

LRGV TPDES Stormwater Task Force
Founded in 1998

City of Alamo
City of Alton
City of Brownsville
Cameron County
Cameron County Drainage District #1
City of Donna
City of Edinburg
City of La Feria
City of La Joya
City of Los Fresnos
City of Mission
City of Palmview
City of Primera
City of San Benito
City of San Juan
City of Weslaco

STORMWATER MANAGEMENT PROGRAM

Developed in accordance with the requirements of TEXAS COMMISSION ON ENVIRONMENTAL QUALITY - TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM - TPDES GENERAL PERMIT TXR040000

Permit Term:

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Appendix B TCEQ TPDES Fact sheet

Appendix C NOIs and Location Maps

Appendix D Ordinances

Appendix E UA Maps

Appendix F BMP Tables – Regulatory Requirements

Acronyms and Abbreviations

BMP	Best Management Practices
CCDD1	Cameron County Drainage District #1
CFR	U.S. Code of Federal Regulations
CRP	Clean Rivers Program
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographic Information System
GPS	Global Positioning System
HHW	Household Hazardous Waste
LRGV	Lower Rio Grande Valley
LTSTF	LRGV TPDES Stormwater Task Force
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
P2	Pollution Prevention
SIC	Standard Industrial Classification
SSO	Sanitary Sewer Overflow
SWMP	Storm Water Management Program
SWP3	Storm Water Pollution Prevention Plan
SWQM	Surface Water Quality Monitoring
TCEQ	Texas Commission on Environmental Quality
TAC	Texas Administrative Code
TDA	Texas Department of Agriculture
TMDL	Total Maximum Daily Load
TPDES	Texas Pollutant Discharge Elimination System
UA	Urbanized Area

Definitions

Best Management Practices – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Best management practices also include treatment requirements, operating procedures, practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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.

Control Measure – any best management practice or other method used to prevent or reduce the discharge of pollutants.

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

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

Illicit Connection – any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge – any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a National Pollutant Discharge Elimination System permit (other than the municipal separate storm sewer).

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

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

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

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

National Pollutant Discharge Elimination System (NPDES) – National program for issuing, modifying, revoking and reissuing, terminating, imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA.

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

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

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 - For the purpose of this permit, a point source at the point where a municipal separate storm sewer discharges to waters of the United States (U.S.) and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S.

Permittee - The MS4 operator authorized under this general permit.

Permitting Authority - For the purposes of this general permit, the TCEQ.

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

Redevelopment – alterations of a property that change the footprint of a site or building in such a way that results in the disturbance of equal to or greater than 1 acre of land.

Small Municipal Separate Storm Sewer System (MS4) – refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under • 208 of the CWA; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR • 122.2; and (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §§122.26(b)(4) and (b)(7). This term includes systems similar to separate storm sewer systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

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

Stormwater – stormwater runoff, snow melt runoff, and surface runoff and drainage.
Watershed – The region draining into a river, river system, or other body of water.

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

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

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (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.

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

Waters of the United States – Waters of the United States or waters of the U.S. means:
(a) all waters which are currently used, were used in the paste, 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 interstate 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 seas; and
(g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

1.0 INTRODUCTION

1.1 BACKGROUND

The Lower Rio Grande Valley (LRGV) is growing at an incredible rate and by the year 2020 it is estimated that the population will exceed 1.6 million people (LRGVDC, 2003). The 2000 U.S. Census indicated that the population of the LRGV (Figure 1-1) was 924,772, and according to the Texas Water Development Board (TWDB), the population of the Rio Grande Region M (Figure 1-2) will increase by 142% by the year 2060. The population boom in South Texas has forced decision-makers to prioritize environmental concerns due to lack of local, state and federal resources. The top three concerns identified by the Texas Commission on Environmental Quality (TCEQ) in the Lower Rio Grande Subregion are water quantity, water quality, and illegal dumping of municipal solid waste (TCEQ, 2002).



Figure 1-1: Lower Rio Grande Valley Project Area (LRGVDC, 2003)

Because the LRGV over recent years has confronted environmental issues associated with lack of and diminishing solid waste facilities, deterioration of wastewater treatment plants, lack of resources for rehabilitating civil infrastructure, and widespread flooding concerns, surface water quality discussions have not emerged until recently. However, with the publication of the TCEQ's Phase II Municipal Separate Storm Sewer System (MS4) regulations in August 2007, there was a significant increase in the development of stormwater management programs (SWMPs).

1.2 REGULATORY OVERVIEW

Since 1948, with passage of the *Water Pollution Control Act* (WPCA), the federal government has attempted to regulate water quality, but it was not until between 1956 and 1966 that the United States Congress aggressively promoted water pollution control. Although water pollution control was mainly in the form of financial assistance to municipalities for the construction of wastewater treatment plants, an additional thrust by Congress in 1965 established the first water quality standards in the country with the passage of the *Water Quality Act* of 1965 (EPA, 2000). It was not until 1972 that water quality based controls were established with passage of the comprehensive *Federal Water*

Pollution Control Act (FWPCA) Amendments (now called the *Clean Water Act*). During the 1970s the National Pollutant Discharge Elimination System (NPDES) permitting program was created to regulate discharges of all pollutants to navigable waters from any point source. However, during the 1970s and 1980s the NPDES program primarily targeted discharges of municipal and industrial wastewater. It was not until 1990 that the U.S. Environmental Protection Agency (EPA) promulgated NPDES regulations that established today's municipal stormwater program (EPA, 2005).

