City of University Park, TEXAS
Committed to Excellence

STORMWATER MANAGEMENT PROGRAM

for

THE CITY OF UNIVERSITY PARK

July 2019

Prepared By:

Kimley»Horn

Texas Firm Registration No. F-928

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: 424781

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: TXR040025

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 600292122

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

City of University Park

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.): Ms.

First and Last Name: Jodie Ledat

Title: Operations Coordinator

Organization Name: City of University Park

Phone Number: (214) 987-5447

Fax Number: (214) 987-5499

Email: jledat@uptexas.org

Mailing Address: 3800 University Boulevard

City, State, and Zip Code: University Park, TX 75205

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: Jodie Ledat

Title: Operations Coordinator

Organization Name: City of University Park

Phone Number: (214) 987-5447

Fax Number: (214) 987-5499

Email: jledat@uptexas.org

Mailing Address: 3800 University Boulevard

City, State, and Zip Code: University Park, TX 75205

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 105479521

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

City of University Park MS4

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

Dallas-Fort Worth-Arlington, TX 22042

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 University Park limits that is located within the Dallas-Fort Worth-Arlington 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?)

23,068 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. Click here to enter text. TXR04 Click here to enter text.
2. Click here to enter text. TXR04 Click here to enter text.
3. Click here to enter text. TXR04 Click here to enter text.
4. Click here to enter text. TXR04 Click here to enter text.
5. Click here to enter text. TXR04 Click here to enter text.
6. Click here to enter text. TXR04 Click here to enter text.

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? Click here to enter text.

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.): Ms.

   First and Last Name: Jodie Ledat

   Title: Operations Coordinator

   Organization Name: City of University Park

   Phone Number: (214) 987-5447

   Fax Number: (214) 987-5499

   Email: jledat@uptexas.org

   Mailing Address: 3800 University Boulevard

   City, State, and Zip Code: University Park, TX 75205

i) Discharge Information

1. What is the name of the waterbody(ies) receiving stormwater discharges from the MS4? Turtle Creek (which discharges into Upper Trinity River)
2. What is the classified segment number(s) that the discharges will eventually reach? Segment 0805 – Upper Trinity River

   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? Segment 0805 – Upper Trinity River

   What is/are the pollutants(s) of concern? Bacteria, dioxin in edible tissue, PCBs in edible tissue

   ☐ 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? City of Dallas, Town of Highland Park, Texas Department of Transportation

   ☐ 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: Jodie Ledat

   Title: Operations Coordinator

   Company: City of University Park

   Phone Number: (214) 987-5447

   Fax Number: (214) 987-5499

   Email: jledat@uptexas.org

   Mailing Address: 3800 University Boulevard

   Internal Routing (Mail Code, Etc.): Click here to enter text.

   City, State, and Zip Code: University Park, TX 75205

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: City of University Park's Peek Service Center

   Address of Public Place: 4420 Worcola Street Dallas, TX 75206

   County of Public Place: Dallas

3. Provide the address for the website where the MS4's SWMP and annual report will be posted. https://www.uptexas.org/government/utility-services/storm-water

   ☐ 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: Olin Burnett Lane, Jr.

Operator Signatory Title: Mayor

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): Olin Lane Jr. Date: 7/16/19

TCEQ ePay Voucher Receipt

Transaction Information

Voucher Number:	424781
Trace Number:	582EA000351126
Date:	07/03/2019 03:52 PM
Payment Method:	CC - Authorization 0000043601
Amount:	$400.00
Fee Type:	GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
ePay Actor:	Jodie Ledat

Payment Contact Information

Name:	Jodie Ledat
Company:	City Of University Park
Address:	3800 University Boulevard, University Park, TX 75205
Phone:	214-987-5447

Site Information

Site Name:	CITY OF UNIVERSITY PARK
Site Location:	CITY OF UNIVERSITY PARK

Customer Information

Customer Name:	CITY OF UNIVERSITY PARK
Customer Address:	3800 UNIVERSITY BOULEVARD, UNIVERSITY PARK, TX 75205

TCEQ

TCEQ Core Data Form

TCEQ Use Only

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 600292122		RN 105479521

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 University Park

7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number *(if applicable)*
	75-6000698		

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:

3800 University Boulevard

City	University Park	State	TX	ZIP	75205	ZIP + 4	1711

16. Country Mailing Information *(if outside USA)*	17. E-Mail Address *(if applicable)*
	jledat@uptexas.org

18. Telephone Number	19. Extension or Code	20. Fax Number *(if applicable)*
(214) 987-5400		(214) 987-5499

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 University Park

23. Street Address of the Regulated Entity: *(No PO Boxes)*	3800 University Boulevard							
	City	University Park	State	TX	ZIP	75205	ZIP + 4	1711
24. County	Dallas County							

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	

26. Nearest City	State	Nearest ZIP Code

27. Latitude (N) In Decimal:			28. Longitude (W) In Decimal:		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds

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

34. Mailing Address:	3800 University Boulevard							
	City	University Park	State	TX	ZIP	75205	ZIP + 4	1711

35. E-Mail Address:	jledat@uptexas.org

36. Telephone Number	37. Extension or Code	38. Fax Number *(if applicable)*
(214) 987-5400		(214) 987-5499

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
	TXR040000			
☐ Voluntary Cleanup	☐ Waste Water	☐ Wastewater Agriculture	☐ Water Rights	☐ Other:

SECTION IV: Preparer Information

40. Name:	Jodie Ledat	41. Title:	Operations Coordinator

42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(214) 987-5447		(214) 987-5499	jledat@uptexas.org

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 University Park	Job Title:	Mayor
Name*(In Print)* :	Olin Burnett Lane, Jr.	Phone:	(214) 987 5308
Signature:	Olin Lane, Jr.	Date:	7/16/19

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

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

Operator

Operator name: City of University Park

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	20-25
Clearly define the goals and objectives of the program based on high-priority community-wide issues	20-25
Identify the target audiences	20-25
Develop or use appropriate educational material	20-25
Procedures to distribute educational material	20-25
Make the educational material available to the target audience at least annually	20-25

MCM 1 Required Elements	SWMP page number
Post the SWMP and annual reports on the MS4's website, if the MS4 has a website	20
Include the MS4's website address where the SWMP and annual reports will be found, if the MS4 has a website	20
SWMP includes a program that complies with state and local public notice requirements	25
Include public input in the implementation of the program	24
Include opportunities for citizen to participate in implementation of control measures	24
Ensure the public can easily can find information about the SWMP.	20
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.	20-25
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	20-25
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	20-25

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.	26-27
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.	26
Methods for informing and training MS4 field staff	26
Procedures for tracing the source of an illicit discharge	26

MCM 2 Required Elements	SWMP page number
Procedures for removing the source of the illicit discharge	26-27
Procedures to facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4	27
Procedures for responding to illicit discharges and spills	27
Procedures for inspections in response to complaints	26
For Level 2, 3, and 4 small MS4: Procedures to prevent and correct leaking on-site sewage disposal systems	27
For Level 3 and 4 small MS4s: Procedures for follow-up investigation to verify that the illicit discharge has been eliminated	NA
For Level 4 small MS4s: Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges	NA
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.	NA
For Level 4 small MS4s: Procedures to reduce the discharge of floatables in the small MS4	NA
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.	26-27
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	26-27
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	26-27

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	28
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	28

MCM 3 Required Elements	SWMP page number
Program requires construction site operators to implement BMPs for erosion and sediment control	29
Program requires construction site operators to have procedures for initiating and completing soil stabilization measures	29
Program requires construction site operators to implement BMPs to control pollutants from equipment and vehicle washing and other wash waters	28
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	28
Program requires construction site operators to implement BMPs to minimize the discharge of pollutants from spills and leaks.	28
Program ensures that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000	28
Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities	28
Procedures for construction site plan review to consider water quality impacts	28
Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law	28
Procedures for receipt and consideration of information submitted by the public	28
Procedures for MS4 staff training	29
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)	NA
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.	28-29
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	28-29

MCM 3 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	28-29

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)	31
Description of ordinance or other regulatory mechanism that is in place or planned which will regulate discharges from new development and redevelopment projects	31
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	31
Procedures to document and maintain records of enforcement actions	30-31
Procedures to ensure long-term operation and maintenance of post construction stormwater control measures	30
Operation and maintenance of post construction stormwater control measures is documented	30-31
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	NA
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.	30-31
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	30-31

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	30-31

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	34
Develop and maintain an inventory of facilities and stormwater controls that are owned or operated by the MS4	33
Procedures to inform or train staff involved in implementing pollution prevention and good housekeeping practices. Maintain training attendance records	34
Procedures to remove and properly dispose of waste from the MS4	32
Contractors hired by the MS4 must be required to comply with operating procedures. Develop contractor oversight procedures	34
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.	34
Identify pollutants of concern that could be discharged from the O&M activities	34
Develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities	34
Conduct inspections of pollution prevention measures and maintain inspection log	32
Procedures for inspecting and maintaining structural controls	32
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	NA

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)	NA
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	NA
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	NA
For Level 3 and 4 small MS4s: Develop facility specific stormwater management Standard Operation Procedures for high priority facilities	NA
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	NA
For Level 3 and 4 small MS4s: Develop and implement an inspection program that includes high priority facilities	NA
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	NA
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)	NA
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	32-34

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	32-34
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	32-34

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).	NA
For Level 4 MS4 only: Procedures for inspecting and implementing control measures for discharges from industrial stormwater sources.	NA

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	NA
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)	NA

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	NA
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	NA
General description of how a construction SWP3 will be developed for each municipal construction site	NA
Records of municipal construction activities authorized under this optional MCM	NA

Kimley»Horn

July 11, 2019

Ms. Jodie Ledat
City of University Park
3800 University Boulevard
University Park, TX 75205

