

Benchmarks – A benchmark pollutant value is a guidance level indicator that helps determine the effectiveness of chosen best management practices (BMPs). This type of monitoring differs from "compliance monitoring" in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the MS4 with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or that need to be supplemented with additional BMP(s).

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, excavating, and other construction related activities (e.g., stockpiling of fill material and demolition); 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 as impaired on the latest approved CWA §303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

Implementation Plan (I-Plan) – A detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the total maximum daily load (TMDL).

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).

Infeasible - For the purpose of this permit, infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices. The TCEQ notes that it does not intend for any small MS4 permit requirement to conflict with state water right laws.

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

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

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

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

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

(c) That is not a combined sewer; and

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

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

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

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

(c) Which is not a combined sewer;

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

(e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES)

individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

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

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

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

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

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

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

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

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

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

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

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

(b) All interstate waters, including interstate wetlands;

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

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

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

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

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

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

(f) The territorial sea; and

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

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA 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 Censuses by the U.S. Census Bureau, 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 December 13, 2013) 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 Censuses, 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.

The level of an MS4 is based on most the recent Decennial Census at the time of permit issuance. A national Census held during a permit term will not affect the level of an MS4 until the next permit renewal.

(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, or, starting from December 21, 2020, complete the form electronically via the online e-permitting system available through the TCEQ website.

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, or starting from December 21, 2020, complete the form electronically via the online e-permitting system available through the TCEQ website.

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.

Effective December 21, 2020, applicants must submit a waiver using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization.

1. Waiver Option 1:

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

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

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

2. Waiver Option 2:

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

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

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

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

(d) For the purpose of this paragraph (2.), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section C. Allowable Non-Stormwater Discharges

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

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

Section D. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

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

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

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

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

2. Discharges of Stormwater Mixed with Non-Stormwater

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

3. Compliance with Water Quality Standards

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

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

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved 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 or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

The permittee shall check annually, in conjunction with preparation of the annual report, whether an impaired water within its permitted area has been added to the latest EPA approved 303(d) list or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Within two years following the approval date of the new list(s) of impaired waters, the permittee shall comply with the requirements of Part II.D.4.(b) (with the exception of (b)(1)c), and shall identify any newly listed waters in the annual report (consistent with Part IV.B.2.f) and SWMP (consistent with Part III.A.2.f).

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 value 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 value would cumulatively support the aggregate WLA. Where an aggregate benchmark has

been broken into sub-benchmark values for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

(4) Annual Report

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

(5) Impairment for Bacteria

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

The BMPs shall, as appropriate, address the following:

a. Sanitary Sewer Systems

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

(ii) Address lift station inadequacies;

(iii) Improve reporting of overflows; and

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

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

(i) Identify and address failing systems; and

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

c. Illicit Discharges and Dumping

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

d. Animal Sources

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

e. Residential Education

Increase focus to educate residents on:

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

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

(iii) Maintenance and operation of decorative ponds; and

(iv) Proper disposal of pet waste.

(6) Monitoring or Assessment of Progress

The permittee shall develop a Monitoring/Assessment Plan to 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 in achieving the water quality standards 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 value 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 value 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 value(s) 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. 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 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, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.E.6 to include any additional BMPs to address the pollutant(s) of concern. This requirement does not apply to BMPs implemented to address impaired waters that are listed after permit authorization pursuant to Part II.D.4.

(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.

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 Texas Local Government Code § 401.002.

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.8, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.16 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 or starting from December 21, 2020, must be submitted electronically via the online e-permitting system available through the TCEQ website.

Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and the NOI and SWMP are approved, 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. Where the executive director approves the submittal, either with or without changes, the applicant must then carry out the public participation provisions in Part II.E.12. Following the completion of the public participation process, the applicant is authorized to discharge upon notification by TCEQ, at which point the permittee is subject to the terms of this permit and the approved terms of the SWMP. 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 2000 or 2010 UA (Previously regulated Small MS4s)

Operators of small MS4s described in Part II.A.1 that were required to obtain authorization under the 2013 TPDES General Permit TXR040000 based on the 2000 and 2010 UA maps shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) 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.

(c) 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.

Effective December 21, 2020, the NOI and the SWMP must be submitted using the online e-permitting system available through the TCEQ website, unless the permittee requests and obtains an electronic reporting waiver. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

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. SWMP General Requirements

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.

4. SWMP Review

The permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part IV.B.2. Results of the review shall be documented in the annual report.

5. SWMP Updates Required by TCEQ

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.

6. SWMP Updates

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 by submittal and approval of a notice of change (NOC) unless the changes are non-substantial and do not change terms and conditions in the SWMP. Changes may be made as follows:

(a) Changes that do not require an NOC

The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP:

(1) Adding (but not subtracting or replacing) components, controls, or requirements to the SWMP;

(2) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the MS4, or subtracting areas, such as by de-annexing lands;

(3) Adding impaired water bodies that are identified pursuant to Part II.D.4; and

(4) Minor modifications to the SWMP that include administrative or non-substantial changes as follows:

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 non-substantive comments.

(b) Changes that require an NOC

Modifications to the SWMP that include the following changes require submittal of an NOC along with those portions of the SWMP that are applicable to the change(s). The changes may be implemented once the permittee receives approval of the NOC.

(1) Replacing 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 would be considered a replacement). The SWMP update must include documentation of the following:

a. An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

b. Expectations of the effectiveness of the replacement BMP; and

c. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced;

(2) Requirement for more frequent monitoring or reporting by the permittee; and

(3) Interim compliance date change in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement.

(c) Changes that require an NOC and Public Notice

All other modifications that changes permit terms and conditions must be submitted on an NOC form along with those portions of the SWMP that are applicable to the changes. The changes may only be implemented following public notice and written approval by TCEQ.

(1) After receiving an NOC, the TCEQ evaluates if the requested change(s) can be approved and might request additional information from the permittee during the review process. If the request can be approved, the MS4 is required to post the notice of the Executive Director's preliminary determination of the NOC and the revised terms of the SWMP on the MS4's website. If the MS4 does not have a website, the MS4 must notify TCEQ and TCEQ will post the notice on the TCEQ website at https://www.tceq.texas.gov/.

(2) The public comment period begins on the first day the notice is posted on the MS4 or the TCEQ website and ends 30 days later. If the 30th calendar day falls on a date that TCEQ is not open for business, then the public comment period is extended until 5 pm on the next TCEQ business day. If there is a decision to hold a public meeting, then the public comment period will continue until the public meeting has been held. The public may submit comments regarding the proposed changes to the TCEQ Water Quality Division.

(3) The Executive Director will hold a public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)) if it is determined there is significant public interest. The Executive Director will post a notice of the public meeting on the TCEQ website at https://www.tceq.texas.gov/. The notice of a public meeting will be posted at least 30 days before the meeting and will be held in the county where the MS4 is located or primarily located. TCEQ staff will facilitate the meeting and provide a sign in sheet for attendees to register their names and addresses. The public meeting held under this general permit is not an evidentiary proceeding. If a public meeting is held, the comment period will end at the conclusion of the public meeting.

(4) The Executive Director, after considering public comment, shall incorporate the NOC changes into the SWMP. Once the revised terms are incorporated into the SWMP, the Executive Director will notify the permittee and the public on the revised terms and conditions of the SWMP.

7. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation

The permitte shall implement the SWMP:

(a) On all new areas added to its portion of the MS4 (or where the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible, but no later than three (3) years from addition of the new area.

Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

(b) Within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP in all affected areas. The plan must include schedules for implementation, and information on all new annexed areas. Any resulting updates required to the SWMP shall be submitted in the annual report.

8. 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.

9. 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 an 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 Parts II.E.4 through 6. Changes that are made to the SWMP following NOI approval must be made using an NOC form, in accordance with Part II.E.6.