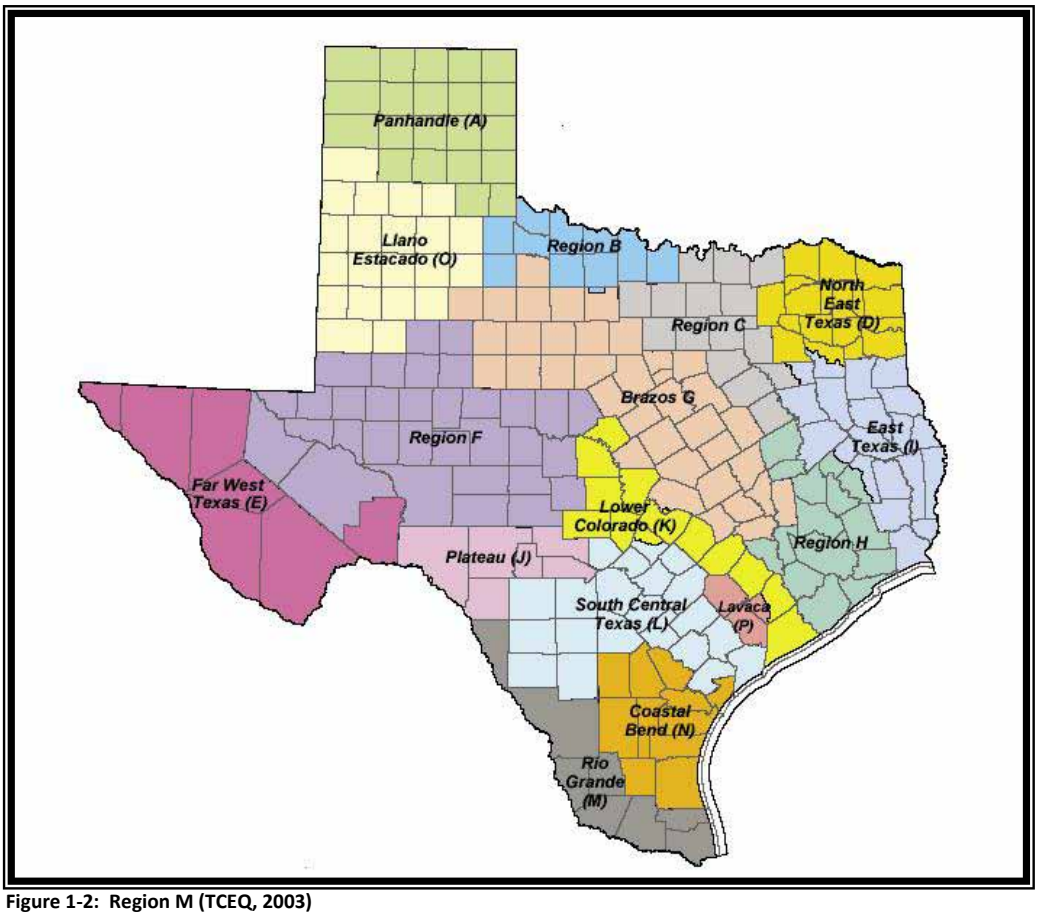


Figure 1-2: Region M (TCEQ, 2003)

Since the passage of these water pollution prevention laws our nation's waters have improved significantly. However, the EPA reports in its annual national Water Quality Inventory that as of 2000, 40% of our surface waters remain impaired. Of this, 13% of impaired rivers, 18% of impaired lake acres, and 32% of impaired estuaries are affected by urban/suburban stormwater runoff. Polluted stormwater runoff is typically transported by municipal separate storm sewer systems (MS4s) and discharged into local waterways without treatment (EPA, 2005).

In 1987, Congress amended the CWA to require the EPA to establish phased NPDES requirements for stormwater discharges. In 1990, the EPA published the initial permit application requirements that included: (a) 11 categories of stormwater discharges associated with industrial activity and, (b) discharges from MS4s that serviced a population of 100,000 or more (Federal Register Vol. 55, 1990). In South Texas, only Laredo, Corpus Christi and San Antonio were designated as Phase I MS4s (EPA, 1996). Although the LRGV cities of Brownsville and McAllen exceed this population today, both fell

under that threshold at that time, as did every other city in the region. In Texas, the NPDES program was renamed the Texas Pollutant Discharge Elimination System (TPDES) in 2001 when the EPA, through a memorandum of understanding, gave the TCEQ authority to administer the program (Federal Register,Vol 68, 1998).

The TCEQ established the Phase II MS4 program in 2003 to extend the Phase I program to include all municipalities in urbanized areas. Urbanized areas are defined as land areas with an overall population density of more than 1,000 people per square mile. As part of the Phase II MS4 program, in August 2007 the TCEQ issued TPDES General Permit Number TXRO40000. A unique attribute of the Phase II program is that federal and state operated MS4s are also regulated. This means small MS4s can include universities, hospitals, prisons, roads, parks and office buildings (EPA, 2005).
The LRGV municipalities' first taste of regional water quality regulations associated with stormwater runoff has not been the NPDES MS4 program, but rather the EPA's Total Maximum Daily Loading (TMDL) program. Many LRGV municipalities use the Arroyo Colorado as a receiving waterway for treated sanitary sewer wastewater and stormwater runoff (Figure 1-3).

1.3 ARROYO COLORADO WATERSHED PROTECTION PLAN

The Arroyo Colorado has been constantly assessed since 1974 by different entities. Of note, in 2002, the TCEQ completed a TMDL assessment that demonstrated that parts of the Arroyo Colorado did not meet water quality standards for dissolved oxygen. Consequently, the TCEQ initiated the Arroyo Colorado Watershed Protection Partnership (ACWPP) to facilitate local efforts to develop a watershed protection plan (WPP) to improve conditions in the Arroyo Colorado. The LRGV municipalities impacted by this project have been actively cooperating with the ACWPP, knowing that the ramifications of the watershed protection plan will affect water quality standards for their regulated water outfalls into the Arroyo Colorado (ACWP, 2007). However, in contrast to the NPDES stormwater regulations facing LRGV cities today, the ACWPP is currently a voluntary compliance effort.

1.4 LRGV TPDES STORMWATER TASK FORCE

In 1998, facilitated by Texas A&M University –Kingsville (TAMUK), a coalition of LRGV municipalities joined to form the LRGV TPDES Stormwater Task Force (LTSTF) in a joint effort to develop a proactive regional approach to comply with the TPDES Phase II MS4 rules. Today this membership includes 16 local governments.