RE: ***Stormwater Management Program Update - Executive Summary***

Dear Ms. Ledat,

The City of University Park has developed a Stormwater Management Program (SWMP) as required for coverage under the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 (see Appendix A). The original permit was issued on August 13, 2007, and a subsequent permit was issued on December 13, 2013. A new permit was issued on January 24, 2019, and this new permit supersedes and replaces the previous permit. The SWMP includes a listing of Best Management Practices (BMPs) that will be implemented by the City to work towards the regulatory standard of reducing pollutants in the City's stormwater to the "maximum extent practicable" (MEP). Existing City of University Park stormwater programs and activities designed to protect the City's water quality will be supplemented with new BMP activities as needed. Measurable goals and an implementation schedule were developed for each of the BMPs in the SWMP. The initial BMPs, measurable goals, implementation schedule, and final SWMP were developed with input from the Public Works Advisory Committee, a public meeting, and review by the City Council. BMPs, measurable goals, and the implementation schedule were selected based upon their ability to meet specific permit requirements and to reduce pollutants in the City's stormwater to the maximum extent practicable. They were also selected based upon a general assessment of BMP effectiveness, applicability to University Park, and costs associated with implementation of the BMPs. Effectiveness of the selected BMPs and success in achieving the selected measurable goals will continue to be reviewed annually. This SWMP, dated July 2019, revises the provisions of the former Stormwater Management Program, dated May 2014. Revisions were made to meet new permit requirements, and changes were made based on the implementation process of BMPs during the previous permit term.

For the new permit issued on January 24, 2019, there were several principal changes to the general permit in addition to clarifications on existing requirements. The updated permit requires language that is "clear," "specific," and "measurable" in order to be in compliance with the federal Phase II MS4 Remand Rule. There also must now be a public notice process for major modifications to the SWMP. An electronic reporting rule was added that requires applications and annual reports to be submitted electronically by December 21, 2020. Additionally, a permittee must now post their annual report and SWMP on its public website no later than 30 days after the approval date for the SWMP and 30 days after the due date for the annual report. Small MS4s must now annually check if any waterbodies have 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)*. Newly listed waters must be addressed in the SWMP within two years following the approval date of the new list(s). A requirement was added that

MS4s must annually review their SWMP in conjunction with preparations of their annual report. The SWMP has been updated with this July 2019 version to satisfy these new permit requirements in the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000.

If you have additional comments or questions, please do not hesitate to contact me at 214-420-5639 or jenny.lafoy@kimley-horn.com.

Sincerely,

Jennifer M. LaFoy, P.E., CFM, ENV SP
Kimley-Horn and Associates, Inc.

TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY 1

2.0 PLAN DEVELOPMENT PROCESS 4

2.1 Background 2
2.2 Purpose and Scope 2
2.3 BMP Selection 3
2.4 Selection of Measurable Goals and Implementation Schedule 4
2.5 Selection of Benchmark and Targeted Controls 5
2.6 Initial Development and Review Process 6

3.0 BMPS, MEASURABLE GOALS, AND IMPLEMENTATION SCHEDULE ... 7

3.1 Public Education, Outreach, and Involvement 7
3.2 Illicit Discharge Detection and Elimination 8
3.3 Construction Site Stormwater Runoff Control 11
3.4 Post-Construction Stormwater Management in New Development and Redevelopment 14
3.5 Pollution Prevention and Good Housekeeping for Municipal Operations 15
3.6 Selected BMPs 19

4.0 MEASURABLE GOAL EVALUATION PROCESS 39

5.0 PARTICIPATING ENTITIES 40

6.0 ALLOWABLE NON-STORMWATER DISCHARGES 41

7.0 APPENDICES 42

LIST OF APPENDICES

Appendix A TPDES General Permit No. TXR040000
Appendix B Storm Drain Map

1.0 EXECUTIVE SUMMARY

The City of University Park has developed a Stormwater Management Program (SWMP) as required for coverage under the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 (see Appendix A). The original permit was issued on August 13, 2007, and a subsequent permit was issued on December 13, 2013. A new permit was issued on January 24, 2019, and this new permit supersedes and replaces the previous permit. The SWMP includes a listing of Best Management Practices (BMPs) that will be implemented by the City to work towards the regulatory standard of reducing pollutants in the City's stormwater to the "maximum extent practicable" (MEP). Existing City of University Park stormwater programs and activities designed to protect the City's water quality will be supplemented with new BMP activities as needed. Measurable goals and an implementation schedule were developed for each of the BMPs in the SWMP. The initial BMPs, measurable goals, implementation schedule, and final SWMP were developed with input from the Public Works Advisory Committee, a public meeting, and review by the City Council. BMPs, measurable goals, and the implementation schedule were selected based upon their ability to meet specific permit requirements and to reduce pollutants in the City's stormwater to the maximum extent practicable. They were also selected based upon a general assessment of BMP effectiveness, applicability to University Park, and costs associated with implementation of the BMPs. Effectiveness of the selected BMPs and success in achieving the selected measurable goals will continue to be reviewed annually. This SWMP, dated July 2019, revises the provisions of the former Stormwater Management Program, dated May 2014. Revisions were made to meet new permit requirements, and changes were made based on the implementation process of BMPs during the previous permit term.

2.0 PLAN DEVELOPMENT PROCESS

2.1 Background

University Park, a predominantly residential community of approximately 23,500 residents and 8,600 residences, is located approximately five miles north of downtown Dallas, Texas, and is the home of Southern Methodist University. For the period 1995 through 2025, the North Central Texas Council of Governments (NCTCOG) does not anticipate that the number of households will increase. The City includes a total land area of 3.7 square miles. A majority of the City is developed, and much of the community was constructed immediately after World War II. The only major water body that transects the City is Turtle Creek.

In developing the initial SWMP, the City took into consideration its unique characteristics, which include a high percentage of residential and institutional land uses. There are no industrial facilities in the City. An aerial photograph, shown in **Figure 1.1**, illustrates existing residential development within the City. No major land use changes are anticipated in the near future. Redevelopment of portions of the City for residential or commercial use is anticipated. As a result, the program is focused upon maintenance of existing infrastructure and Best Management Practices (BMPs) designed to protect water quality in an extensively-developed community. One of the initial goals of the plan was to better define the location and condition of the storm sewer system, and now the City plans to maintain and update this information.

The new permit divides MS4 operators into four levels based on the population served within the 2010 urbanized area. The City of University Park was determined to be a Level 2 Regulated Small MS4, based on the U.S. Census Bureau 2010 census. This category includes traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an urbanized area.

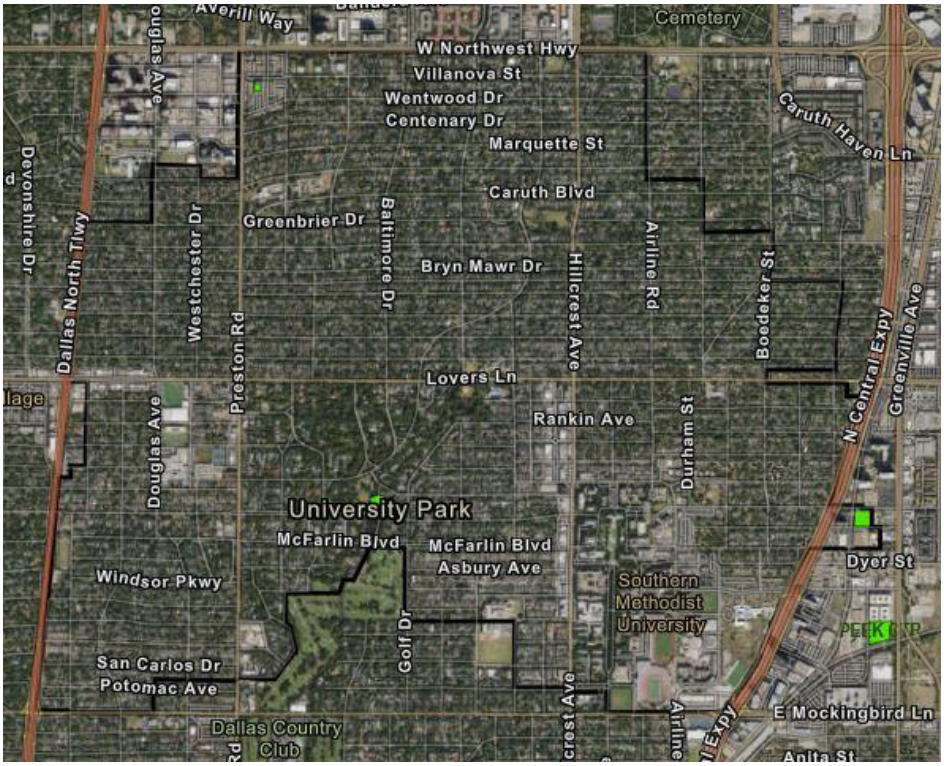
2.2 Purpose and Scope

The City of University Park has developed a Stormwater Management Program (SWMP) in accordance with Texas Pollutant Discharge Elimination System (TPDES) requirements for obtaining authorization for stormwater discharges and certain non-stormwater discharges. This SWMP has been developed in accordance with guidelines published by the Texas Commission on Environmental Quality (TCEQ) for coverage under TPDES General Permit TXR040000 (General Permit). The SWMP has been developed to facilitate the City's efforts in reducing stormwater pollutants from the City's municipal separate storm sewer system to the maximum extent practicable as required by the TPDES General Permit.

The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's stormwater quality. The specific activities to be implemented are referred to as "Best Management Practices" (BMPs). Various BMPs have been developed for each of the five "Minimum Control Measures" (MCMs) required by the General Permit for Level 2 Small MS4s, such as the City of University Park. The SWMP also sets measurable goals and provides a schedule for the implementation of the BMPs. Implementation of the

selected BMPs is expected to result in reductions of pollutants discharged into the City of University Park's waterways.