Effective December 21, 2020, applicants must submit an NOC using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting reporting are not transferrable and expire on the same date as the authorization to discharge.

10. 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. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI, but must comply with Part II.E.7.

11. 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.

Effective December 21, 2020, applicants must submit an NOT using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

12. 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).

13. Fees

An application fee of $ 400.00 must be submitted with each NOI. A fee is not required for submission of a waiver form, an 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).

Effective December 21, 2020, applicants seeking coverage under an NOI or a waiver must submit their application electronically using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from

the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

14. 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.

15. 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.

16. 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 and program elements pursuant to Part II.D (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements), as appropriate;

(2) The measurable goals for each of the BMPs and program elements pursuant to Part II.D.4 (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements), 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 (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)) 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.

The SWMP must also be implemented and enforced in new MS4 areas added during the permit term. Implementation of appropriate BMPs for the new areas must occur in accordance with Part II.E.7.

A permittee that implements BMPs 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 December 13, 2013.

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) 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.

2. Content of the SWMP

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

(a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years when 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) The measurable goals selected by the permittee must be clear, specific, and measurable.

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

(e) 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)

(f) Identification of any impaired waters that have been added in accordance with Part II.D.4.

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 the appropriate TCEQ Regional Office 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, or the source of the illicit discharge is outside the MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

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) If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part IV.B.2. or a summary of the annual report on the permittee's website. The SWMP must be posted no later than 30 days after the approval date, and the annual report no later than 30 days after the due date.

(4) All permittees shall annually review and update the SWMP and MCM implementation procedures required by Part III.A.2., as necessary. 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.

(5) 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) Consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

(2) 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.(e)(1));

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

h. For Level 4 small MS4s, procedures to reduce the discharge of floatables in the MS4. (see Part III.B.2.(e)(3).)

(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 or illicit discharge.

(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 annually 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; and

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

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 the appropriate TCEQ Regional Office according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

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, in response to complaints, and shall conduct follow-up inspections to ensure that corrective measures have been implemented by the responsible party.

The permittee shall develop written procedures describing the basis for conducting inspections in response to complaints and conducting follow-up inspections.

(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:

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 likely to have illicit discharges 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) field screening according to item (2)c. below.

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 must include the basis used to determine which outfalls will 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. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 shall include source controls at a minimum and structural controls and other appropriate controls where necessary.

The permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the annual report.

3. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

(1) All permittees shall annually 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 as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures. In arid, semiarid, and drought-stricken areas, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed.

The permittee shall develop written procedures that describes initiating and completing stabilization measures for construction sites.

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 where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed and described in the written procedure required in item (2)b. above. 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;

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

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 TPDES 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 inspection of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. The permittee shall conduct inspections 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 and implement updated 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; and

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 appropriate TCEQ Regional Office 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:

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 must be made by submittal of a copy of an NOI or a small construction site notice, as applicable. 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 and 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 annually 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), permittees who operate Level 4 small MS4s shall meet the following requirements:

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.

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

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

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

regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1.(c))

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory must 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.(b)(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 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, including such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance, including 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 to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections and how they will

be conducted. 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 by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections and how they will be conducted.

(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 at least one of the following: 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 kept up to date.

(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 must be sheltered from exposure to stormwater.

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) that 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.

(2) Evaluation of Flood Control Projects

The permittee shall assess the impacts of the receiving water(s) for all flood control projects. New flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the maximum extent practicable.

6. Industrial Stormwater Sources

Permittees operating a Level 4 small MS4 shall include the requirements described below in Part III. B.6(a) and (b) – this requirement is only applicable to Level 4 MS4s

(a) 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.

(b) The program must include priorities and procedures for inspections and for implementing control measures for such industrial 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, an 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.

The MCM must include:

(a) 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;

(b) 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);

(c) 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;

(d) 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

(e) Records of municipal construction activities authorized under this optional 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 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 immediately following the issuance date of this permit. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2019.

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 implementation plans. For waters that are listed as impaired after discharge authorization pursuant to Part II.D.4, include a list of such waters and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part II.D.4.b.;

(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.

MS4s authorized under the previous version of the permit must prepare an annual report 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 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, except if the report is submitted electronically.

Effective December 21, 2020, annual reports must be submitted using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

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 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 (7^{th}) 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 (*1)	15 mg/L	1/quarter (*2)(*3)	Grab (*4)
Total Suspended Solids (*1)	50 mg/L	1/quarter (*2)(*3)	Grab (*4)
pH (*1)	6.0-9.0 S.U.	1/quarter (*2)(*3)	Grab (*4)
Total Iron (*1)	1.3 mg/L	1/quarter (*2)(*3)	Grab (*4)

(*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(1)(iv).

(*2) 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.

(*3) 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.

(*4) 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 CGP 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 §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 (BMPs) 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:

Erosion and Sediment Controls

(a) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.

(b) 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.

(c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50 percent.

(d) 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.

(e) 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 must 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 § 450.21 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 that 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.

Fact Sheet and Executive Director's Preliminary Decision

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.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087
Prepared by:	Stormwater Team (MC-148) Wastewater Permitting Section Water Quality Division, Office of Water (512) 239-4671
Date:	October 1, 2018
Permit Action:	Amendment and Reissuance of a General Stormwater Permit for Phase II (Small) Municipal Separate Storm Sewer Systems (MS4s)

Fact Sheet and Executive Director's Preliminary Decision
TPDES General Permit Number TXR040000 for Small MS4s

Fact Sheet and Executive Director's Preliminary Decision
TPDES General Permit Number TXR040000 for Small MS4s

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. Phase II MS4 Remand Rule

   The permit language was updated to comply with the federal Phase II MS4 Remand Rule that became effective on January 9, 2017, and requires permit language that is "clear," "specific," and "measurable"

   The permit adds a public notice process for major modifications to SWMPs. (Permit Part II.E.6 and Fact Sheet Part IX 6).

   TCEQ selected the two-step general permit option (procedural approach) under the NPDES rule. This is the approach TCEQ currently uses. *See* Part III.A. below for explanation.

2. Electronic Reporting Rule

   The permit language was updated to comply with the federal e-Reporting Rule that became effective on December 21, 2015. The permit requires that small MS4s submit applications and annual reports electronically by December 21, 2020.

3. Application for Coverage

   a. The permit continues the requirement that operators of small MS4s that are fully or partly located within an urbanized area (UA), as determined by the 2000 or the 2010 Decennial Censuses, 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 and Part II.E.1.(a))

   b. The requirement that newly regulated MS4s apply was removed, since the small MS4 universe has not grown during the 2013 - 2018 permit term and there are no newly regulated MS4s. (Permit Part II.E.1)

   c. The permit clarifies that operators of small MS4s that were previously authorized under the general permit must reapply for coverage under the reissued general permit. (Permit Part II.E.1(a))

   d. The permit continues categorizing small MS4s into four levels with different permit requirements applied to each level for some of the program elements. The permit clarifies that the level of a small MS4 is based on the population served by the small MS4 within the 2010 UA and based on the 2010 U.S. Census. A new Decennial Census during a permit term, will not affect the level of an MS4 until the permit is renewed. Non-traditional MS4s such as

transportation entities, will continue to be categorized as level 2 MS4s. (Permit Part II.A.5) The levels continue to be:

(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.