The LTSTF project idea was born from a 1998 local stormwater brainstorming round table held in La Feria, Texas. Several preliminary meetings continued at various cities until the coalition was formally organized. Local government officials and qualified professionals representing various communities in the LRGV region attended these meetings. The group agreed to develop a way to achieve a regional SWMP to comply with the TPDES regulations. The group formalized the organization by contractually empowering TAMUK to facilitate the group and by developing a system of by-laws that included election of board members and officers.

The LTSTF uses a unique, collaborative regional approach to involve various levels of government, including the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA), in developing cost-effective solutions that will achieve compliance with the TPDES rules. The LTSTF project embodies the spirit of the mutually beneficial relationships between local

governments and embellishes this relationship with academia and regulators. After sixteen (16) years, although the impact of this organization has translated into a regional collaboration movement not seen anywhere else in the State, the overall impact of this organization has yet to be fully realized.

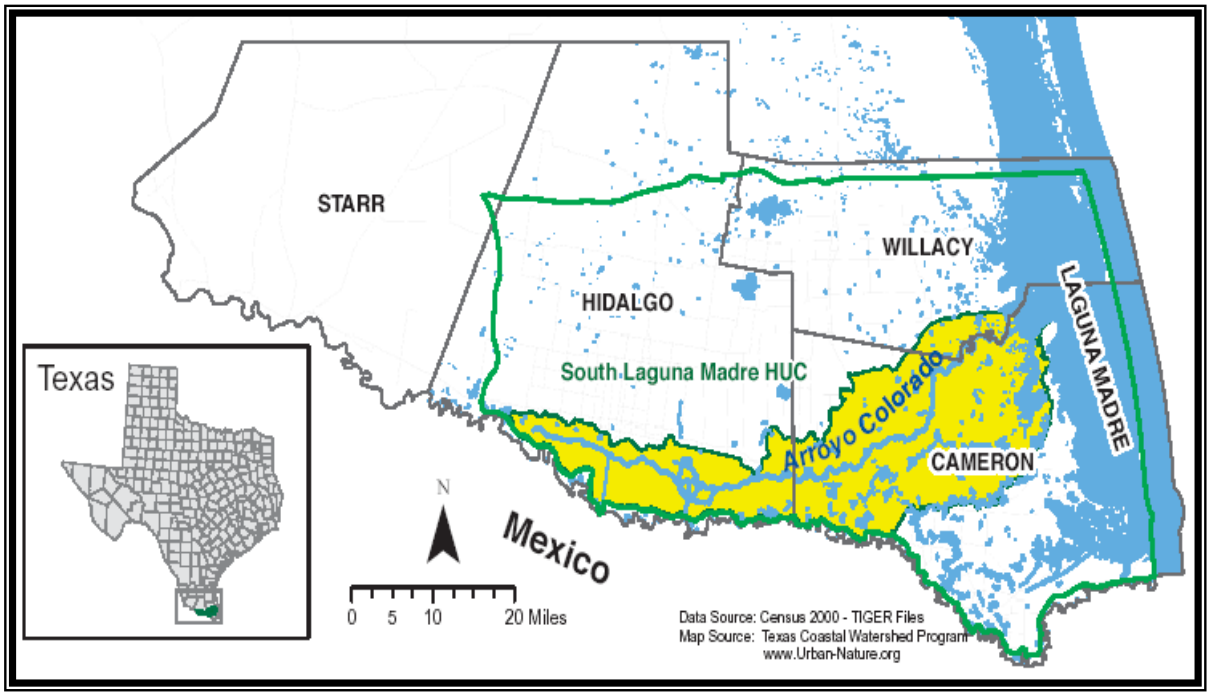


Figure 1-3: Arroyo Colorado Watershed shaded in yellow (ACWP, 2007)

The primary goal of the LTSTF project in 2000 was to develop and implement a regional SWMP to comply with Phase II regulations. In 2006, the LTSTF modified its mission to include stormwater quality management approaches to address broader water quality and watershed issues, particularly those associated with the Arroyo Colorado Watershed Partnership (ACWP), a local Total Maximum Daily Load (TMDL)-related organization. The LTSTF project has already enjoyed side benefits of increased communication and cooperation, and created a collaborative process for discussing water quality issues in the LRGV's four-county region. In addition, this collaboration and others like it, has enabled the participating communities and TAMUK to successfully secure many grant funding opportunities since the Task Force's inception. The LTSTF membership is detailed in Section 2.0.

In 2000, LTSTF participants began entering into local government interlocal agreements with TAMUK, which outlined the desire to address stormwater quality issues on a regional basis and named TAMUK as its facilitator. In executing these interlocal agreements, emphasis was placed on developing programs that study existing successful programs, addressing community goals, providing technical assistance and training, and promoting regional approaches.

In addition to the local governments listed in Appendix C, the following organizations and individuals have been involved in LTSTF project planning and training: the cities of Laredo, Corpus Christi and San Antonio, the ACWP, TCEQ Water Quality Division and Small Business Group, EPA Region 6 Non-Point Source (NPS) Division and Border 2020 Group, South Texas Environmental Institute, Texas Department of Transportation (TxDOT), Texas Sea Grant, Valley Nature Center, Texas Water Resources Institute,

Texas Transportation Institute (TTI), LRGV Development Council (LRGVDC), International Boundary and Water Commission (IBWC), Texas State Soil and Water Conservation Board (TSSSWB), South Texas College, University of Texas-Brownsville (UTB), University of Texas-Pan American (UTPA), Texas Parks and Wildlife (TPWD), and dozens of local ISDs (Independent School Districts).

TAMUK is providing facilitation and management assistance for the LTSTF project, initiating this effort through a National Science Foundation (NSF) grant, other grants, and from annual membership fees collected from the member-local-governments. The funds provide resources for staff to facilitate the group's efforts in formulating LTSTF project goals and developing LTSTF programs. Funds, in part, are also used to host workshops, expert panel discussions, conferences, seminars and training sessions. During a Task Force meeting held in Mission, TX, the organization formed several committees: ordinance, grant, scholarship, outreach, training, housekeeping, construction, and others. TAMUK worked closely with the committees in developing the SWMPs by responding to recommendations and suggestions posed by these committees. Recently, these committees have been replaced with work groups which now work with TAMUK in facilitating the organization and implementing the SWMPs. The new stormwater paradigm presents many questions to local governments in the LRGV. What is a stormwater management program, what will it cost, who will fund the program, is it needed, and how much will it cost? The LTSTF realizes a regional program is a key part of a successful regional storm water program. But, regulators and academia do not have a firm grasp of the costs associated with developing and implementing such a program. Although the average citizen often takes for granted the services municipalities provide, the stormwater services are nonetheless expected. The region now requires that local governments provide a stormwater runoff pollution protection service. This new paradigm requires the development of infrastructure and funding strategies to support providing this service.