Figure 1.1: City of University Park Aerial Photograph



TX Orthoimagery Program, USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS | Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

2.3 BMP Selection

The Public Works Advisory Committee was utilized to provide initial guidance in 2003 in the selection of BMPs and the development of University Park's first SWMP.

The City evaluated the BMPs originally selected for the SWMP in 2014 and again in 2019 to determine the most applicable, effective, and cost-effective BMPs for the updated SWMP. The City has adapted or replaced BMPs that have been problematic or ineffective in the past, as indicated in the annual reports submitted to the TCEQ. Additional BMPs have been added to address the concern of bacteria impairment in the Trinity River watershed. The BMPs have been re-categorized and renumbered since the original SWMP to match the new minimum control measures (MCMs), as specified by the TCEQ in the TPDES General Permit.

Various structural and non-structural BMPs will be implemented throughout the five-year permit term authorized under the General Permit. A two-step process was utilized to select the BMPs to be included in University Park's SWMP.

Step One

The City of University Park has historically implemented various stormwater related BMPs intended specifically to protect the City's stormwater quality, and these existing BMPs were originally incorporated into the SWMP. Details of the City's existing stormwater-related programs were collected, summarized, and categorized into one of the five MCMs required by the General Permit. Some of the City's existing programs meet specific General Permit requirements, while others contribute toward fulfilling the General Permit mandate of reducing pollutants to the maximum extent practicable.

Step Two

Additional BMPs were selected to supplement the City's existing programs and to fulfill the requirements of the General Permit. Alternative BMPs were evaluated for each of the five MCMs. The evaluation process involved developing general assessments of various alternative BMPs. Some of the alternative BMPs were developed and tailored to the specific needs of University Park, while other alternative BMPs were developed from general BMP suggestions and examples published by the North Central Texas Council of Governments (NCTCOG) and the Environmental Protection Agency (EPA). Some BMPs incorporate Implementation Strategies described in the "Implementation Plan for Twenty-One Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region" (commonly referred to as an I-Plan) provided by the TCEQ. The City of University Park is located in Assessment Unit 0805_04. The location of the City of University Park and the known bacterial threats posed to Turtle Creek were considered for the determination of BMPs. Alternative BMPs were generally assessed in relation to the following criteria:

- Does the BMP fulfill General Permit requirements?
- What is the perceived effectiveness of the BMP?
- Is the BMP appropriate for the City of University Park?
- What is the estimated cost of implementing the BMP?
- Does the BMP reduce bacteria loading in surface waters?

2.4 Selection of Measurable Goals and Implementation Schedule

Specific measurable goals have been developed for each BMP selected for inclusion into the City's SWMP. In accordance with the General Permit requirements, clear and specific measurable goals have been developed to provide a mechanism for measuring the success of the City's SWMP toward reaching the goal of protecting the City's water quality and reducing pollutants to the maximum extent practicable. As provided under the General Permit, the City may phase the implementation of the SWMP over a five-year period. Accordingly, a reasonable progression of measurable goals was developed for each of the selected BMPs. The goals were selected with a consideration toward developing a logical progression of implementation, assessing the ability to measure and track progress, and working within budgetary constraints.

The City will annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2 of the general permit. Any changes will be included in the

annual report. The City will also annually check, 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 City will comply with the requirements of Part II.D.4.(b) (with the exception of (b)(1)c) of the general permit, and will 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).

2.5 Selection of Benchmark and Targeted Controls

The City of University Park is located within the watershed for the Upper Trinity River Segment 0805 which is an impaired water body and has a Total Maximum Daily Load (TMDL) associated with it for bacteria. Because of this, the City must meet requirements in Part II.D.4 of the general permit for “Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements”. A benchmark must be determined along with targeted controls to address implementation towards reducing bacteria levels.

“Implementation Plan for Twenty-One Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region” was developed to address steps toward reducing bacteria levels within the Trinity River Region. The original implementation plan (I-Plan) was approved by the TCEQ on December 11, 2013, and addresses implementation strategies for reducing bacteria levels in the watershed. The I-Plan was revised by the TMDL Coordination Committee, stakeholders within the TMDL, on June 15, 2017. The TMDL Coordination Committee periodically assesses the I-Plan for efficiency and effectiveness of the implementation strategies.

The TCEQ determines whether water quality in a water body meets the primary contact recreation use by measuring the levels of indicator bacteria. E. coli are the preferred indicator bacteria for assessment for recreational use in fresh water and were used for analysis to support TMDL development on water bodies in the Greater Trinity River region.

In accordance with the general permit requirements, a benchmark must be determined. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant of concern in stormwater discharges from the MS4 to the maximum extent practicable. The benchmark is intended to be a guideline for evaluating progress towards reducing pollutant discharges.

The City has elected to use the Waste Load Allocations (WLA) identified in the I-Plan as the benchmark (See Table 1). All loads are expressed as billion MPN/day, where MPN represents the most probable number. The City of University Park is in Assessment Unit (AU) 0805_04. According to the I-Plan, AU 0805_04 of the Upper Trinity River contains no Wastewater Treatment Facilities (WWTFs) but does contain three permitted industrial facilities and one permitted domestic water treatment plant. However, none of these lie within the City of University Park.

Table 1. TMDL Allocations for the Impaired Assessment Unit

Assessment Unit	Segment Name	TMDL	WLA a WWTF	WLASWb	LAUSL[c]	MOSd	FGe
0805_04	Upper Trinity River	22,890	0	1,480	21,310	78.79	16.57

All loads expressed as billion MPN/day

[a]WLA_{WWTF} = waste load allocation for wastewater treatment facilities
[b]WLA_{SW} = waste load allocation for permitted stormwater
[c]LA_{USL} = upstream load application entering the assessment unit
[d]MOS = margin of safety load
[e]FG = future growth loads

The City must also identify an assessment plan to monitor progress as well as targeted controls as a part of the SWMP. Targeted controls are BMPs with measurable goals focused specifically on bacteria as the pollutant of concern.

2.6 Initial Development and Review Process

In order to develop the original SWMP, Public Works Advisory Committee meetings were held on October 31, 2002, November 20, 2002, December 17, 2002, and January 29, 2003. The Public Works Advisory Committee meetings culminated in the development of a draft SWMP, which was reviewed on February 26, 2003. The draft SWMP was updated to reflect the General Permit which was issued on August 13, 2007, and then presented to the City Council for discussion and consideration on January 29, 2008. The SWMP was revised in May 2014 to meet new requirements for the permit issued on December 13, 2013. The revised SWMP was approved by City Council on June 3, 2014.

3.0 BMPS, MEASURABLE GOALS, AND IMPLEMENTATION SCHEDULE

In accordance with TCEQ's General Permit requirements, the City's SWMP includes an implementation plan for BMPs in each of the five Minimum Control Measures (MCMs). The five Minimum Control Measures consist of the following:

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

Specific requirements of each MCM for Level 2 Small MS4s are provided below. Following the listing of MCM requirements, a table is provided that lists the BMPs selected for each MCM, along with a description of the BMP and its measurable goals and implementation schedule. The Targeted Controls (bacteria focused BMPs) selected for each MCM are indicated by an asterisk in **Table 2** through **Table 6** and are summarized in **Table 7**.

3.1 Public Education, Outreach, and Involvement

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

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

1) 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:

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

b) 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;

c) Ensure the public can easily find information about the SWMP.

3.2 Illicit Discharge Detection and Elimination

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

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)); and,

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.

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

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

6) Inspections – The permittee shall conduct inspections, 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.

3.3 Construction Site Stormwater Runoff Control

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

A. Requirements and Control Measures

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

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

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

B. Requirements for all Permittees

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

1) All permittees shall 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.

3.4 Post-Construction Stormwater Management in New Development and Redevelopment

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

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.

3.5 Pollution Prevention and Good Housekeeping for Municipal Operations

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

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

1) Permittee-owned Facilities and Control Inventory

   All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. 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.

3.6 Selected BMPs

Unless otherwise specified, tasks will be completed by December 31st of each year listed in the Implementation Schedule.
* Asterisk indicates TMDL-specific BMPs. See **Table 7** for Summary of Targeted Controls.

Table 2 - Minimum Control Measure 1: Public Education, Outreach, and Involvement

Residents				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 1.1 Utility Bill Insert	Distribute educational material to residents via utility bill inserts and City newsletters. The inserts will include stormwater education per the TCEQ general permit guidelines. The inserts will also include information specifically relating to fertilizer, herbicide, and pesticide usage in lawn and garden care, proper disposal of household hazardous waste and oils, pet waste management, water conservation, illicit discharges, illegal dumping and discharge ordinances, how to report improper actions through the hotline or the City's web page, and other educational and participatory opportunities.	Community Information Officer	December 2019 (and then annually)	▪ Distribute educational flyer as a utility bill insert one time per year. ▪ Include a minimum of one article per year in City newsletter (Arbor). ▪ Make inserts available at local libraries (see BMP 1.6). ▪ Annually document the number of inserts provided.
BMP 1.2 Texas SmartScape Link	Provide a Link to NCTCOG's Texas SmartScape internet page from the City's stormwater website (see BMP 1.3). Texas SmartScape, a Regionally Developed Initiative, is a website that promotes the use of native vegetation to help reduce pesticides, fertilizers, and water use.	Community Information Officer	December 2019 (and then annually)	▪ Continue providing link access and verify link annually. ▪ Review content annually and update as necessary.
BMP 1.3 University Park Stormwater Website	Maintain a stormwater page on the City's website. The web page will include stormwater education in general per the TCEQ general permit guidelines. The web page will also provide specific information regarding the City's TPDES Phase II program, educational and participatory opportunities, and links to other local, state, and national stormwater websites.	Community Information Officer	December 2019 (and then annually)	▪ Review website annually and update as necessary. ▪ Solicit feedback regarding University Park's stormwater program via the website. ▪ Post annual report and SWMP on the stormwater page no later than 30 days after approval date annually.
BMP 1.4 City Hotline	The City currently maintains a 311 hotline for citizen requests and complaints. As part of the public information program, the City will track calls related to stormwater issues. The City will inform residents that they can call in complaints, potential violations, and other stormwater issues through the overall public information effort. Hotline personnel will be provided with training to identify stormwater issues and a method for tracking these calls.	311	December 2019 (and then annually)	▪ The hotline will be advertised on City's website at least once per year. ▪ Provide training to new hotline personnel within 12 months of employee's start date. ▪ Continue to monitor calls received. Evaluate citizen's input on an annual basis to identify potential trends in stormwater issues.