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

   a. Clarified in Part I and Part II that impaired waters include waters with an EPA approved TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies as not meeting applicable state water quality standards. (Permit Parts I and II.D.4)

   b. Added a requirement that MS4s annually check, in conjunction with preparation of the annual report, if a waterbody has been added to the latest EPA approved *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Newly listed waters must be addressed in the SWMP within two years following the approval date of the new list(s). The permit allows the MS4 to implement BMPs to address the pollutant of concern without submitting a notice of change (NOC). (Permit Part II.D.4)

5. Obtaining Authorization

   a. Added a requirement that MS4s annually review its SWMP in conjunction with preparations of its annual report. (Permit Part II.E.4)

   b. Clarified that annexation of lands or otherwise acquiring land and de-annexation of land or otherwise subtracting areas, requires SWMP changes but does not require submittal of an NOC. (Permit Part II.E.6)

   c. Added that the MS4 is responsible for implementing the program in new areas acquired by the MS4 as expeditiously as possible but no later than three years from the addition of the new area. (Permit Part II.7)

6. Stormwater Management Program (SWMP)

   a. Minimum Control Measures (MCMs) - The current permit continues the six (6) required MCMs in the SWMP. The permit revises the existing MCMs to comply with the federal Phase II MS4 Remand Rule to make the language "clear", "specific", and "measurable" and include additional controls and details where appropriate. The list of MCMs continues to include (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 requirement to MCM 2 that requires Level 4 MS4s to develop and implement a program for collecting floatables in the MS4, similar to requirements in Phase I MS4 permits. (Permit Part III.B.2)

c. Added a requirement to MCM 5 that requires Level 4 MS4s to evaluate flood control projects for their ability to remove pollutants from stormwater, similar to requirements in Phase I MS4 permits. (Permit Part III.B.5)

7. MS4-Operated Construction Sites (Optional 7th MCM)

a. Stormwater Runoff from Concrete Batch Plants

Adjusted the benchmark value for total suspended solids for discharges from concrete batch plants under MCM 7 from 100 milligrams per liter (mg /L) to 50 mg/L to be consistent with the Sector E in the TPDES Multi Sector General Permit (MSGP) TXR050000, issued on August 14, 2016, and the TPDES Construction General Permit (CGP) TXR150000, issued on March 5, 2018. (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 450.21 that consist of a series of BMPs. (Permit Part VI.J.7)

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 Title 30 Texas Administrative Code (TAC) § 205.5(a).

III. Permit Applicability and Coverage

There are two ways that a small MS4 would be required to obtain permit coverage. First, the federal National Pollutant Discharge Elimination System (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 a 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 that 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

by December 9, 2002, and the TCEQ after assessing those small MS4s that met this criteria did not designate any additional small MS4s requiring permit coverage. 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 are also 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 operating as a system. The TCEQ does not consider most elementary and secondary schools to operate a system, because 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 reach 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. NPDES Small MS4 General Permit Remand Rule

On December 9, 2016, EPA issued the Small MS4 General Permit Remand Rule, with an effective date of January 9, 2017, to respond to a remand from the United States Court of Appeals for the Ninth Circuit in Environmental Defense Center, et al. v. EPA, 344 F. 3d 832 (9th Cir. 2003). Under the rule, EPA revised the small MS4 regulations to ensure that states review BMPs to be used by MS4s to ensure that the small MS4s reduces the pollutant in the discharge from their systems to the maximum extent practicable (MEP) and that states provide public notice and the opportunity to request a hearing.

The rule establishes two alternative approaches that states can use to issue small MS4 general permits. The first option is to issue a general permit that includes all permit terms and conditions to require the MS4 operator to reduce the discharge of pollutants from its MS4 to the MEP to protect water quality and to satisfy the appropriate water quality requirements of the CWA in one comprehensive general permit.

The second option allows states to establish the necessary terms and conditions in two steps. The first step is to issue a base general permit that contains terms and conditions for all MS4s. The second step requires that MS4s develop individual terms and conditions in their SWMPs that states will review. Public notice, comment period, and opportunity to request a public hearing is available for both steps in the second option.

The rule also requires that permit terms and conditions are written in a language that is "clear," "specific," and "measurable" to avoid uncertainties as to what specific actions the MS4 is expected to take, and therefore make it easier to comply with and assess compliance. The preamble (*Fed. Reg.* Vol. 81. No. 237, December 9, 2016. p. 89335) explains that permit requirements that include "caveat" language such as: "if feasible," "if practicable," "to the maximum extent practicable," "as necessary," or "as appropriate" unless defined would generally not qualify as "clear," "specific," and "measurable."

SWMPs under the two-step option need to meet requirements in the Remand Rule, since detailed permit terms and conditions are outlined in the SWMP document, thus making the approved SWMP document enforceable.

TCEQ established terms and conditions under state rule 30 TAC Chapter 213 (Edwards Aquifer Rule) which is outside the NPDES program, are not consider part of the Remand Rule, therefore, permit language related to the Edwards Aquifer Rule remains unchanged.

TCEQ has chosen the two-step option (procedural approach) since the state has managed its small MS4 program in that manner since the issuance of the first TPDES Small MS4 General Permit in 2007.

B. Regulated Small MS4s Subject to Permitting

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

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

C. 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 in the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.
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.

D. 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.

E. 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.

F. 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;
15. Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges, such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

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.

G. 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 contactor 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 30 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 the 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 a SWP3 and include site-specific information on how construction activities will be conducted to control pollution. This information must be formalized as an MCM and incorporated as a part of the MS4 operator's 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, where 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 are not 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 an 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 the CGP or an individual TPDES 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 TPDES 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 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 (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)). 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 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 be able to explain the contents of their 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 on December 13, 2013;
2. Input from the Stormwater Stakeholder Work Group;
3. Federal Phase II MS4 rules of 40 CFR § 122.28 and §§122.33 -122.35;
4. EPA guidance document of April 2010, entitled MS4 Permit Improvement Guide;
5. EPA Compendium of MS4 Permitting Approaches (EPA, 2016); and
6. EPA comment letters on Small MS4 draft permit (December 4, 2017, and July 31, 2018).

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 the CWA. 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 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.

Under the two-step permitting approach the SWMP details the terms and conditions of the general permit. The SWMP is therefore considered part of the permit thereby making terms and conditions in an approved SWMP enforceable. Like the general permit, language in the SWMP must be clear, specific, and measurable and meet requirements under the Remand Rule. Proposed SWMPs submitted to TCEQ during the renewal process will, during the technical reviews, be screened to ensure that terms and conditions are consistent with the Remand Rule.

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 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 appropriate TCEQ Regional Office for possible follow-up investigations or enforcements.

The permit requires the small MS4 to ensure that is 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§122.28, §122.34(b) and §122.26(d)(2)(iv). The MS4 must select BMPs under each MCM along with measurable goals that are used to determine the effectiveness of the SWMP. The permit continues the tiered approach introduced in the Small MS4 General Permit issued on December 13, 2013, to meet 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 continued to be 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 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.

The 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.

As a new requirement to this general permit, MS4s having a public website are required to post their SWMP and the annual report on their website to share information with the public.

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

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 investigate 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 are 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.

Under this general permit, Level 4 MS4s are also required to develop a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 will be required to maintain two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. This program has been in place for similar size MS4s under the federal Phase I MS4 regulations that were issued in 1990 and defined Phase I MS4s 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 U.S. Bureau of the Census. (40 CFR § 122.26(b)(7)(i)). It is therefore appropriate to add this requirements to these similar size MS4s.

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)). In this permit, the definition for construction activity is clarified to also include construction related activities such as stockpiling of fill material and demolition.

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. Level 3 and4 MS4s are further required to 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 must be 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.

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, potentially 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; 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 guard rail posts.

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 with 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 where all activities take place (for example, the municipal maintenance yard), whereas others will have several specialized facilities. An inventory of facilities will assist staff responsible for stormwater compliance build a better awareness of their locations within the small MS4 service area and their potential contribution to stormwater pollution. 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 permittees 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 that need 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 SOPs. 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 operations and maintenance (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 a as sediments, metals, hydrocarbons, bacteria, pesticides, trash, and other pollutants. Since these basins collect solids they need to be cleaned out on a regular basis to prevent pollutants from being discharged to water bodies. The materials removed from catch basins need to be treated and disposed of in a manner so that it does not reenter the small MS4.