1.5 PHASE II MS4 PROGRAM

In August of 2007, the TCEQ finally published the Phase II MS4 regulations after a legal challenge of the rules by several environmental groups was ruled in favor of the EPA in 2005. The legal battle delayed the issuance of permits from 2003 to 2008. The TCEQ MS4 general permit is designated as TXR040000. On August 13, 2007 the TCEQ issued the first round general permit for small MS4s, Permit No. TXR040000, which expired on August 12, 2012. Regulated MS4 operators submitted notices of intent (NOI) along with developed SWMPs by February 11, 2008. The TCEQ administratively continued the first round general permit passed its expiration date of August 12, 2012.

On December 13, 2013 the TCEQ issued their new second round general permit for small MS4s. A copy of the new permit is provided in Appendix A. In summary, the second round permit requires that regulated MS4s comply with a number of administrative and legal requirements and to update, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable to protect water quality.

1.6 REGIONAL SWMP

The LTSTF is jointly submitting this Storm Water Management Program. The LTSTF membership and their respective MS4 level and Permit number is depicted in table 2-0.

Storm Water Quality is now a regional responsibility. This is not the first time local governments have been confronted with environmental water quality regulations that affect the manner that cities allocate funds. TMDL regulations recently started developing new performance measures for local governments, and LRGV communities have become very familiar with the Arroyo Colorado TMDL studies. Based on these studies, the drafters of the ACWPP, which included members of the Task Force and TAMUK, concluded that urban stormwater runoff is contributing to the impairment of the Arroyo Colorado. Thus, the timing of the formation of the Task Force could not have been better. Local governments typically tend to procrastinate when it comes to addressing non- mandated environmental issues, usually because of lack of resources and lack of expertise and understanding rather than due to a non-proactive attitude. Still, finding funds to implement a regional SWMP program is a huge responsibility for any local government. Cost effectiveness and revenue potential were major considerations for our local governments when developing this Task Force.

Local governments are no strangers to the concept of regionalization, and sharing the costs to comply with environmental mandates was received favorably. During LTSTF meetings it was evident that the primary role of local governments in TPDES stormwater management is to address local problems and needs, and at the same time comply with state and federal regulations in the most cost-effective manner. Creating a regional task force responsible for assisting cities with TPDES storm water management was viewed as a proactive idea because the collaboration promotes cooperation and dissemination of ideas. Moreover, a regional entity, with a facilitator like TAMUK, can objectively address the cause of a stormwater concern rather than just the symptoms of the problem, which often happens in the regions like the LRGV where political boundaries drive decision-making and funding allocation.

Regionalization also means that developers, engineers, and others will be less likely to violate stormwater-related policies if they know that a well-managed regional entity, rather than a small municipality, is responsible for the programs. Moreover, regionalization minimizes varying interpretations of the regulations and thus provides for consistent policies from MS4 to MS4. LRGV MS4s recognize that TPDES stormwater management must become a top priority, but they demand innovative and cost-effective programs. The LTSTF realizes that an innovative funding approach for stormwater management will save money.

1.7 MS4 LEVELS

The December 13, 2013 permit imposes compliance obligations on small MS4s based on the population inside the 2010 urbanized area and served by the small MS4. A four level system is defined in Part II.B.5 of the permit, which states:

- **Level I:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area;

- **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an urbanized area. 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 urbanized area, unless the nontraditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served;

- **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,00 within an urbanized area;

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

A Level 1 SWMP must address five areas, called Minimum Control Measures (MCM), as follows:

- Public Education, Outreach, and Involvement;
- Illicit Discharge Detection and Elimination;
- Construction Storm Water Runoff Control;
- Post-Construction Storm Water Management in New Development and Redevelopment; and,
- Pollution Prevention/Good Housekeeping for Municipal Operations.

A Level 2 SWMP must address the five MCMs, but must include additional BMPs, as follows:

- Public Education, Outreach, and Involvement;
- Illicit Discharge Detection and Elimination;
    - procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4Construction Storm Water Runoff Control;
- Construction Storm Water Runoff Control;
- Post-Construction Storm Water Management in New Development and Redevelopment; and,
- Pollution Prevention/Good Housekeeping for Municipal Operations.

A Level 2 non-traditional SWMP must address the five MCMs, but must include additional BMPs, as follows:

- Public Education, Outreach, and Involvement;
- Illicit Discharge Detection and Elimination;
    - procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4Construction Storm Water Runoff Control;
    - 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;
- Construction Storm Water Runoff Control;
- Post-Construction Storm Water Management in New Development and Redevelopment; and,
- Pollution Prevention/Good Housekeeping for Municipal Operations.

A Level 3 SWMP must address the five MCMs, but must include additional BMPs, as follows:

- Public Education, Outreach, and Involvement;
- Illicit Discharge Detection and Elimination;
    - procedures to prevent and correct any leaking on-site sewage disposal systems that

    - discharge into the small MS4Construction Storm Water Runoff Control;
    - source investigation and elimination;
- Construction Storm Water Runoff Control;
    - Construction Site inventory;
- Post-Construction Storm Water Management in New Development and Redevelopment; and,
- Pollution Prevention/Good Housekeeping for Municipal Operations;
    - Storm sewer system O&M;
    - O&M program to reduce pollutants from roads;
    - Mapping;
    - Facility assessment;
    - Facility SOPs;
    - Stormwater controls for high priority facilities;
    - inspections.