Residents				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 1.5 Storm Drain Markers	Continue to place storm drain markers on local storm drains in an effort to increase awareness and to prevent dumping into the storm drain system.	Public Works	December 2019 (and then annually)	▪ Review 20% of the storm drain markings per year and replace as necessary. ▪ Annually document missing or damaged storm drain markers.
BMP 1.6 Library Reference	Provide educational material for reference at the local library. Materials to be provided will include copies of educational materials used for other BMPs, access to the City's stormwater website, information regarding the City's stormwater program, and other miscellaneous stormwater educational material as deemed appropriate.	Public Works	December 2019 (and then annually)	▪ Provide updated copies of educational materials at the local library annually. ▪ Annually document the amount of materials provided.
BMP 1.7 Classroom Education	The City will provide information to University Park area schools or to organizations comprised of school-aged children (Boy Scouts, Girl Scouts, etc.) for educating students on issues related to stormwater pollution. Available information from the NCTCOG, EPA, and TCEQ will be the primary source of materials provided.	Public Works	December 2020 (and then annually)	▪ Distribute information on stormwater pollution to at least one group or school in the district annually with materials, such as videos, live presentations, brochures, and other media. ▪ Annually document the amount of materials provided.

Visitors				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 1.8 Lawn Care Education	Major visitors to the City include individuals who provide lawn care services to residents and businesses of University Park. Bi-lingual educational materials regarding the City's policies on grass clippings and proper management of potential stormwater pollutants will be provided to these businesses.	Public Works / Community Development	December 2019 (and then annually)	▪ Distribute to lawn care services annually through residents and contacts with individuals out in the field. ▪ Annually document educational materials provided.
BMP 1.9 SMU Stormwater Awareness	The City will work with SMU's staff to promote awareness of stormwater pollution prevention for activities associated with the University. This may be accomplished through existing public information programs, such as the campus media, utility bill inserts, or the City's stormwater page.	Public Works	December 2019 (and then annually)	▪ Distribute updated information to the University related to stormwater practices through campus media and flyers annually. ▪ Annually document educational materials provided.
		Public Works	December 2021	▪ Establish connection with SMU Sustainability Committee, or other environmental groups on SMU's campus.

See BMP 1.6 (Library Reference)	Refer to reference BMP for specific details and time.	N/A	N/A	N/A

Public Service Employees				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 1.10 Education For Elected Officials	City Council will receive stormwater education on general stormwater topics in accordance with TCEQ educational guidelines and will also receive information relating to University Park's Phase II program.	Public Works	December 2019 (and then annually)	▪ Provide educational material and Phase II program status reports at least once per year to the City Council. ▪ Provide City Council with any revisions to SWMP.
BMP 1.11 Education For Public Service Employees	Distribute educational material to public service employees in police and fire departments.	Public Works	December 2019 (and then annually)	▪ Provide educational material to police and fire departments each year. ▪ Annually document educational materials provided.

Businesses/Commercial				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 1.12 Business/ Commercial Education	Information avenues that are used for the residential sector will also be used to provide educational material on pollution prevention and various stormwater related issues to University Park's business/commercial sector. Note that University Park does not have any industrial facilities.	Public Works	December 2019 (and then annually)	▪ Distribute educational flyer as a utility bill insert a minimum of one time per year. ▪ Annually document educational materials provided.
See BMP 1.2 (Texas Smartscape Link)	Refer to referenced BMP for specific goals and schedule.	N/A	N/A	N/A
See BMP 1.3 (University Park Stormwater Web Site)	Refer to referenced BMP for specific goals and schedule.	N/A	N/A	N/A

Construction Site Personnel				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 1.13 City Inspector Training	Train City code enforcement individuals on construction site erosion control ordinances.	Community Development	December 2020 (and then every three years)	▪ Provide a minimum of 4 hours of construction site erosion control training to inspection personnel at least once every three years.
			December 2019 (and then annually)	▪ Provide a minimum of 4 hours of construction site erosion control training to new inspection employees within 12 months of the employee's start date. ▪ Annually document the number of inspection personnel trained.
BMP 1.14 Developer/Builder/ Engineer Education and Training	Provide educational material to the development community and offer training opportunities.	Public Works	December 2020 (and then annually)	▪ Provide educational material and/or training at least once per year to builders, developers, and engineers that are active in University Park. ▪ Advertise all available trainings on City's stormwater web page and at relevant public forums. ▪ Annually document educational materials provided.
			December 2021 (and then once every two years)	▪ Provide developers, builders, and engineers with the opportunity to participate in construction site erosion control training at least once every 2 years.

General				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 1.15 Public Meetings	Conduct public meetings to present on University Park stormwater management program and solicit feedback. This will be conducted during a City Council meeting.	Public Works	December 2019 (and then annually)	▪ Conduct a minimum of 1 public meeting annually. ▪ Advertise and conduct the meetings in accordance with local and state public notice requirements. ▪ Provide link to the public meeting video in annual report. ▪ Include stormwater update to City Council and public hearing on the City's website.
BMP 1.16 Continue Various Volunteer Advisory Committees	The City maintains a number of advisory committees that meet on an as needed basis. These include Urban Design and Development Advisory Committee, Public Works Advisory Committee, and Zoning Ordinance Advisory Committee.	Public Works	December 2019 (and then annually)	▪ Continue to seek input from these groups. Provided that they meet, attend at least one meeting per year to provide an update on stormwater issues and potential impacts to various advisory groups and constituencies. ▪ Annually document meetings attended.
BMP 1.17 Recycling Program	The City currently encourages recycling of waste within the City as a means of reducing landfill needs. This is also recognized as a means of reducing stormwater pollution. The City will continue with its current efforts to encourage residents to recycle materials.	Sanitation	December 2019 (and then annually)	▪ Continue existing recycling program. ▪ Review program annually and revise as necessary. ▪ Continue to provide collection events for e-wastes, paper shredding, and household goods (donated to charities) at least once per year.
*BMP 1.18 Pet Waste Management	The City currently provides pet waste management stations throughout City parks. Residents are responsible for proper disposal of their pet's waste by ordinance. The City will continue to maintain these stations.	Parks	December 2019 (and then annually)	▪ Continue to maintain existing pet waste management stations. ▪ Check conditions of pet waste management stations annually.

General				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 1.19 Public Notice Requirements	The City will continue to evaluate the progress of the Stormwater Management Program and its implementation. A public hearing, likely held during a City Council meeting, will be conducted to allow citizens to provide input and comments regarding the program.	Public Works	Within 60 days of receiving the preliminary determination	▪ Publish notice of executive director's preliminary determination on the NOI and SWMP once the City receives written instructions from the TCEQ's Office of Chief Clerk.
			December 2020 (and then every two years)	▪ Public hearings regarding the program will be implemented every two years.
*BMP 1.20 Bacteria-Specific Public Education	According to TCEQ's Implementation Plan for Twenty-One Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region, "as funding is available, NCTCOG and stakeholders will develop or expand the availability of more bacteria-specific public education materials to RSWMP participants." The City will review the bacteria-specific public education materials developed by NCTCOG and stakeholders and use as applicable.	Public Works	December 2019 (and then annually)	▪ Review bacteria-specific public education materials developed by NCTCOG and stakeholders when updated and use as applicable. ▪ Provide information at pet waste collection points at least once annually. ▪ Annually document educational materials provided.
*BMP 1.21 Partnerships	Form a partnership with environmentally-focused organizations. Southern Methodist University (SMU), which is situated within the City of University Park, has various environmentally-focused organizations and events. Through this partnership, the City of University Park and SMU may help promote each other's events in order to educate the City residents on water quality and pollution mitigation (see BMP 1.10).	Public Works	December 2019 (and then annually)	▪ Include a link on the City's website to SMU which has environmentally-focused events on their events page. ▪ Provide educational materials to be provided at environmentally-focused events at least once annually.
*BMP 1.22 Proper Waste Disposal Educational Events	The City will continue to hold various programs that educate the residents how to properly dispose of various waste materials, and potential pollutants. Such events could include Household Hazardous Waste Collection Events, Drug Take Back Days, and Recycling Events. These programs are intended to encourage residents to properly dispose of harmful waste materials, rather than allowing them to enter either storm drains or septic systems.	Public Works	December 2019 (and then annually)	▪ Continue to hold a minimum of one event per year. ▪ Advertise events on City's website. ▪ Document the amount recycled in each event.