The O&M 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 therefore has a positive effect on water quality. Some small MS4s have roads without a curbs and gutters, 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 that are adapted to local conditions and therefore requires fewer chemicals and to replace pesticide use with manual insect and weed removal thereby reducing chemical exposure to stormwater.

The Phase II regulations 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 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.

This permit adds a requirement for Level 4 MS4s to assess their flood control projects for their impacts on receiving waters and determine if existing structures could be retrofitted. New flood control projects must be designed, constructed, and maintained to provide erosion control and pollutant removal from stormwater. This program has been in place for similar size MS4s under the Phase I MS4 program since the federal Phase I stormwater regulations were issued in 1990, and it is therefore appropriate to add these requirements to these similar sized MS4s.

6. 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 continues the 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 has decided that it is appropriate to include it for those Phase II MS4s that have similar populations as the Phase I MS4s.

The permit requires the permittee to identify and control pollutants in stormwater discharges to small MS4s 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.

7. 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 MCM allows the small MS4 to obtain the 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 it is 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 when submitting the NOI, 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.

8. 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 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.

During the application process, regulated MS4 operators must implement the SWMP that was approved under the previous permit term, and they will have five years to implement new portions of the 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 II regulations. TCEQ has 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:

https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu

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:

https://www.tceq.texas.gov/permitting/stormwater/ms4

and

https://www.tceq.texas.gov/assistance/water/stormwater/sw-ms4.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; and

   c. Progress toward achieving identified measurable goals.

3. On December 21, 2015, EPA issued the NPDES Electronic Reporting Rule (40 CFR Part 127) requiring NPDES regulated entities to report electronically. Therefore, by December 21, 2020, TCEQ requires small MS4s to submit applications and annual reports electronically by using the e-permitting system on the TCEQ website.

V. Changes From Existing General Permit:

The major changes to the permit include the following:

1. Added the following definitions: "Infeasible", "Benchmarks", "Implementation Plan (I-Plan)".
2. Revised definition for "construction activity" to include other construction related activities (e.g. stock piling of fill material and demolition) to be consistent with the TPDES CGP TXR150000 effective on March 5, 2018. (Part I in the permit)
3. Revised the definition for "Impaired Water" to include TMDL waterbodies that are listed on the latest EPA approved *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies as not meeting applicable state water quality standards. (Part I in the permit)

4. Revised the definition of "Waters of the United States" by removing "cooling ponds" since they are no longer defined in 40 CFR § 423.11. (Part I in the permit)
5. Updated language throughout the permit to comply with the Phase II MS4 Remand Rule issued on December 9, 2017, to make the language clear, specific, and measurable.
6. Added that SWMP updates that are considered major permit modifications require public notice and an opportunity for a public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)). (Part II.E.6 in the permit)
7. Added that the levels of small MS4s is based on most recent U.S. Census at the time of permit issuance. A national Census held during a permit term will not affect the level on an MS4 until the general permit is renewed. (Part II.A.5 in the permit)
8. Clarified that waters listed on both the CWA § 303(d) list and the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies are considered impaired and added a new requirement to annually check for newly impaired waters in the MS4's permitted area. Newly listed water bodies must be address in the SWMP within two years from the approval date of the new list(s) (Part II.D.4 in the permit)
9. Added a requirement that by December 21, 2020, permittees must submit applications and annual reports online using the electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. (Part II.E and Part VI.B.2 in the permit)
10. Made clarifications to BMPs and replaced "benchmark" with "benchmark value" where appropriate. (Part II.D.4 of the permit)
11. Clarified that regulated MS4s located in a 2010 and 2000 UAs (previously regulated MS4s) are required to apply. (Part II.E.1 in the permit)
12. Added a requirement that permittees must conduct an annual review of its SWMP in conjunction with preparation of the annual report. (Part II.E.4 in the permit)
13. Added a new section "Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation" explaining that implementation of the SWMP in new areas must be done as expeditiously as possible, but no later than three years from addition of the new area. Within 90 days of transfer of ownership, operational control, or responsibility for SWMP implementation the MS4 must have developed a plan for implementing the SWMP. (Part II.E.7 in the permit)
14. Removed a section under SWMP Development and Schedule for new regulated small MS4s. (Part III.A.1 in the permit)
15. Added language under MCM 1. Public Education, Outreach, and Involvement that the permittee is required to post its SWMP and annual report on its website, if the MS4 has a website. (Part III.B.1 in the permit)
16. Added a requirement to MCM 2. Illicit Discharge Detection and Elimination that Level 4 MS4s needs to develop a program to reduce the discharge of floatables in the MS4. (Part III.B.2 in the permit)

17. Clarified under MCM 3. Construction Site Stormwater Runoff Control that soil stabilization must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures to be consistent with the TPDES CGP TXR150000. (Part III.B.3 in the permit)

18. Added a requirement under MCM 5. Pollution Prevention and Good Housekeeping for Municipal Operations that Level 4 MS4s need to evaluate their flood control projects to assess their impacts on receiving waters. (Part III.B.5 in the permit)

19. Replaced "Field Operations Support Division" with "The appropriate TCEQ Regional Office." (Parts III and IV in the permit)

20. Under the 7th optional MCM. Authorization for Municipal Construction Activities, lowered the benchmark value for suspended solids from 100 mg/L to 50 mg/L for concrete batch plants for consistency with Sector E in the MSGP TXR050000 issued on August 14, 2016 and the CGP TXR150000 issued on March 8, 2018. (Part VI.E in the permit)

21. Added a requirement that analytical results must be obtained from a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory according to state rules listed in 30 TAC Chapter 25. (Part VI.E in the permit)

22. The application fee for submittal of an NOI was increased from $100.00 to $400.00.

VI. Addresses

Questions concerning this proposed general permit should be sent to:

TCEQ, Stormwater 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 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:

http://www14.tceq.texas.gov/epic/eComment/

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

Texas Water Code (TWC) Section (§) 26.121 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, TCEQ and EPA executed a memorandum of agreement (MOA) delegating to TCEQ administration of the NPDES program, which is operated as the TPDES program in the state.

CWA, §§ 301, 304, and 401 (33 United States Code (USC), §§ 1331, 1314, and 1341) include provisions that 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 and 33 USC, §1370.

VIII. Regulatory Background

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the 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). In 2016, EPA issued the Small MS4 Remand rule, which is a procedural federal rule ensuring that states review BMPs selected by the MS4s and ensures the public are provided notice and the

opportunity to request a public hearing on applications for MS4 permit coverage. The Phase II regulations were revised in 40 CFR §§122.33 and 122.34 and a new paragraph (d) was added to 40 CFR §122.28 requiring permitting authorities to select one of two general permit options.

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 NOI on a form approved by the executive director, as well as a description of the SWMP. The NOI form will include at minimum, the legal name and address of the owner and operator, the facility name and address, a 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, and requires that a legal certification be made regarding the permit application. The specific language in this rule can be found at:

   http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=30&pt=1

   by searching 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

   or use the Surface Water Quality Data Viewer found at the TCEQ web address at:

   https://www.tceq.texas.gov/waterquality/monitoring/index.html

   MS4 operators can find the latest EPA-approved list of impaired water bodies (the Texas 303(d) List) and the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d),* which lists the category 4 and 5 water bodies, at the following TCEQ web address:

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

   MS4 operators need to use the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies to search for impaired water bodies with an approved TMDL, since those water bodies no longer are listed on the CWA 303(d) list.