A Level 4 SWMP must address the five MCMs, plus an additional MCM (Industrial Stormwater Sources), and must include additional BMPs, as follows:

- Public Education, Outreach, and Involvement;
- Illicit Discharge Detection and Elimination;
    - procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4Construction Storm Water Runoff Control;
    - 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;
    - field screening to detect illicit discharges;
    - source investigation and elimination;
    - Identification of Priority Areas;
    - Dry Weather Field Screening;
- Construction Storm Water Runoff Control;
    - Construction Site inventory;
- Post-Construction Storm Water Management in New Development and Redevelopment;
    - Inspections; and,
- Pollution Prevention/Good Housekeeping for Municipal Operations;
    - Storm sewer system O&M;
    - O&M program to reduce pollutants from roads;
    - Mapping;
    - Facility assessment;
    - Facility SOPs;
    - Stormwater controls for high priority facilities;
    - inspections.
- Industrial Stormwater Sources

Table 2-0 LOWER RIO GRANDE VALLEY TPDES STORMWATER TASK FORCE			
MS4	**Permit No.**	**2010 Population**	**MS4 LEVEL**
Alamo	TXR040289	18,353	2
Alton	TXR040162	12,341	2
Brownsville	TXR040264	175,023	4
Cameron County	TXR040051	N/A	2
Cameron County Drainage District #1	TXR040236	N/A	2
Donna	TXR040165	15,798	2
Edinburg	TXR040323	77,100	3
La Feria	TXR040286	7,302	1
La Joya	TXR040288	3,985	1
Los Fresnos	TXR040270	5,542	1
Mission	TXR040168	77,058	3
Palmview	New MS4	5,460	1
Primera	TXR040002	4,070	1
San Benito	TXR040161	24,250	2
San Juan	TXR040167	33,856	2
Weslaco	TXR040262	35,670	2

For each MCM the SWMP must:

- Define measurable goals that include 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;
- Define a schedule including the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action;
- Include a summary of written procedures describing how the permittee will implement the SWMP; and,
- Include a description of a program or a plan of compliance to address discharges to impaired water bodies and Total Maximum Daily Load (TMDL) requirements.

1.8 THE PURPOSE OF THIS DOCUMENT

This document serves as the LTSTF SWMP. It includes all selected BMP's for each of the minimum control measures, measurable goals for each BMP, the evaluation method, an implementation schedule, and a rationale statement. This document provides a clear road map for implementing stormwater quality management activities to improve runoff quality and to maintain permit compliance.

1.9 ORGANIZATION OF THIS DOCUMENT

This document is organized into various sections as follows:

Section 1 – Introduction: This section provides background information on the stormwater regulatory program, defines the purpose of this document, and describes document organization.

Section 2 – MS4 Background: This section provides general information about the MS4, including setting and character, receiving water body conditions, form of government, legal authority, and a rationale statement for the SWMP.

Section 3 – Public Education, Outreach, and Involvement: This section describes the permit requirements, current BMPs, selected new BMP's, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Public Education, Outreach, and Involvement MCM.

Section 4 – Illicit Discharge Detection and Elimination: This section describes the permit requirements, current BMPs, selected new BMP's, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Illicit Discharge Detection and Elimination MCM.

Section 5 – Construction Site Stormwater Runoff Control: This section describes the permit requirements, current BMPs, selected new BMP's, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Construction Site Stormwater Runoff Control MCM.

Section 6 – Post Construction Stormwater Management in New Development and Redevelopment: This section describes the permit requirements, current BMPs, selected new BMP's, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Post Construction Stormwater Management in New Development and Redevelopment MCM.

Section 7 – Pollution Prevention/Good Housekeeping for Municipal Operations: This section describes the permit requirements, current BMPs, selected new BMP's, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Pollution Prevention/Good Housekeeping for Municipal Operations MCM.

Section 8 – Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements: This section describes the permit requirements, current BMPs, selected new BMPs, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements.

Section 9 – Legal Authority: This section describes the permit requirements and written procedures pertaining to the Legal Authority Requirements.

Section 10.0 – Illicit Discharge Detection and Elimination-Additional BMPS for MS4 Type II, Type III and Type IV: This section describes the permit requirements, new BMPs, measurable goals, implementation schedule, legal authority, and written procedures pertaining to MCMs 2 for MS4 Type II, Type III, and Type IV.

Section 11.0 – Construction Site Stormwater Runoff Control -Additional BMPs for MS4 Type III and Type IV: This section describes the permit requirements, new BMPs, measurable goals, implementation schedule, legal authority, and written procedures pertaining to MCMs 3 for MS4 Type III and MS4 Type IV.

Section 12.0 – Post Construction Stormwater Management in New Development and Redevelopment - Additional BMPs for MS4 Type III and Type IV: This section describes the permit requirements, new BMPs, measurable goals, implementation schedule, legal authority, and written procedures pertaining to MCMs 4 for MS4 Type III and MS4 Type IV.

Section 13.0 – Pollution Prevention/Good Housekeeping for Municipal Operations -Additional BMPs for MS4 Type III and Type IV: This section describes the permit requirements, new BMPs, measurable goals, implementation schedule, legal authority, and written procedures pertaining to MCMs 5 for MS4 Type III and MS4 Type IV.

Section 14 – Industrial Stormwater Sources : This section describes the permit requirements, current BMPs, selected new BMPs, measurable goals, implementation schedule, legal authority, and written procedures pertaining to the Industrial Stormwater Sources MCM.

Section 15 – Record-Keeping and Reporting: This section describes the annual reporting requirements of the permit.

Section 16 – References: This section provides references used in writing this document.

2.0 MS4 BACKGROUND

2.1 BACKGROUND

This section provides a brief background on each MS4 partnering with this SWMP.