Table 3 - Minimum Control Measure 2: Illicit Discharge Detection and Elimination

General				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 2.1 Code Enforcement	City will enforce specific stormwater related ordinances that have been adopted by the City. These ordinances include topics such as pool design, litter, liquid waste management, control of grass clippings, grease and grit trap waste, right-of-way erosion, and prohibited discharge standards.	Community Development, Public Works, Sanitation, Police	December 2019 (and then annually)	▪ Continuously monitor and enforce ordinances and document in annual reports.
		Public Works, Community Development	December 2019 (and then annually)	▪ Evaluate status of local ordinances and determine if there is a need for revisions annually.
BMP 2.2 Dry Weather Monitoring	The City does not currently have access to all City outfalls throughout the City. The City will visually inspect outfall locations on a periodic basis in an effort to identify potential illicit discharges.	Public Works	December 2019 (and then annually)	▪ Inspect 20% of outfall locations per year and record potential illicit discharges. ▪ Monitor outfall locations annually with suspected illicit discharges to determine source of contaminant.
BMP 2.3 Code Enforcement Training	City will provide code enforcement individuals with training to inform staff of code status related to stormwater management issues.	Public Works, Community Development	December 2020 (and then once every two years)	▪ Continue to provide training every two years. ▪ Update training information as any new codes are adopted or changes are made to the existing code.
BMP 2.4 Illicit Discharge Inspections	Conduct inspections to determine the source of illicit connections and illegal dumping activities. Inspections will also be performed in response to complaints via the hotline.	Public Works	December 2020	▪ Adopt or develop written standard inspection procedures and train appropriate personnel.
			December 2019 (and then annually)	▪ Adopt or develop procedures for conducting inspections in response to complaints and conduct follow-up inspections. ▪ Where the City has legal access to inspect property, inspections will be performed at locations identified by Dry Weather Monitoring (BMP 2.2) as potential illicit connection sources.
BMP 2.5 Storm Sewer Mapping	Maintain the map of the City, showing the location of the City outfalls and storm sewers as well as names and locations of surface waters receiving discharges from the City.	Public Works	December 2019 (and then every two years)	▪ Review and update the map of storm sewer systems and outfalls at least once every two years and as changes to assets occur.
BMP 2.6 Elimination of Illicit Connections	Illicit connections identified from BMP 2.4 will be eliminated according to procedures in the stormwater ordinance.	Police	December 2019 (and then annually)	▪ Require and verify the elimination of identified illicit connections. ▪ Document elimination of illicit connections annually.

BMP 2.7 Spill Response	Continue implementation of existing spill response procedures and training.	Fire, Police	December 2020 (and then every two years)	▪ Continue implementation of existing spill response procedures and training every two years. ▪ Document number of employees trained in annual reports.

Non-Stormwater Discharge and Illegal Dumping				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 2.8 City Hotline	The City currently maintains a 311 hotline for citizens to report discharge violations and illegal dumping (see BMP 1.4).	311	December 2019 (and then annually)	▪ Document calls relating to discharge violations and illegal dumping annually. ▪ Publicize public reporting of illicit discharges or water quality impacts on City website.
BMP 2.9 Public Information Program	As part of information programs, citizens will be educated on illicit discharges and informed of illegal dumping and discharge ordinances that are in place within the City and how to report improper actions through the hotline or the City's web page (see BMP 1.1).	Public Works	December 2019 (and then annually)	▪ Continue to distribute information on stormwater issues via utility bill inserts a least once a year. ▪ Continue to distribute information on stormwater issues in City newsletter at least once a year.
BMP 2.10 Household Hazardous Waste Collection and Recycling	City is currently contracting with Dallas County to participate in a regional HHW collection program with an option to extend annually.	Sanitation	December 2019 (and then annually)	▪ Continue to participate in the program annually. City will promote the program and make residents aware of the program's existence through the City website. ▪ Evaluate County/City contract in terms of recovery and costs annually. Either renew the contract as allowed or seek another vendor for providing HHW collection.
*BMP 2.11 Prevent and Correct Leaking On-Site Sewage Disposal Systems	The City currently has requirements for on-site sewage disposal systems which address backflow prevention and the location of these systems to surface waters as well as prohibiting drainage from systems such as grease traps from entering streets, storm drains, or surface waters.	Utilities	December 2019 (and then annually)	▪ Continue implementation of existing programs. ▪ Review current requirements annually and update if necessary.
*BMP 2.12 Tracking Sanitary Sewer Overflows	Continue to track the number of sanitary sewer overflows that occur yearly within the City.	Utilities	December 2019 (and then annually)	▪ Document the number of sanitary sewer overflows annually and continue implementing efforts to reduce overflows.

Table 4 - Minimum Control Measure 3: Construction Site Stormwater Runoff Control

General				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 3.1 Controlling Ordinances	The City of University Park has existing requirements for construction one acre and greater (including larger common plan). Existing ordinances address stormwater runoff from construction sites and prohibits illicit discharges such as wash out and other pollutants. The City has also adopted iSWM which addresses material and waste controls from construction sites. A City ordinance also requires a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.	Legal, Community Development	December 2019 (and then annually)	▪ Continue implementation of existing programs. ▪ Review annually and update if necessary.
BMP 3.2 Requirements for Construction Site Contractors	The City of University Park has existing construction site requirements. Ordinance includes requirements for an erosion and sediment control plan with BMP details and a construction site waste management plan.	Public Works, Community Development	December 2019 (and then annually)	▪ Continue implementation of existing programs to review construction site plans prior to construction. ▪ Annually document the number of City permits including new construction, remodels, and additions.
BMP 3.3 Site Plan Review	The City of University Park has an existing construction site review program. Review program includes review of the erosion and sediment control plan and construction site waste management plan to the construction site review.	Public Works, Community Development	December 2019 (and then annually)	▪ Continue implementation of existing programs to review construction site plans prior to construction. ▪ Review construction site plans for potential water quality impacts according to the stormwater ordinance. ▪ Annually document the number of City permits including new construction, remodels, and additions.
*BMP 3.4 Site Inspection and Enforcement	The City of University Park has an existing construction site inspection program. The City requires an inspection for all construction that requires a permit. Inspection program includes erosion and sediment controls and construction site waste management to the inspection requirements, including portable toilet facilities, in order to mitigate possible bacteria discharge from construction sites. The City also has current licensing requirements for portable toilet vendors.	Engineering, Planning, Community Development	December 2019 (and then annually)	▪ Continue implementation of the existing inspection program and portable toilet vendor licensing requirements. ▪ Inspect construction sites according to the stormwater ordinance and in response to complaints.
			December 2020	▪ Adopt or develop and implement updated written procedures outlining inspection and enforcement requirements in response to complaints as well as conducting follow-up inspections.
BMP 3.5 Receipt and Consideration of Information from Public	Continue to implement the program for the receipt and consideration of public comments regarding erosion control.	Public Works, Community Information Officer	December 2019 (and then annually)	▪ Continue to utilize the City's hotline and advisory committees as a means of accepting public information on the City's Stormwater Management Program. ▪ Annually document and review public comments from the hotline and website that are related to erosion control.

General				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 3.6 Review Erosion and Sediment Control Program	Review the effectiveness, appropriateness, and cost-effectiveness of the existing erosion control program.	Public Works, Community Development	December 2019 (and then annually)	▪ Continue implementation of existing programs.
			December 2020	▪ Adopt or develop written procedures that describes initiating and completing stabilization measures for construction sites. Include reviewing soil stabilization measures and completing stabilization as soon as practicable, but no more than 14 calendar days after initiation of soil stabilization measures.
			December 2023	▪ Review the City's existing erosion control program. ▪ Revise the existing program, including ordinances, if appropriate.
BMP 3.7 City of University Park Staff Training	Continue training City of University Park staff for controlling construction site runoff.	Public Works	December 2019 (and then annually)	▪ Continue training staff and documenting attendance in annual report.
			December 2019 (and then every two years)	▪ Provide Construction site stormwater runoff control training at least once every two years.

Table 5 - Minimum Control Measure 4: Post-Construction Stormwater Management in New Development and Redevelopment

General				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 4.1 iSWM™ Manual Development & Implementation	Participate in the development of the North Central Texas Council of Governments' integrated Stormwater Management (iSWM™) Manual, a Regionally Developed Initiative. The City has adopted the iSWM manual and developed a stormwater ordinance in order to set controls in place to address runoff, include the use of structural and/or non-structural BMPs, and regulate discharges from new development and redevelopment activities of one acre and greater (including large common plan).	Public Works, Community Development	December 2019 (and then annually and with each iSWM update)	▪ Continue implementation of the iSWM™ manual through ordinances and the City's existing plan review process. ▪ Review and update existing SWMP as necessary when there are updates to the iSWM manual.
BMP 4.2 Engineering Design Review	Continue existing design review process.	Community Development, Engineering	December 2019 (and then annually)	▪ Continue existing design review process of all construction projects, one acre in size, or larger, to verify compliance with the City's stormwater ordinance developed in BMP 4.1. ▪ Document the number of reviews in annual report.
*BMP 4.3 Land Use Plan	Continue to utilize the City's existing land use plan and existing development ordinances. The City will review existing codes and ordinances and revise as necessary to address the discharge of bacteria, nutrients, and other substances that could contribute to bacterial growth in the environment. Water restrictions will be considered that would reduce runoff and pollutants.	Community Development	December 2019	▪ Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan. ▪ Review the process annually and revise as necessary.
			December 2020 (and then every two years)	▪ Continue the existing process of assessing proposed zoning changes in relation to the City's updated land use plan. ▪ Review codes and ordinances every two years and revise as necessary to address the discharge of bacteria, nutrients, and other substances that could contribute to bacterial growth in the environment and consider water restrictions.
BMP 4.4 Long-term Operation and Maintenance of BMPs	Continue the existing program to inspect post-construction BMPs. Continue implementation of a long-term operation and maintenance review program for post-construction BMPs.	Engineering, Community Development	December 2019 (and then annually)	▪ Document the number of post-construction inspections and operation and maintenance reviews in annual reports. ▪ Continue the long-term operation and maintenance review program for post-construction BMPs.

BMP 4.5 Requirements for Owners or Operators of New Development and Redeveloped Site Design	Continue to implement and enforce requirements 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 that protect water quality. Program addresses stormwater runoff from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale.	Public Works, Community Development, Police	December 2019 (and then annually)	▪ Continue to implement and enforce the requirements. ▪ Maintain records of enforcement actions and document in annual report. ▪ Document operation and maintenance practices and document revisions in annual report.