   If a waterbody with a TMDL eventually meets water quality standards, it is moved to category 1 and will be removed from the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d).* However,

if the TMDL is still in place for the waterbody, MS4s must continue to follow the TMDL implementation plan for that waterbody to ensure that water quality standards are met.

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. It is the intent of TCEQ to allow a permittee to annex lands and accept the transfer of operational authority over portions of the small MS4 without requiring submittal of an NOC. Implementation of appropriate SWMP elements for the new areas is required in accordance with the general permit. The permittee must notify TCEQ about the new areas in the annual report.
6. A permittee must submit current information to the executive director by submitting a NOC no later than 30 days before a change occurs in information previously provided to the executive director within an NOI.

   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 to supplement application information.

   Updates to the SWMP during the permit term may be made by submittal of a NOC unless the changes are non-substantial in which case no NOC is required. The permit includes: 1) a list of changes that do not require an NOC; 2) a list of changes that require an NOC; and 3) a list of changes that require an NOC and public notice.

   If a public notice is required, the permit requires the MS4 to publish the notice on the MS4's website, along with the NOC and revised SWMP for any proposed changes submitted by MS4s classified as a major permit modification. If the MS4 does not have a website, TCEQ will publish the public notice on the TCEQ website.

   The public notice for the original NOI will include the link to the MS4's or the TCEQ website to provide the public with notice of where the public may view the

SWMP, annual report, and public notices for any notices of change that are subject to the requirements for 40 CFR § 122.62.

An NOC must be signed according to TCEQ rules at 30 TAC § 305.44. The permit also includes information regarding time frames for implementing changes requested in an NOC.

7. 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 CWA §402(p)(3)(B) that 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 MEP including BMPs, control techniques, and system, design and engineering methods, and such other appropriate provisions.

The conditions of the proposed general permit were developed to comply with the technology-based standards of the CWA. The draft general permit includes a SWMP requirement that includes MCMs utilizing a series of BMPs, rather than numeric effluent 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 considers 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 that 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	50 mg/L	1/Quarter	Grab
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 that 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 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.

As previously stated, 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 was 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 that may be present in stormwater discharges are bacteria and sediment.

XIII. Procedures for Final Decision

The MOA between 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 and the *Texas Register*. 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 where the discharges under the general permit are located;

2. If applicable, state and federal agencies whose 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 general permit is published in the *Texas Register* and a newspaper in statewide or regional circulation, there will be a 30-day public comment period to allow the public to provide comment on the proposed general permit.

Any person, agency, or association may request a public meeting on the proposed general permit before the end of the public comment period. A public comment meeting will be held if the executive director determines, on the basis of requests that a significant degree of public interest in the draft general permit exists. A public meeting is for the purpose of receiving public comment and is not a contested case proceeding under the Administrative Procedure Act.

If the executive director decides to hold a public meeting, notice of the date, time, and place of the meeting will be published in the *Texas Register* a minimum of 30 days prior to 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 will 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 issuance 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, per commission rules.

TCEQs commissioners will consider issuance of the general permit at a regularly scheduled Commission Agenda. If issued, notice of the re-issued general permit will be published in the *Texas Register*. For additional information about this general permit, contact the Stormwater 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.

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)

Federal Register dated October 22, 2015 (Volume 80, No. 204, Pages 64064-64158)

Federal Register dated December 9, 2016 (Volume 81, No. 237, Pages 89320-89352)

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 March 2016 and April 2016.

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.

EPA comment letters on December 4, 2017, and July 31, 2018.

Conference calls and emails between EPA and TCEQ on December 14, 2017; January 9; March 14, July 25 and July 30, 2018.

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).

Compendium of MS4 Permitting Approaches, U.S. EPA, Office of Wastewater Management, Water Permits Division, November 2016.

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.

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

COMMISSIONERS RESPONSE TO PUBLIC COMMENT
ON TCEQ's SMALL (PHASE II) MS4 GENERAL PERMIT NO. TXR040000

The Texas Commission on Environmental Quality (commission or TCEQ) adopts this Response to Public Comment (Response) on Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000, the Small (Phase II) Municipal Separate Storm Sewer System (MS4) General Permit for stormwater discharges. As required by Texas Water Code (TWC), (Section) §26.040(d) and Title 30 Texas Administrative Code (30 TAC), §205.3(e), before a general permit is issued, the Executive Director must prepare a response to all timely, relevant and material, or significant comments. The response must be made available to the public and filed with the Office of the Chief Clerk at least ten days before the commission considers the approval of the general permit. This response addresses all timely received public comments, whether or not withdrawn.

Timely public comments were received from the following entities: Allen Boone Humphries Robinson, LLP (Allen Boone), Anonymous, City of Cleburne (Cleburne), Dallas Area Rapid Transit (DART), Dallas-Fort Worth Airport (DFW), City of Grand Prairie (Grand Prairie), Jones|Carter (JC), City of Mansfield (Mansfield), City of McKinney (McKinney), North Central Texas Council of Governments (NCTCOG), and the Texas Association of Builders (TAB).

PERMIT BACKGROUND

This general permit authorizes discharges of stormwater and certain non-stormwater discharges from small MS4s. Federal Phase II stormwater regulations adopted by TCEQ extend stormwater permitting requirements to small MS4s located in urbanized areas (UAs) and issuing this permit provides coverage for regulated small MS4s. Under the permit, small MS4s will only be authorized to discharge following the development and implementation of a comprehensive stormwater management program (SWMP). Each regulated small MS4 operator must develop the six minimum control measures (MCMs) according to the provisions of the permit.

The permit is issued under the statutory authority of: 1) TWC §26.121, which 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; 2) TWC §26.027, which 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; and 3) TWC §26.040, which provides the commission with authority to amend rules 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 TPDES program. TCEQ and EPA have a Memorandum of Agreement (MOA) that authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program by the TCEQ as it applies to the State of Texas.

The federal Phase II stormwater regulations were published on December 8, 1999, in the *Federal Register*, requiring regulated small MS4s to obtain permit coverage. The

first TPDES MS4 General Permit No. TXR040000 was issued on August 13, 2007. The Phase II (small) MS4 regulations are in the federal rules at 40 Code of Federal Regulations (CFR) §§122.30 through 122.37, which were adopted by reference by TCEQ at 30 TAC §281.25(b). TCEQ did not adopt by reference the guidance in 40 CFR §122.33 and §122.34.

In 2016, EPA issued the Small MS4 Remand Rule, effective January 9, 2017 (Remand Rule), which is a procedural federal rule ensuring that states review best management practices (BMPs) selected by the MS4s and ensures the public are provided notice and the opportunity to request a public meeting (equivalent to a "public hearing" in EPA rules) on applications for MS4 permit coverage. The Phase II regulations were revised in 40 CFR §§122.33 and 122.34 and a new paragraph (d) was added to 40 CFR §122.28 requiring permitting authorities to select one of two general permit options.

Stormwater and certain non-stormwater discharges from medium and large MS4s, within cities with a population of 100,000 or more, are currently authorized under individual TPDES stormwater permits.

PROCEDURAL BACKGROUND

Notice of availability and an announcement of public meetings for this general permit were published in the *Abilene Reporter News, Amarillo Globe News, Austin American Statesman, Beaumont Enterprise, Corpus Christi Caller Times, Dallas Morning News, El Paso Times, Houston Chronicle, Laredo Morning Times, McAllen Monitor, Odessa American, San Angelo Standard Times, San Antonio Express-News, Tyler Morning Telegraph,* and the *Texas Register* on August 24, 2018. A public meeting was held in Austin on September 24, 2018, and the comment period ended on that day.

COMMENTS AND RESPONSES

Comments and responses are organized by section. Some comments have resulted in changes to the permit. Those comments resulting in changes were identified in the respective responses. All other comments resulted in no changes. Some separate comments are combined with other related comments.