Table 2-1
Lower Rio Grande Valley TPDES Stormwater Task Force
Background Information

MS4 (Name)	Incorporated (year)	Jurisdictional Permit Area* (sq mi.)	Geo Coordinates (Long/Lat)	Mean Elevation (ft)	Storm Sewer (Miles)	Conveyance (Miles)
Alamo	1924	29.5	26°11'6"N /98°7'4"W	98	41.29	18.17
Alton	1979	2.11	26°17'6"N/ 98°18'48"W	161	15	4
Brownsville	1924	147	25°56'6"N/ 97°28'48"W	33	350	25
Cameron County	1848	905^	26°10'N/ 97°30'W	60	55.13	43
Cameron County Drainage District #1	1910	450^	25°58'N/ 97°29'W	33	0	45
Donna	1911	5.04	26°10'20"N/ 98°3'42"W	92		
Edinburg	1919	97.83	26°18'15"N /98°9'50"W	95	19.41	15.5
La Feria	1915	42.05**	26°9'47"N/ 97°24'57"W	55	13.03	0
La Joya	1926	2.78	26°14'54"N/98°28'30"W	174	10	6
Los Fresnos	1924	23	26°4'30"N/97°28'50"W	23	2.23	4.99
Mission	1908	77.27	26°12'44"N/98°18'46"W	141	147.23	54.4
Palmview	1972	10.3	26°14'13"N/98°22'25"W	145	0	5
Primera	1955	8.41	26°13'42"N/97°45'28"W	42	10.33	8.55
San Benito	1911	54.49	26°7'57"N/97°37'51"W	32	30	10
San Juan	1910	13.12	26°12'N/ 98°9'12"W	105	52	15
Weslaco	1919	59.03	26°9'54"N/97°59'24"W	80	28.46	40.15

*City limits and Urban ETJ **City limits, urban and rural ETJ ^Non-traditional MS4: Jurisdictional area only

2.2 IMPAIRED RECEIVING WATERBODIES WITH AND WITHOUT TOTAL MAXIMUM DAILY LOADS

Section 303(d) of the CWA directs states to identify and prioritize waters which do not meet water quality standards – called "impaired" – and for which a total maximum daily load ("TMDL") must be developed. A TMDL is the total amount of a pollutant that can be discharged to a water body without causing the water body to be impaired. The State of Texas and its Clean Rivers Program partners, including the Arroyo Colorado Watershed Partnership (ACWP), routinely monitor receiving water quality and assess receiving water conditions. This information is used to determine which waters do not meet water quality standards. LRGV receiving waters can be categorized into three groups, as follows:

- **Waters Meeting Standards:** These are waters that are meeting surface water quality standards and that do not appear on the Section 303(d) list. The MS4 operator is only required to implement TXR040000 provisions *other than* Part II.D.4 in these watersheds.
- **Impaired Waters without an EPA Approved TMDL:** These are waters that are not meeting surface water quality standards, do appear on the Section 303(d) list, but do not yet have an EPA approved TMDL (See Table 2-2). The MS4 operator is required to implement TXR040000 provisions including Part II.D.4.b. but not including Part II.D.4.a.
- **Impaired Waters with an EPA Approved TMDL:** These are waters that are not meeting surface water quality standards, do appear on the Section 303(d) list, and do have an EPA approved TMDL (See Table 2-3). The MS4 operator is required to implement TXR040000 provisions including Part II.D.4.a. but not including Part II.D.4.b.

Table 2-2 List of Waters Meeting Standards Receive Storm Water Discharges Directly from the MS4 (TCEQ, 2013b)		
Nam	**Segment ID**	**303(d) Impairment**
None Listed		

Table 2-3 List of Impaired Waters without an EPA Approved TMDL that Receive Stormwater Discharges Directly from the MS4 (TCEQ, 2013b)			
Name	**Seg. ID**	**303(d) Impairment Parameter**	**Category**
Arroyo Colorado	2201	PCBs in edible tissue	5a
Arroyo Colorado	2201	Bacteria, DO, Mercury & DDE in edible tissue	5c
Arroyo Colorado	2202	PCBs in edible tissue	5a
Arroyo Colorado	2202	Bacteria	5b
Arroyo Colorado	2202	Mercury in edible tissue	5c
Rio Grande Below Falcon Reservoir	2302	Bacteria	5c
Laguna Madre	2491	DO	5b
Laguna Madre	2491	Bacteria	5c
Laguna Madre (Oyster Waters)	2491OW	Bacteria	5a
Brownsville Ship Channel	2494	Bacteria	5b

5a – TMDL required; 5b- Being Addressed by EPA TMDL; 5c - Being addressed by other action other than TMDL

*Table 2-4 List of Impaired Watersheds with an EPA Approved TMDL that Receive Stormwater Discharges from the MS4 Directly or Indirectly Through Another MS4 (TCEQ, 2014)			
Name	**Seg. ID**	**303(d) Impairment Parameter**	**Category**
Arroyo Colorado	2202	DDE in edible tissue (legacy pollutant)	4a

***The SWMP will not be subject to Part II.D.4.a, due to type of impairment. 4a – State developed TMDL**

Table 2-5 Lower Rio Grande Valley TPDES Stormwater Task Force Receiving Waters associated with the MS4s				
MS4 (Name)	Rio Grande River*	Arroyo Colorado*	Lower Laguna Madre*	Brownsville Ship Channel*
Alamo		X	X	
Alton		X	X	
Brownsville	X	X	X	X
Cameron County	X	X	X	X
Cameron County Drainage District #1		X	X	X
Donna		X	X	
Edinburg		X	X	
La Feria		X	X	
La Joya	X	X	X	
Los Fresnos		X	X	X
Mission		X	X	
Palmview		X	X	
Primera		X	X	
San Benito		X	X	
San Juan		X	X	
Weslaco		X	X	

***impaired**

2.3 FORM OF GOVERNMENT AND LEGAL AUTHORITY

Mayor-Council - Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the municipal charter, the mayor could have weak or strong powers
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority

Special District – Characteristics include:

- It's a unit of local government created by the state for a specific function
- Multi-purpose

County – Characteristics include:

- Governing body is commissioners court, which consists of county judge and four commissioners
- County judge is elected at-large, while commissioners are elected from precincts
- Each serves a four-year term

Table 2-6
LOWER RIO GRANDE VALLEY TPDES STORMWATER TASK FORCE

MS4	Form of Government	Legal Authority
Alamo	M	H
Alton	M	H
Brownsville	M	H
Cameron County	C	I
Cameron County Drainage District #1	S	I
Donna	M	H
Edinburg	M	H
La Feria	M	H
La Joya	M	H
Los Fresnos	M	H
Mission	M	H
Palmview	M	H
Primera	M	B
San Benito	M	H
San Juan	M	H
Weslaco	M	H

a – General Law A b- General Law B h – Home Rule I – interlocal agreement
M – Mayor-Council C – County S – Special District

A municipality is a Type A general-law municipality if it:

(1) has incorporated as a Type A general-law municipality under Subchapter A of Chapter 6 and has not acted to change to another type of municipality;
(2) has changed to a Type A general-law municipality under Subchapter B of Chapter 6 and has not acted to change to another type of municipality; or
(3) operated, immediately preceding September 1, 1987, under Chapters 1-10, Title 28, Revised Statutes, and has not acted to change to another type of municipality.