Table 6 - Minimum Control Measure 5: Pollution Prevention/Good Housekeeping for Municipal Operations

Municipal Activities				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 5.1 Storm Drainage System Cleaning	Remove floatables, debris, sediment, and other materials from inlets and storm drainage system as needed. Dredged material and other material collected is properly disposed of at the transfer station or landfill based on results from environmental testing firms. Surface of impounded waters are also skimmed. Bacteria may attach to floatables, debris, sediment, and other materials. Refraining to remove such materials could possibly influence bacteria levels in waterways.	Utilities, Streets	December 2021	▪ Develop written procedures that describes frequency of inspections and how they will be conducted.
			December 2019 (and then annually)	▪ Continue inspections per the visual inspection schedule of the City's major storm sewer inlets and structural controls and any pollution prevention measures. ▪ Continue to clean inlets and system as needed in response to complaints or reported problems. ▪ Document efforts on stormwater assets in annual report. ▪ Document inspections in a log.
*BMP 5.2 Street Sweeping	Continue existing street sweeping program. The Infrastructure Maintenance Division contracts with an outside vendor to sweep streets in accordance with the City's regular schedule to remove solid pollutants from the roadways and prevent contamination of the storm sewer system.	Streets	December 2019 (and then annually as scheduled)	▪ Sweep major arterials once every two weeks, commercial streets every week, residential streets every 2 months, and alleys every month. ▪ Additional sweeping performed, if necessary, following construction, sanding operations during ice storms, or other activities.
*BMP 5.3 Herbicide Management	Continue existing herbicide management program. Herbicides are purchased on an as needed basis and are stored along with any necessary equipment in a locked facility with limited access. Herbicides are applied by employees according to EPA regulations and the specific directions on the herbicide labels. City ordinances are in place restricting the disposal of herbicides in ordinary trash collection and restricting the introduction of pollutants such as herbicides into the POTW in concentrations that cannot be treated.	Parks	December 2019 (and then annually)	▪ Continue implementation of University Park's existing herbicide management program.
			December 2020 (and then every two years)	▪ Evaluate appropriateness of program every 2 years and update if necessary.
BMP 5.4 Pesticide Management	Continue existing pesticide management program. Pesticides are purchased on an as needed basis and are stored along with any necessary equipment in a locked facility with limited access. Pesticides are applied by employees according to EPA regulations and the specific directions on the pesticide labels. City ordinances are in place restricting the disposal of pesticides in ordinary trash collection and restricting the introduction of pollutants such as pesticides into the POTW in concentrations that cannot be treated.	Parks	December 2019 (and then every 2 years)	▪ Continue implementation of University Park's existing pesticide management program.
			December 2020 (and then every two years)	▪ Evaluate appropriateness of program every 2 years and update if necessary.

Municipal Activities				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 5.5 Safe Material Storage	Continue existing material storage management procedures at the Transfer Site. The Solid Waste Transfer Station has a Site Operating Plan as a part of the Municipal Solid Waste (MSW) permit application to outline how the City will conduct operations at the facility in accordance with Operational Standards for Municipal Solid Waste Storage and Processing Units from the Texas Administrative Code. The SOP addresses procedures such as training requirements, waste acceptance and analysis, facility-generated wastes, contaminated water management, storage requirements, recordkeeping and reporting, and safety requirements.	Sanitation, Public Works	December 2019 (and then annually)	▪ Continue implementation of University Park's existing material storage program.
			December 2020 (and then every two years)	▪ Evaluate appropriateness of material storage program every 2 years and update if necessary.
BMP 5.6 Fleet Service Center BMPs	Continue existing fleet service center BMPs. No additional structural or non-structural controls are anticipated as the facility is currently enclosed.	Equipment Services	December 2019 (and then annually)	▪ Continue existing fleet service center BMPs.
			December 2020 (and then every two years)	▪ Evaluate appropriateness of fleet service center BMPs every 2 years and update if necessary.
BMP 5.7 Facilities, Stormwater Controls, and Structural Controls Inventory	Continue to maintain an inventory of the City's facilities, stormwater controls, and structural controls.	Public Works	December 2019 (and then annually)	▪ Continue to maintain an inventory of University Park's facilities, stormwater controls, and structural controls. ▪ Update inventory as necessary.
			December 2022	▪ Update inventory to include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. ▪ Develop written procedures for structural controls that define the frequency of inspections and how they will be conducted.
BMP 5.8 Operation and Maintenance Program	Continue the existing operation and maintenance (O&M) program, including employee training component, to reduce/prevent pollution from municipal activities and municipally owned areas. Update program as needed. Evaluate O&M activities for their potential to discharge pollutants in stormwater.	Engineering, Planning, Public Works	December 2019 (and then annually)	▪ Continue operation and maintenance (O&M) program. ▪ Continue pollution prevention measures that will reduce discharge of identified pollutants from O&M activities. ▪ Inspect pollution prevention measures at City facilities annually. ▪ Document inspections performed in annual report. ▪ Review program annually and update as needed.

BMP 5.9 Operating Procedures for Contractors	Contractors hired by University Park are required to comply with City operating procedures.	Public Works	December 2019 (and then annually)	▪ Review operating procedures and requirements annually and update as necessary.

Training				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
BMP 5.10 Employee Training	Continue good housekeeping and pollution prevention training for municipal operations to existing employee training programs for the Public Works Department.	Engineering, Planning, Public Works, Streets	December 2019 (and then annually)	▪ Train new employees within six months of the employee's start date. ▪ Record number of employees that received training in annual report.
BMP 5.11 Stormwater Management Program Committee	Continue the committee which includes all the departments responsible for BMPs to assess proper implementation of the SWMP.	Public Works	December 2019 (and then annually)	▪ Continue meeting as scheduled. ▪ Document number of meetings in annual report.
			December 2020 (then every 2 years)	▪ Coordinate committee's activities once every two years.

Table 7 - Summary of Targeted Controls

Targeted Controls				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 1.1 Utility Bill Insert	Distribute educational material to residents via utility bill inserts and City newsletters. The inserts will include stormwater education per the TCEQ general permit guidelines. The inserts will also include information specifically relating to fertilizer, herbicide, and pesticide usage in lawn and garden care, proper disposal of household hazardous waste and oils, pet waste management, water conservation, illicit discharges, illegal dumping and discharge ordinances, how to report improper actions through the hotline or the City's web page, and other educational and participatory opportunities.	Community Information Officer	December 2019 (and then annually)	▪ Distribute educational flyer as a utility bill insert one time per year. ▪ Include a minimum of one article per year in City newsletter (Arbor). ▪ Make new inserts available at local libraries (see BMP 1.6). ▪ Annually document the number of inserts provided.
*BMP 1.8 Lawn Care Education	Major visitors to the City include individuals who provide lawn care services to residents and businesses of University Park. Bi-lingual educational materials regarding the City's policies on grass clippings and proper management of potential stormwater pollutants will be provided to these businesses.	Public Works / Community Development	December 2019 (and then annually)	▪ Distribute to lawn care services annually through residents and contacts with individuals out in the field. ▪ Annually document educational materials provided.
*BMP 1.18 Pet Waste Management	The City currently provides pet waste management stations throughout City parks. Residents are responsible for proper disposal of their pet's waste by ordinance. The City will continue to maintain these stations.	Parks	December 2019 (and then annually)	▪ Continue to maintain existing pet waste management stations. ▪ Check conditions of pet waste management stations annually.
*BMP 1.20 Bacteria-Specific Public Education	According to TCEQ's Implementation Plan for Twenty-One Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region, "as funding is available, NCTCOG and stakeholders will develop or expand the availability of more bacteria-specific public education materials to RSWMP participants." The City will review the bacteria-specific public education materials developed by NCTCOG and stakeholders and use as applicable.	Public Works	December 2019 (and then annually)	▪ Review bacteria-specific public education materials developed by NCTCOG and stakeholders when updated and use as applicable. ▪ Provide information at pet waste collection points at least once annually. ▪ Annually document educational materials provided.

Targeted Controls				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 1.21 Partnerships	Form a partnership with environmentally-focused organizations. Southern Methodist University (SMU), which is situated within the City of University Park, has various environmentally-focused organizations and events. Through this partnership, the City of University Park and SMU may help promote each other's events in order to educate the City residents on water quality and pollution mitigation (see BMP 1.10).	Public Works	December 2019 (and then annually)	▪ Include a link on the City's website to SMU which has environmentally-focused events on their events page. ▪ Provide educational materials to be provided at environmentally-focused events at least once annually.
*BMP 1.22 Proper Waste Disposal Educational Events	The City will continue to hold various programs that educate the residents how to properly dispose of various waste materials, and potential pollutants. Such events could include Household Hazardous Waste Collection Events, Drug Take Back Days, and Recycling Events. These programs are intended to encourage residents to properly dispose of harmful waste materials, rather than allowing them to enter either storm drains or septic systems.	Public Works	December 2019 (and then annually)	▪ Continue to hold a minimum of one event per year. ▪ Advertise events on City's website. ▪ Document the amount recycled in each event.
*BMP 2.1 Code Enforcement	City will enforce specific stormwater related ordinances that have been adopted by the City. These ordinances include topics such as pool design, litter, liquid waste management, control of grass clippings, grease and grit trap waste, right-of-way erosion, and prohibited discharge standards.	Community Development, Public Works, Sanitation, Police	December 2019 (and then annually)	▪ Continuously monitor and enforce ordinances and document in annual reports.
		Public Works, Community Development	December 2019 (and then annually)	▪ Evaluate status of local ordinances and determine if there is a need for revisions annually.
*BMP 2.11 Prevent and Correct Leaking On-Site Sewage Disposal Systems	The City currently has requirements for on-site sewage disposal systems which address backflow prevention and the location of these systems to surface waters as well as prohibiting drainage from systems such as grease traps from entering streets, storm drains, or surface waters.	Utilities	December 2019 (and then annually)	▪ Continue implementation of existing programs. ▪ Review current requirements annually and update if necessary.
*BMP 2.12 Tracking Sanitary Sewer Overflows	Continue to track the number of sanitary sewer overflows that occur yearly within the City.	Utilities	December 2019 (and then annually)	▪ Document the number of sanitary sewer overflows annually and continue implementing efforts to reduce overflows.