General Comments:

Comment 1: JC comments that it would helpful if the associated forms (notice of intent (NOI), notice of termination (NOT), notice of change (NOC), and the waiver form be included for public comment because it would improve consistency with the general permit.

Response 1: The contents of the NOI, NOC, NOT, and waiver forms associated with the Phase II MS4 General Permit are based on state and federal rules and request additional information deemed necessary by the Executive Director. These forms will be updated as necessary from their current versions after the general permit is issued. TCEQ reviews and provides instructions on the applicable forms and documents to ensure consistency with the corresponding general permit. TCEQ welcomes any suggested revisions to these forms at any time.

Comment 2: TAB requests that TCEQ host a website where all MS4 NOIs are posted, so the public can more easily identify and provide comments on NOIs from MS4s where they live and work.

Response 2: Once an MS4 operator applies for permit coverage and the application is reviewed and declared technically complete, the NOI and the SWMP are made available for public viewing and comment for 30 days at a public location within the MS4 area. Often those locations are offices within the MS4's city hall, public library, or other similar central office thus providing the public with easy access to these documents in the MS4's local community. During the same 30 days, the NOI and the SWMP are also available for public viewing at the TCEQ's Office of the Chief Clerk in Austin.

In addition, a new requirement in this general permit is for MS4s to post the SWMP on their website (or by TCEQ on TCEQ's website, if the MS4 does not have one) which provides another method for the public to easily access these documents. As part of the individual MS4's renewal application process, the link to the MS4's or TCEQ's website will be included in the MS4's public notice that will be published in a local newspaper in the area served by the MS4.

Part I.

Comment 3: JC asks for a definition of "decorative ponds" as the term is used in Part II of the general permit.

Response 3: Decorative ponds are engineered water features that may contain aquatic plants and animals. The ponds are often located in residential subdivisions, parks, golf courses, office complexes, shopping centers, and new residential developments. No changes were made to the general permit based on this comment.

Comment 4: JC states that it would be helpful to include a definition for "Implementation Plans (I-Plan)" because permittees must include target controls in their respective storm water management programs (SWMPs) to ensure compliance with the stormwater Total Maximum Daily Load (TMDL).

Response 4: In response to the comment, a definition of the term "Implementation Plan" was added to Part I of the permit: *"Implementation plan (I-Plan): Is a detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the TMDL."*

Comment 5: JC asks that the permit include a definition for "storm water pollution prevention plans (SWP3) as it pertains to construction activities."

Response 5: TCEQ declines to make the requested change to add the definition of a SWP3 as it pertains to construction activities to the general permit. The MS4 general permit already includes applicable descriptions of a SWP3 and the associated requirements. See the TPDES Construction General Permit (CGP) TXR150000 for more specific details.

Part II.

Comment 6: JC asks for clarification regarding how non-traditional MS4s applying for waiver option 1 or 2 should estimate their population within the UA. JC asks whether their current population should be based on the date of the waiver request or the 2010 U.S. Census.

Response 6: Populations for all small MS4s (traditional and non-traditional) are based on the most recent Decennial Census, which for this general permit would be the 2010 U.S. Census.

Part II.C

Comment 7: Cleburne comments that Part II.C., items 2 and 3 could be revised to include reclaimed water as another water source. For example, Cleburne suggests the following language changes:

> 2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or reclaimed water that meets the requirements of 30 TAC Chapter 210, or surface water sources;...
>
> 3. Discharges from potable water sources and/or reclaimed water sources that do not violate Texas Surface Water Quality Standards;...

Cleburne and McKinney suggest if these changes are made, then a definition of "reclaimed water" should be added to Part I of the permit.

Response 7: TCEQ declines to make the requested changes. Under 30 TAC Chapter 210, the discharge of reclaimed water from irrigation sites is specifically prohibited. *See* 30 TAC §210.24. Therefore, the discharge of reclaimed water from these types of irrigated sites is not appropriate for this general permit.

Part II.D.9

Comment 8: Anonymous requested the sentence in this section that states, "[F]ederal 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" should be changed to state these requirements "are" required. Anonymous comments that this will provide clarity that local ordinances and habitat conservation plans apply to private, state, and federal entities that contribute runoff to rivers and watersheds having endangered species.

Response 8: TCEQ declines to make this requested change because not all TPDES permitted discharges will affect endangered or threatened species. In areas where those discharges would occur that would potentially affect endangered or threatened species, TCEQ refers the permittee to the Texas Parks and Wildlife Department for information on what pollutants in its discharges need to be controlled with site-specific controls and/or BMPs in order to prevent adverse effects on endangered or threatened species.

Part II.E

Comment 9: Mansfield comments that on Page 24 - Part II Section E. 3 - generally an acronym is preceded by "An" instead of "A".

Response 9: TCEQ uses the term "a SWMP" throughout the permit. No changes were made in response to the comment.

Comment 10: Allen Boone comments that Part II.E. and Part VI.B.2 contain a requirement that by December 21, 2020, permittees must submit applications and annual reports online using the electronic reporting system available through the TCEQ website, unless the permittee requests and obtains an electronic filing waiver. Allen Boone wants to make sure MS4s receive a response acknowledging submission confirmation for those forms submitted electronically.

Response 10: When the electronic reporting requirement becomes operative, application forms will be submitted via the TCEQ ePermits system. The ePermits system sends the applicant multiple emails regarding the status of any applications, including a final email confirming submission and receipt of the application. Additionally, users can view the copy of their record and the acknowledgement certificate for all applications previously submitted via the ePermits system. For the electronic submission of annual reports by MS4s, TCEQ will use EPA's electronic reporting tool (NeT), which also sends the applicants an email after they sign and submit their document through NeT. EPA is still in the process of developing the small MS4 annual report module and tools. TCEQ is participating in the technical workgroup for the development of the small MS4 annual report module to ensure that the needs of the Texas MS4s are addressed.

Comment 11: DFW comments that Part II.E.4 requires a review of the SWMP in conjunction with the preparation of the annual report, with the results of the review incorporated into the annual report. DFW requests that TCEQ either provide a more specific description of additional details they expect the MS4 to identify or provide a certification box to confirm that the permittee completed an annual review. Mansfield asks how this will be accomplished. Grand Prairie comments that the requirement to review the results and to document the findings should be done as part of the measurement of the effectiveness of the BMPs, not as a separate and repetitive review process.

Response 11: The intent of reviewing the SWMP in conjunction with preparing the annual report is to ensure that the SWMP document is kept up-to-date and accurately reflects current conditions. During the preparation of the annual reports, most MS4s are already reviewing their accomplishments and evaluating what BMPs or controls worked, and which ones did not. TCEQ is still determining how to document completion of the SWMP review.

Comment 12: Allen Boone comments that Part II.E.6 requires MS4s to submit an NOC if they replace a BMP specifically identified in the SWMP with an alternative BMP. Allen Boone states that the time and cost burden associated with the change requiring an

NOC may dissuade some MS4s from improving their BMPs. Allen Boone suggests allowing MS4s to replace a BMP with an equivalent BMP without an NOC.

Response 12: The language in Part II.E.6 of the general permit was developed during discussions between EPA and TCEQ to comply with the Remand Rule that requires states to review BMPs selected by the MS4 and that certain modifications to permit conditions allow for public participation. SWMP changes during the permit term are required to follow the permit modification regulations at 40 CFR §122.62 (for changes that will change permit terms and conditions and require a public notice) or 40 CFR §122.63 (for minor modifications such as those described in Part II.E.6(a)). Therefore, only changes listed in Part II.E.6(a) of the general permit can be made without submitting an NOC.

Comment 13: JC asks for clarification in Part II.E.6(a) regarding how an MS4 with an approved NOI and SWMP should modify these documents to incorporate non-substantial changes that do not require an NOC and if the MS4 needs to provide formal correspondence to TCEQ outlining any changes to the NOI or SWMP.