A municipality is a Type B general-law municipality if it:

(1) has incorporated as a Type B general-law municipality under Chapter 7 and has not acted to change to another type of municipality; or
(2) operated, immediately preceding September 1, 1987, under Chapter 11, Title 28, Revised Statutes, and has not acted to change to another type of municipality.

A home rule municipality operates under a municipal charter that has been adopted or amended as authorized by Article XI, Section 5, of the Texas Constitution.

The governing body of a municipality, county or special district may adopt, publish, amend, or repeal an ordinance, order, rule, policy and/or regulations that:

1. is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and
2. is necessary or proper for carrying out a power granted by law to the local government or to an office or department of the local government.
3. adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic.
4. sue and be sued, implead and be impleaded, and answer and be answered in any matter in any court or other place.
5. contract with other persons.
6. take, hold, purchase, lease, grant, or convey property located in or outside the local government, and the governing body of the local government may manage and control the property belonging to the local government.

After obtaining coverage under TXR040000 the LTSTF members updated their respective ordinances. A copy of these regulations is included in Appendix B. In summary, the MS4 stormwater ordinances define the enforcement authority, prohibitions, right of entry, and enforcement procedures necessary to implement the MS4's Illicit Discharge Detection Elimination Program, the Construction Site Program, and the Post- Construction Program.

Each LTSTF member has the authority to

- prohibit illicit discharges and illicit connections;
- 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;
- require compliance with conditions in the permittee's ordinances, permits, contracts, and/or

orders;

- require installation, implementation, and maintenance of control measures;
- 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;
- as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;
- respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);
- enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

Municipalities can assess penalties, including monetary, civil, or criminal penalties. County and special districts are limited in their enforcement authority. According to Part III of the General Permit, a non-traditional MS4 may enter into interlocal agreements with municipalities in order to meet the goals of the permit if the MS4 does not have enforcement authority and is unable to meet the goals of the general permit through its own powers. Cameron County and Cameron County Drainage District #1 will execute interlocal agreements with neighboring MS4s to meet this requirement.

2.4 RATIONALE STATEMENT FOR SWMP

During the development of this SWMP, the LTSTF considered BMP's that would: protect water quality, comply with TPDES Permit No. 040000, and ensure program costs that would not create undue hardship on MS4 residents and businesses. Established stormwater programs for the MS4 operators were reviewed and evaluated. A variety of BMP's for each minimum control measure was considered and compared. BMP's were ultimately selected based on an evaluation of overall effectiveness, affordability, and suitability to MS4 community.

The SWMP has been developed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP). The MS4 has sought to meet the MEP standard by utilizing existing and new programs or BMP's to fulfill the requirements of this general permit. The program will allow continual adjustment and refinement through MS4 implementation experience and feedback from all sectors of the residential and business community.

Section 3.0 through Section 14.0 describe the SWMP and the Best Management Practices (BMPs) selected to comply with the TPDES program's six (6) Minimum Control Measures (MCMs). Sections 3.0 to 9.0 apply to all MS4 types (I-IV). Sections 10.0 to 14.0 apply to MS4s Type II, III and/or IV. Section 3.0 through Section 7.0 discuss the existing Stormwater programs and include additional activities added to comply with the new TPDES permit requirements.

The SWMP is organized in the following format:
Section 3.0 - Public Education, Outreach, and Involvement
Section 4.0 - Illicit Discharge Detection and Elimination (IDDE)
Section 5.0 - Construction Site Stormwater Runoff Control
Section 6.0 - Post-Construction Stormwater Management in New Development and Redevelopment
Section 7.0 - Pollution Prevention and Good Housekeeping for Municipal Operations

Section 8.0 - Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements
Section 9.0 - Legal Authority
Section 10.0 – Illicit Discharge Detection and Elimination-Additional BMPS for MS4 Type II, Type III and Type IV.
Section 11.0 – Construction Site Stormwater Runoff Control -Additional BMPs for MS4 Type III & Type IV:
Section 12.0 – Post Construction Stormwater Management in New Development and Redevelopment - Additional BMPs for MS4 Type III and Type IV.
Section 13.0 – Pollution Prevention/Good Housekeeping for Municipal Operations -Additional BMPs for MS4 Type III and Type IV.
Section 14.0 – Industrial Stormwater Sources (MS4 Type IV only)

The MS4 SWMP has been developed to meet the following regulatory requirements from the TCEQ TPDES General Permit TXR40000:

To the extent allowable under state and local law, a SWMP must be developed, implemented and enforced according to the requirements of Part III of this general permit, for stormwater discharges that reach waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented and enforced to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements best management practices consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in the previous permit effective August 13, 2007.

The implementation schedule for this SWMP is as follows:

Year 1: December 2013 – December 2014
Year 2: December 2014 – December 2015
Year 3: December 2015 – December 2016
Year 4: December 2016 – December 2017
Year 5: December 2017 – December 2018

3.0 PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT

The following section presents the permit requirement for the Public Education, Outreach, and Involvement Program. The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and a timeline (or frequency) for each implementation action. Each of these sections includes a brief discussion of current programs, a description of the BMPs selected for each MCM, a proposed implementation schedule for each BMP, and performance measures for the programs.