Targeted Controls				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 3.1 Controlling Ordinances	The City of University Park has existing requirements for construction one acre and greater (including larger common plan). Existing ordinances address stormwater runoff from construction sites and prohibits illicit discharges such as wash out and other pollutants. The City has also adopted iSWM which addresses material and waste controls from construction sites. A City ordinance also requires a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.	Legal, Community Development	December 2019 (and then annually)	▪ Continue implementation of existing programs. ▪ Review annually and update if necessary.
*BMP 3.4 Site Inspection and Enforcement	The City of University Park has an existing construction site inspection program. The City requires an inspection for all construction that requires a permit. Inspection program includes erosion and sediment controls and construction site waste management to the inspection requirements, including portable toilet facilities, in order to mitigate possible bacteria discharge from construction sites. The City also has current licensing requirements for portable toilet vendors.	Engineering, Planning, Community Development	December 2019 (and then annually)	▪ Continue implementation of the existing inspection program and portable toilet vendor licensing requirements. ▪ Inspect construction sites according to the stormwater ordinance and in response to complaints.
			December 2020	▪ Adopt or develop and implement updated written procedures outlining inspection and enforcement requirements in response to complaints as well as conducting follow-up inspections.
*BMP 4.1 iSWM™ Manual Development & Implementation	Participate in the development of the North Central Texas Council of Governments' integrated Stormwater Management (iSWM™) Manual, a Regionally Developed Initiative. The City has adopted the iSWM manual and developed a stormwater ordinance in order to set controls in place to address runoff, include the use of structural and/or non-structural BMPs, and regulate discharges from new development and redevelopment activities of one acre and greater (including large common plan).	Public Works, Community Development	December 2019 (and then annually and with each iSWM update)	▪ Continue implementation of the iSWM™ manual through ordinances and the City's existing plan review process. ▪ Review and update existing SWMP as necessary when there are updates to the iSWM manual.

Targeted Controls				
Best Management Practices	BMP Description	Responsibility	Implementation Schedule	Measurable Goals
*BMP 4.3 Land Use Plan	Continue to utilize the City's existing land use plan and existing development ordinances. The City will review existing codes and ordinances and revise as necessary to address the discharge of bacteria, nutrients, and other substances that could contribute to bacterial growth in the environment. Water restrictions will be considered that would reduce runoff and pollutants.	Community Development	December 2019	▪ Continue the existing process of assessing proposed zoning changes in relation to the City's existing land use plan. ▪ Review the process annually and revise as necessary.
			December 2020 (and then every two years)	▪ Continue the existing process of assessing proposed zoning changes in relation to the City's updated land use plan. ▪ Review codes and ordinances every two years and revise as necessary to address the discharge of bacteria, nutrients, and other substances that could contribute to bacterial growth in the environment and consider water restrictions.
*BMP 5.1 Storm Drainage System Cleaning	Remove floatables, debris, sediment, and other materials from inlets and storm drainage system as needed. Dredged material and other material collected is properly disposed of at the transfer station or landfill based on results from environmental testing firms. Surface of impounded waters are also skimmed. Bacteria may attach to floatables, debris, sediment, and other materials. Refraining to remove such materials could possibly influence bacteria levels in waterways.	Utilities, Streets	December 2021	▪ Develop written procedures that describes frequency of inspections and how they will be conducted.
			December 2019 (and then annually)	▪ Continue inspections per the visual inspection schedule of the City's major storm sewer inlets and structural controls and any pollution prevention measures. ▪ Continue to clean inlets and system as needed in response to complaints or reported problems. ▪ Document efforts on stormwater assets in annual report. ▪ Document inspections in a log.
*BMP 5.2 Street Sweeping	Continue existing street sweeping program. The Infrastructure Maintenance Division contracts with an outside vendor to sweep streets in accordance with the City's regular schedule to remove solid pollutants from the roadways and prevent contamination of the storm sewer system.	Streets	December 2019 (and then annually as scheduled)	▪ Sweep major arterials once every two weeks, commercial streets every week, residential streets every 2 months, and alleys every month. ▪ Additional sweeping performed, if necessary, following construction, sanding operations during ice storms, or other activities.
*BMP 5.3 Herbicide Management	Continue existing herbicide management program. Herbicides are purchased on an as needed basis and are stored along with any necessary equipment in a locked facility with limited access. Herbicides are applied by employees according to EPA regulations and the specific directions on the herbicide labels. City ordinances are in place restricting the disposal of herbicides in ordinary trash collection and restricting the introduction of pollutants such as herbicides into the POTW in concentrations that cannot be treated.	Parks	December 2019 (and then annually)	▪ Continue implementation of University Park's existing herbicide management program.
			December 2020 (and then every two years)	▪ Evaluate appropriateness of program every 2 years and update if necessary.

4.0 MEASURABLE GOAL EVALUATION PROCESS

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

Multiple City departments will be responsible for implementing portions of the SWMP and for tracking and evaluating the City's success in meeting the plan's measurable goals. It is anticipated that the following City departments will be involved in the implementation and verification process:

- Community Information Officer
- Engineering
- Community Development
- Sanitation
- Parks
- Streets
- Police
- Fire
- Utility Billing
- Utilities
- Equipment Services
- Public Works

Progress toward the selected TMDL benchmark will also be evaluated on an annual basis. A qualitative approach will be used by the City to evaluate program implementation measures on an annual basis. The City will assess progress by using program implementation indicators that could include evaluations such as:

- Number of sources identified or eliminated
- Decrease in number of illegal dumping
- Increase in illegal dumping reporting
- Number of educational opportunities conducted
- Reductions in sanitary sewer overflows (SSOs)
- Increase in illegal discharge detection through dry screening

If no progress towards the benchmark either from program implementation or water quality assessments is observed by the end of the third year from the effective date of the permit, the City will need to identify alternative focused BMPs to address new or increased efforts towards the benchmark. If appropriate, the City will develop a new approach to identify the most significant sources of bacteria and will develop alternative focused BMPs for those.

5.0 PARTICIPATING ENTITIES

Implementation of portions of the City of University Park's SWMP relies upon Regionally Developed Initiatives (RDIs) from the NCTCOG. These RDIs are regionally appropriate BMPs developed through the participation of local governments in the Regional Stormwater Management Program. The TCEQ supports the concept of RDIs to maximize results through coordinating efforts and promoting consistency across the regions and watersheds. The City of University Park currently has an agreement with the NCTCOG for the RDIs described within the SWMP. NCTCOG activities that the City is incorporating into the SWMP include the development of a regional integrated Stormwater Management (iSWM™) manual that will be applicable for implementing the Post- Construction MCM and continued access to the SmartScape material on the internet.

6.0 ALLOWABLE NON-STORMWATER DISCHARGES

The following non-stormwater discharges were assessed in order to determine whether they are known to be significant contributors of pollutants to the City's water bodies:

a) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
b) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
c) Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
d) Diverted stream flows;
e) Rising ground waters and springs;
f) Uncontaminated ground water infiltration;
g) Uncontaminated pumped ground water;
h) Foundation and footing drains;
i) Air conditioning condensation;
j) Water from crawl space pumps;
k) Individual residential vehicle washing;
l) Flows from wetlands and riparian habitats;
m) Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
n) Street wash water excluding street sweeper waste water;
o) Discharges or flows from emergency 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);
p) Other allowable non-stormwater discharges listed in 40 CFR §122.26(d)(2)(iv)(B)(1);
q) Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR 050000 or the TPDES Construction General Permit (CGP) TXR 150000;
r) Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
s) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Non-stormwater discharges from the list above were discussed by the Public Works Advisory Committee to ascertain if any known significant water quality impacts have been caused as a result of the discharges. There is no knowledge of adverse impacts to the City's water quality from any of the listed discharges. Therefore, these non-stormwater sources may be discharged and are not required to be addressed in the Illicit Discharge and Detection section of the SWMP or any other minimum control measure.