Response 13: Non-substantial modifications that are listed in Part II.E.6(a) of the general permit can be made to the SWMP without notifying TCEQ (*i.e*, an NOC is not required). The SWMP document needs to be kept up-to-date, therefore the MS4 needs to ensure that the SWMP document includes the modifications made and the date the modifications were made.

Comment 14: JC asks that for all changes requiring an NOC and public notice in Part II.E.6(c) how the MS4 should demonstrate to TCEQ that all requirements were met and posted on a public website. JC comments that an affidavit is required with the newspaper publication, but no instructions are given in the general permit on website publication.

Response 14: The MS4s are required to publish the notice on the MS4's website within 30 days after the updates to the SWMP are declared technically complete by the TCEQ in order to start the 30-day public comment period. TCEQ will draft the public notice and send it to the MS4 with instructions on how to comply with the website publication process. TCEQ still is finalizing the details for this new public notice process for NOCs for MS4s and will include instructions on TCEQ's website.

Part III

Part III.A.

Comment 15: DFW comments that Part III.A.3 requires traditional MS4s to adopt or revise current ordinances or other regulatory mechanisms to control pollutants discharging into the small MS4. DFW notes that Subsection (b) describes the enforcement actions to be adopted by those non-traditional small MS4s that lack the authority to develop ordinances or implement enforcement action. DFW recommends that additional language be included in either subsection (a) or (b) describing the expectations for non-traditional MS4s, which do hold enforcement authority and have developed ordinances or other similar regulatory mechanisms. DFW asks whether

TCEQ expects a review and revision of current ordinances or regulatory mechanisms within the first two years for the non-traditional MS4s with active ordinances or similar regulations.

Response 15: The requirements in Part III.A.3.b of the general permit were continued from the existing permit without changes. TCEQ is not aware of all the potential permutations of regulatory authority by MS4s across the state. That is why the definition for non-traditional MS4s in the permit states that it includes small MS4s "that often cannot pass ordinances" and intentionally does not exclude the possibility that a non-traditional MS4, as defined by the permit, could pass ordinances.

Part III.A.6

Comment 16: DART requests the following underlined language be added to Part III.A.6:

> When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, or the source of illicit discharge is outside the permittee's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

DART notes that this change would address a common discharge onto rail transportation corridors that occurs from an adjacent property under the jurisdiction of another MS4.

Response 16: TCEQ agrees with the comment and the phrase was revised as suggested by the commenter except the term "MS4" was used instead of "permittee."

Comment 17: Allen Boone comments that Part III.B.1 requires the permittee to post its SWMP and annual report on its website if the MS4 has a website. Allen Boone comments that many MS4s contract with third-party consultants that post the SWMPs on websites devoted solely to stormwater management educational matters. Allen Boone requests that MS4s be able to satisfy this requirement by posting SWMPs and annual reports on third-party consultant websites. Allen Boone comments that this will ensure public access to the information while simplifying the Districts' electronic posting obligations.

Response 17: TCEQ agrees that posting on third-party websites can satisfy this requirement if the proposed process provides sufficient notice to the public where to find the MS4's SWMP and annual report documents. In the example cited where the MS4 has a website and wants to provide a link to the SWMP and annual report on a third-party website, then it would be acceptable if the link is clearly identified on the MS4's website and goes directly to the SWMP or annual report on the third-party website, *i.e.*, for the SWMP, clicking on the link on the MS4's website opens the SWMP on the third-party website without requiring navigation of the third-party website to locate. Other scenarios for acceptable publication on third-party websites can be considered by TCEQ on a case-by-case basis.

Part III.B.2

Comment 18: DART requests adding the following underlined language to Part III.B.2(a)(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 or illicit discharge.

DART comments that adding "or illicit discharge" provides consistent language within the section and with the enforcement measures in Part III.A.6.

Response 18: TCEQ agrees with the comment and the phrase was revised as suggested by the commenter by adding the underlined language.

Comment 19: Grand Prairie comments that Part III.B.2(a)(1) h) regarding the procedures to reduce the discharge of floatables is unnecessary as the BMPs already address how the reduction of floatables will occur.

Response 19: Part III.B.2(a)(1) of the general permit provides an overview of the procedures required for MCM 2: Illicit Discharge Detection and Elimination and item h) requires the MS4 to develop procedures to reduce the discharge of floatables in the MS4. Therefore, the MS4 needs to reference the procedure in its SWMP to acknowledge that it has a procedure, but the procedure itself does not need to be detailed in the SWMP document. Part III.B.2.(e)(3) provides a general description of the minimum requirements for meeting the reduction of floatables requirement.

Comment 20: Grand Prairie comments that in Part III.B.2(e)(3) the second paragraph states that the permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. Grand Prairie requests clarification for Level 4 MS4s to determine if physical "structural" controls are necessary and asks for a definition of "structural controls" be included in the permit.

Response 20: The second paragraph of Part III.B.2(e)(3) of the general permit states that the permittee is required to maintain two locations where floatable material can be removed before stormwater is discharged. Floatable material needs to be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of floatable material collected needs to be estimated by weight, volume, or by other practical means and this estimated amount of collected material must be included in the annual report. The term "removal devices" is a "physical structural control." The definition of "Structural Control" for purposes of this permit is already included in Part I. No changes were made to the permit as a result of this comment.

Comment 21: Grand Prairie comments that Part III.B.2(c)(6) regarding the development of procedures for inspections is unnecessary because MS4s are already required to conduct investigations for illicit discharges.

Response 21: Part III.B.2(c)(6) requires the MS4 to document their procedure for responding to complaints and for conducting follow-up inspections to ensure

corrective measures are implemented. The requirement "to document their procedures" was added to replace the term "as determined appropriate" for consistency with the Remand Rule that requires the permit language to be clear, specific, and measurable.

Part III.B.3

Comment 22: Grand Prairie comments that Part III.B.3(b)(2)(b) regarding written procedure required for soil stabilization is repetitive as the requirement requires initiation immediately and within 14 days of completion.

Response 22: TCEQ disagrees with the comment. The first part of the requirement states that the permittee is required to immediately initiate soil stabilization activities on any portion of the site where clearing, grading, excavating, or other earth disturbing activities have either permanently ceased or temporarily ceased not to resume for a period of more than 14 days. The second part requires that when the permittee initiates stabilization, they must complete the process within 14 days or as soon as practicable.

Comment 23: McKinney states that the reduction of floatables language in Part III.B.3(e)(3) is a new requirement for Phase II MS4s and request clarification on what constitutes a "removal device." McKinney asks if a trash receptacle would suffice as a "removal device." If not, McKinney requests adding a definition of this term to the permit.

Response 23: A trash receptacle, as suggested by the commenter, would not suffice as a removal device. A removal device is a pollution prevention control such as floating booms, screens, trash racks, etc., designed to capture or prevent pollution (such as floatables) in stormwater runoff. Accordingly, a removal devise is a structural control. The term "Structural Control" is defined in Part I of the permit.

Part III.B.5

Comment 24: NCTCOG asks whether the following statement in Part III.B.3(b)(2)(b) is asking for the processes that ensure compliance:

> The permittee shall develop written procedures that describes initiating and completing stabilization measures for construction sites.

Response 24: The statement means that MS4 operators will need to have a written procedure for when to initiate and when to complete stabilization of construction sites and reference that procedure in the SWMP document.

Comment 25: Grand Prairie comments that Part III.B.5(b)(5)(d) requires developing written procedures that describe the frequency and methodology of inspections, but that the frequency of inspections should already be noted in the BMP as it is measured. Grand Prairie comments that the inspection form itself is documentation that the BMP was performed and outlines the methodology.

Response 25: The intent of this requirement is to ensure there are written procedures explaining the frequency of inspections and how they are performed or conducted. The inspection forms should also include the date when the inspection was completed.

Comment 26: McKinney notes that the word "must" was added to following sentence in Part III.B.5(d)(1)(a):

> Maintenance activities for the turf landscaped portions of these areas must include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.

McKinney asks whether this means that Level 4 MS4s are now required to perform all the listed activities to stay in compliance with the permit.

Response 26: In response to the comment, TCEQ replaced the word "must" with "may" in the noted sentence.

Comment 27: McKinney comments that in Part III.B.5(d)(2), evaluation of flood control projects text was added that establishes the requirement for "assessing the impacts of the receiving water(s) for all flood control projects." McKinney asks for guidance regarding what projects would meet this requirement and whether establishing new flood control projects that address pollutant removal would be required to fulfill this requirement. Also, McKinney asks for guidance regarding the phrase "retrofitting of existing flood control devices to provide additional pollutant removal." McKinney asks whether this phrase is intended to be a low impact development (LID) requirement. Mansfield comments that this requirement will have a negative effect on flood control projects by significantly increasing costs and recommend deleting it or making it voluntary where these projects can be readily maintained. Grand Prairie comments that a flood control project on-channel would technically be out of the MS4 and not subject to the MS4 permit jurisdiction. If this provision is going to be included, Grand Prairie and NCTCOG request adding a definition of "flood control project" to the permit. NCTCOG comments that the permit does not include a definition of "flood control project."

Response 27: This requirement addresses the assessment of new and existing flood control projects and structures owned by the MS4 on receiving waters. The purpose of the phrase "retrofitting of existing flood control devices to provide additional pollutant removal" is not to meet an LID requirement, but to prevent pollutants from entering receiving waterbodies. Existing flood control projects should be evaluated for their feasibility for retrofitting to the maximum extent practicable. Flood control projects are projects designed and implemented to protect areas near a waterway from flooding due to excessive runoff from potential storms, hurricanes or water surges. TCEQ declines to delete the requirement or make it voluntary because this requirement is appropriate for Level 4 Phase II MS4 entities. The permit does not require new flood control projects to be developed, however, if they are developed, then permit conditions apply.

Comment 28: Mansfield comments that in Part III.B.7(e) that the phrase "under this optimal MCM" should read "under this optional MCM."

Response 28: TCEQ agrees with the comment and the phrase was corrected to read "under this optional MCM.".

Part IV

Comment 29: In regards to Parts II.E.1 and IV.B, JC asks whether TCEQ will notify MS4 Operators when the e-permitting system is online and available through the TCEQ website. Additionally, JC asks whether TCEQ will notify MS4 Operators if there is a delay in use of this system and if it is not ready to use by December 21, 2020.

Response 29: If the electronic reporting system is not ready by December 21, 2020, TCEQ will send notifications to the MS4 operators. Updates regarding how and when to submit applications and annual reports will also be posted on the TCEQ website.

Comment 30: JC asks whether an annual report template will be developed by TCEQ and available for use before the first reporting period is concluded and if so, when will it be available.

Response 30: The MS4 annual report template, as referenced in Part IV.B.2, will be updated to include all the requirements in the general permit, and the updated template will be available on TCEQ's website prior to the summer of 2019.

Comment 31: JC asks for additional clarity in this sentence in Part IV.B.2:

> ...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.

JC asks if there a minimum or maximum timeframe on the Reporting Year if the fiscal year does not coincide with the general permit. If so, JC asks how an MS4 determines the length of their first reporting year. Additionally, JC asks whether TCEQ will provide additional guidance on how to include efforts from the previous permit period into the first annual report in this permit term.

Response 31: Each fiscal year's annual report will report a period of 12 months. Reports that coincide with an MS4's fiscal year need to be submitted 90 days after the end of the MS4's fiscal year, including on the years when a general permit is renewed. During years of the MS4 general permit renewals, the first annual report will consist of the months from the end of the fiscal year to the date of issuance of the new general permit and the months from the effective date of the new general permit until the end of the MS4's fiscal year.

In response to the comment, the sentence in Part IV.B.2 of the general permit was revised as follows: *" ...if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year immediately following the issuance date of this permit."*

Part VI.

Comment 32: Mansfield comments that the way Part VI.D.4 is currently written implies that MS4s must be willing to assume day-to-day operational control of SWP3 activities to comply, which contradicts Part III.B.7(c). Mansfield recommends changing the language to:

> Ensure all contractors are aware of the SWP3 requirements, are aware of party responsible for day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and...

NCTCOG comments that few MS4s apply for the 7th MCM and notes that the majority of MS4s do not have specialized personnel who have the training and experience to properly install and maintain the types of control measures associated with a construction site and SWP3. NCTCOG comments that in most cases, there is money budgeted to pay the general contractor to provide those services under the contract, but not for the creation of a new internal position or program. NCTCOG comments that the 7th MCM would be a viable option for many more MS4s if it required that:

1) the MS4 ensures that a SWP3 is developed for the project, and lists who to contact concerning SWP3 requirements;
2) the MS4 ensures the SWP3 identifies another permitted operator who is responsible for the day-to-day operations of the SWP3 (MS4 assumes responsibility if there is no other permitted operator); and
3) the MS4 ensures the SWP3 identifies the personnel responsible for implementation of the control measures described in the plan.

Response 32: TCEQ declines to make the suggested change because it does not effectively modify the current permit language. Part III.B.7(c) describes that MS4s need to supervise contractor activities to ensure that the requirements of the SWP3 are implemented at the MS4's construction site; or the MS4 needs to ensure that the contractors have their own separate authorization under the Construction General Permit (CGP) TXR150000.

To provide some clarity about the implementation of the 7th MCM, a useful analogy would be that the MS4 would be similar to a primary operator, as defined in the CGP, with contractors working for it that are not operating as primary operators, but as contractors working for the MS4. Part VI.D.4 requires the MS4 to make the contractors aware of the requirements of the SWP3. Because the MS4 operator is acting as *the* primary operator, the contractors hired by the MS4 are not responsible for the day-to-day operational control of the activities necessary to ensure compliance with the SWP3, but the MS4 can direct contractors to carry out activities required by the SWP3. The MS4 would be ultimately responsible for meeting the requirements for final stabilization.

If an MS4 hires contractors for a construction project and it has not selected the 7th MCM, the MS4 would be required to ensure that the contractors have their own authorization (as applicable) under the CGP. If the MS4 no longer employs a primary operator for the site and the site does not meet the definition of final stabilization, the

MS4 would be required (under the TXR150000) to become a primary operator and bring the site to final stabilization.

Part VI.D.4, is a requirement for the MS4 to ensure that the contractors the MS4 has hired to perform construction through the MS4's authorization under the 7th MCM in its authorization are:

a. aware of the requirements of the SWP3 that the MS4 has developed;

b. are aware that the municipal personnel are responsible for the day-to-day operations of the SWP3; and

c. who they are required to contact concerning the requirements of the SWP3.

Part VI.D.4 is one of five SWP3 requirements the MS4 needs to implement for its authorization for construction under the 7th MCM. This requirement also reinforces the requirement in the first part of Part III.B.7.c, where the MS4 will supervise contractor activities to ensure that requirements of the SWP3 (developed by the MS4) are properly implemented.

Comment 33: Mansfield suggests changing the language in Part VI.D.5 to the following: "Ensure that the SWP3 identifies the municipal personnel responsible for oversight of the control measures described in the plan."

Response 33: TCEQ declines to make the suggested change since Part VI.D.5 of the general permit requires the SWP3 to identify the MS4s personnel responsible for the implementation of the control measures. This MS4 personnel might not be the same person who has the daily oversight of the control measures to ensure they are operating and being maintained.