7.0 APPENDICES

Appendix A TPDES General Permit No. TXR040000

Appendix B Storm Drain Map

APPENDIX A

TPDES GENERAL PERMIT NO. TXR040000

Texas Commission on Environmental Quality

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

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued 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 6

Part II. Permit Applicability and Coverage 13

Section A. Small MS4s Eligible for Authorization under this General Permit 13

1. Small MS4s Located in an Urbanized Area 13
2. Designated Small MS4s 13
3. Operators of Previously Permitted Small MS4s 13
4. Regulated Portion of Small MS4 13
5. Categories of Regulated Small MS4s 13

Section B. Available Waivers from Coverage 14

1. Waiver Option 1: 15
2. Waiver Option 2: 15

Section C. Allowable Non-Stormwater Discharges 16

Section D. Limitations on Permit Coverage 16

1. Discharges Authorized by Another TPDES Permit 16
2. Discharges of Stormwater Mixed with Non-Stormwater 17
3. Compliance with Water Quality Standards 17
4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements 17
5. Discharges to the Edwards Aquifer Recharge Zone 21
6. Discharges to Specific Watersheds and Water Quality Areas 22
7. Protection of Streams and Watersheds by Home Rule Municipalities 22
8. Indian Country Lands 22
9. Endangered Species Act 22
10. Other 23

Section E. Obtaining Authorization 23

1. Application for Coverage 23
2. Late Submission of the NOI and SWMP 24
3. SWMP General Requirements 24
4. SWMP Review 24
5. SWMP Updates Required by TCEQ 24
6. SWMP Updates 25

7. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation 26
8. Contents of the NOI 27
9. Notice of Change (NOC) 28
10. Change in Operational Control of a Small MS4 28
11. Notice of Termination (NOT) 28
12. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms 28
13. Fees 28
14. Permit Expiration 29
15. Suspension of Permit Coverage 29
16. Public Notice Process for NOI submittal 29
Section F. Permitting Options 31
1. Authorization Under the General Permit 31
2. Alternative Coverage under an Individual TPDES Permit 31
Part III. Stormwater Management Program (SWMP) 32
Section A. Developing a Stormwater Management Program (SWMP) 32
1. SWMP Development and Schedule 32
2. Content of the SWMP 33
3. Legal Authority 33
4. Resources 34
5. Effluent Limitations 34
6. Enforcement Measures 34
Section B. Minimum Control Measures 35
1. Public Education, Outreach, and Involvement 35
2. Illicit Discharge Detection and Elimination (IDDE) 36
3. Construction Site Stormwater Runoff Control 40
4. Post Construction Stormwater Management in New Development and Redevelopment 43
5. Pollution Prevention and Good Housekeeping for Municipal Operations 44
6. Industrial Stormwater Sources 50
7. Authorization for Construction Activities where the Small MS4 is the Site Operator 50
Section C. General Requirements 51
Part IV. Recordkeeping and Reporting 52

Section A. Recordkeeping....52
Section B. Reporting....52
1. General Reporting Requirements....52
2. Annual Report....53
Part V. Standard Permit Conditions....54
Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th Optional MCM is selected....56
Section A. Eligible Construction Sites....56
Section B. Discharges Eligible for Authorization....56
1. Stormwater Associated with Construction Activity....56
2. Discharges of Stormwater Associated with Construction Support Activities....56
3. Non-Stormwater Discharges....57
4. Other Permitted Discharges....57
Section C. Limitations on Permit Coverage....57
Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements....58
Section E. Stormwater Runoff from Concrete Batch Plants....58
1. Benchmark Sampling Requirements....58
2. BMPs and SWP3 Requirements....60
3. Prohibition of Wastewater Discharges....62
4. Concrete Truck Wash Out Requirements....62
Section F. Effective Date of Coverage....63
Section G. Deadlines for SWP3 Preparation and Compliance....63
Section H. Plan Review and Making Plans Available....63
Section I. Keeping Plans Current....63
Section J. Contents of SWP3....64
1. Site Description....64
2. Structural and non-structural controls....65
3. Stabilization Practices....65
4. Structural Control Practices....66
5. Permanent Stormwater Controls....67
6. Other Controls....67
7. Effluent Limits....67
8. Approved State and Local Plans....67
9. Maintenance....67

10. Inspections of Controls 67
11. Pollution Prevention Measures 69
Section K. Additional Retention of Records 69

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 (7th) stormwater MCM listed in Part III.B.7 of this general permit if the eligibility requirements in Part VI.A. below are met.

If an MS4 operator decides to utilize this MCM, then the MS4 operator must include this MCM in its SWMP submitted with the NOI or submit an NOC notifying the executive director of the addition of this MCM to its SWMP. The MS4 operator must identify the geographic area or boundary where the construction activities will be conducted under the provisions of this general permit. If the permittee meets the terms and requirements of this general permit, then discharges from these construction activities may be authorized under this general permit as long as they occur within the regulated geographic area of the small MS4.

An MS4 operator may utilize this MCM over additional portions of their small MS4 if those areas are also in compliance with all MCMs listed in this general permit. Even if an MS4 operator has developed this optional seventh stormwater MCM, the MS4 operator may apply under TPDES CGP TXR150000 for authorization for particular municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Section A. Eligible Construction Sites

Discharges from construction activities within the regulated area where the MS4 operator meets the definition of construction site operator are eligible for authorization under this general permit. Discharges from construction activities outside of the regulated area, where the MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the MS4 operator meets the requirements of Parts III.B.1. through III.B.6 of this general permit, related to MCMs.

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Discharges of stormwater runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:

(a) The activity is located within a one-mile distance from the boundary of the permitted construction site and directly supports the construction activity;

(b) A SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to control sediment and erosion and discharge of pollutants in stormwater runoff from the supporting construction activity site;

(c) The construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges as required; and

(d) Discharge of stormwater from concrete production facilities must meet the requirements in Section E below

3. Non-Stormwater Discharges

The following non-stormwater discharges from construction sites authorized under this general permit are also eligible for authorization under this MCM:

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

(b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

(c) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

(d) Uncontaminated water used to control dust;

(e) Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(f) Uncontaminated air conditioning condensate; and

(g) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

Any discharge authorized under a separate TPDES or TCEQ permit may be combined with discharges from construction sites operated by the small MS4, provided the discharge complies with the associated permit.

Section C. Limitations on Permit Coverage

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under Part VI of the general permit.

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge stormwater associated with construction activities into surface water in the state must:

1. Develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities;
2. Post a signed copy of a TCEQ approved site notice in a location at the construction site where it is readily available for viewing prior to commencing construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;
3. Ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;
4. Ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and
5. Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

Section E. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants at regulated construction sites may be authorized under the provisions of this general permit provided that the following requirements are met for concrete batch plant(s) authorized under this permit. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or an individual permit. This permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at regulated construction sites. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

1. Benchmark Sampling Requirements

(a) Operators of concrete batch plants authorized under this section must sample the stormwater runoff from the concrete batch plants according to the requirements of this section of the general permit, and must conduct evaluations of the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Monitoring

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease (*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.

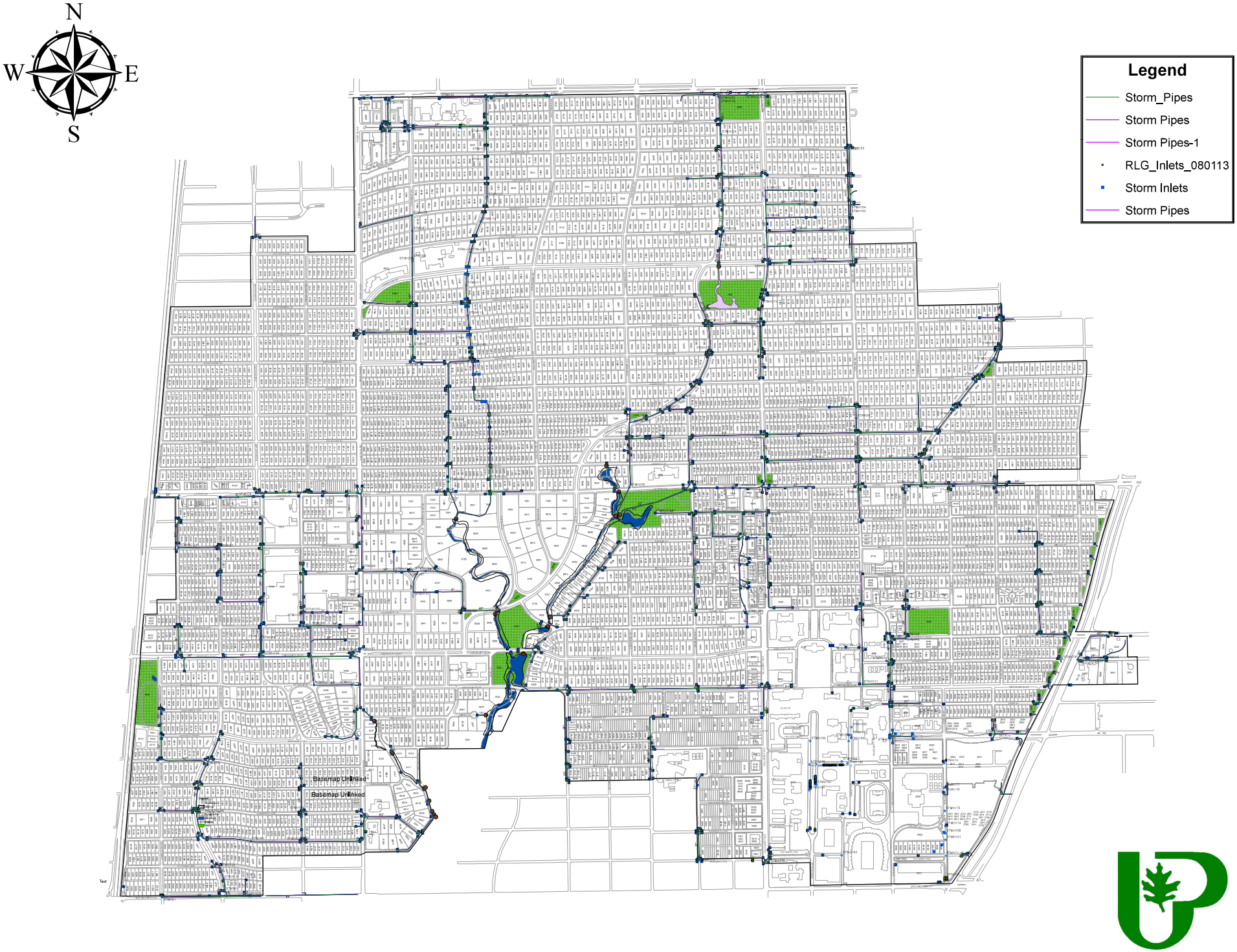
Section K. Additional Retention of Records

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.

APPENDIX B

STORM DRAIN MAP


N
W
E
S
Legend
Storm_Pipes
Storm Pipes
Storm Pipes-1
RLG_Inlets_080113
Storm Inlets
Storm Pipes
Basemap Unlinked
Basemap Unlinked