3.1 Public Education, Outreach, and Involvement Permit Text

The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #1):

1. Public Education, Outreach, and Involvement

(a) Public Education and Outreach

(1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

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

a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);

b. Identify the target audience(s);

c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;

d. Determine cost effective and practical methods and procedures for distribution of materials.

(2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

(3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

(1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

(2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities;

(3) Ensure the public can easily find information about the SWMP.

3.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 1.

Table 3-0: Public Education, Outreach, and Involvement BMPs

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
3.2.0	Assess Public Education, Outreach and Involvement program*	X	X	X	X	X
3.2.1	Utility Bill Insert, self-service materials and/or mailouts	X	X	X	X	X
3.2.2	Web Site	X	X	X	X	X
3.2.3	Classroom Presentations	X	X	X	X	X
3.2.4	Stenciling	X	X	X	X	X
3.2.5	Videos	X	X	X	X	X
3.2.6	Signage	X	X	X	X	X
3.2.7	Community outreach	X	X	X	X	X
3.2.8	Education	X	X	X	X	X
3.2.9	Public Meetings	X	X	X	X	X
3.2.10	Advisory Workgroup	X	X	X	X	X
3.2.11	Hotline	X	X	X	X	X

X – notes activity, see Section for details

**** New BMP***

3.2.0 Assess Public Education, outreach and involvement program.

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. The program must, at a minimum will define the goals and objectives of the program based on high priority community-wide issues, Identify the target audience(s), develop or utilize appropriate educational materials, and determine cost effective and practical methods and procedures.

Table 3-1: Implementation Schedule – Assess Public Education, Outreach and Involvement program.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Assess program.	Complete Activity	Annual
Year 2-5	Update program as needed.	Complete Activity	Annual
Year 2-5	Submit NOC as needed	Complete Activity	As needed

3.2.1 Utility Bill Inserts, self service materials and/or mailouts

Outreach materials in the forms of small brochures, informative handouts or fact sheets will continue to be distributed with municipal water utility bills and/or mailouts as budget allows. This BMP program will be expanded to include a self-service area located in a public facility (library, city hall, main office, etc.) where community members, visitors, students, and other individuals can obtain outreach materials like brochures, announcements and factsheets. Information shall include various topics like waste oil disposal, use of pesticides and fertilizers on landscaping, household hazardous waste, water quality, and the SWMP in general. The MS4 will develop this program using existing outreach materials developed by the LTSTF, TCEQ, EPA and other organizations.

Table 3-2: Implementation Schedule – Utility Bill Inserts, self service materials and/or mailouts

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Conduct a delivery of outreach material	Record date and type of outreach material delivered	Twice a year
Year 1-5	Acquire outreach materials	Record type of material obtained	Ongoing, annual
Year 2-5	Assess BMP annually*	Identify and determine annual budget	Annual
Year 1-5	Self Service Area*	Record quantity printed	Annual

**** -new activity***

3.2.2 Web Site

Background and other information on the SWMP, including the MCMs along with specific information promoting the stormwater education program and other general information can be found at websites listed in Table 3-3 and on http://stormwater.tamuk.edu. These web sites are updated regularly.

The objective of this BMP is to continue to provide real time SWMP information to the public, including data, updates, policy and public hearing schedules via a website. The website BMP will continue providing outreach materials, training schedules, downloadable information and an email address for feedback from the public. The websites will specifically target the TPDES Phase II program. The website will be expanded to include a website visitor counter. The feasibility of providing a feedback blog will be assessed.

Table 3-3 LOWER RIO GRANDE VALLEY TPDES STORMWATER TASK FORCE	
MS4	**Website Address**
Alamo	www.alamotexas.org
Alton	www.alton-tx.gov
Brownsville	www.cob.us
Cameron County	www.co.cameron.tx.us
Cameron County Drainage District #1	www.co.cameron.tx.us/ccdd1/CCDD1.html
Donna	www.cityofdonna.org
Edinburg	www.cityofedinburg.com
La Feria	www.cityoflaferia.com
La Joya	www.cityoflajoya.com
Los Fresnos	http://citylf.cloudaccess.net/en//
Mission	www.missiontexas.us
Palmview	http://stormwater.tamuk.edu
Primera	http://stormwater.tamuk.edu
San Benito	www.cityofsanbenito.com
San Juan	www.cityofsanjuantexas.com
Weslaco	http://www.weslacotx.gov/

Table 3-4: Implementation Schedule – Web Site

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Update website regularly.	Record date and type of update	Quarterly
Year 2-5	Review amount of visits to the website.*	Record visitors	Once a month
Year 2-5	Assess the BMP*	Tally and evaluate visits, feedback	Once a month

**** -new activity***

3.2.3 Classroom Presentations

A curriculum with associated materials and training is available and advertised to classroom teachers from various ISDs located within jurisdictions of MS4 stakeholders. Program materials include curriculum on water quality and water conservation, stormwater pollution prevention, and promotion of the SWMP. Classroom visits are conducted by the MS4 that include guest speakers.

The MS4 will also promote the Arroyo Colorado Watershed Protection Plan (ACWPP) and work with the ACWP to promote mutually beneficial goals. A watershed model, a rain harvesting model, a pervious parking lot model developed by the ACWP and/or the LTSTF are available to the MS4s and the school districts. The BMP will be expanded to include production of a monthly report that will include school visited, activity conducted and number of individuals outreached.

Table 3-5: Implementation Schedule – Classroom Presentations

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Conduct school room visits at each MS4 jurisdiction	Record date and type of outreach conducted. Record number of individuals outreached.	Ongoing, twice a year
Year 2-5	Evaluate BMP*	Report to include data	Semi-annual

**** -new activity***

3.2.4 Stenciling

A successful storm drain stenciling program was initiated by the LTSTF during the last permit period. Using grant funding and local funding local government staff provided stormwater education programs and facilitated storm drain stenciling activities with youth and citizens' organizations, and as part of their stormwater management program. The LTSTF will continue to facilitate the development of partnerships with local youth service groups to perform a significant portion of the storm drain stenciling work as needed. These groups may include the Boys & Girls Clubs, Boy Scouts of America, and local environmental groups. The stencil will include the logo of the LRGV TPDES Task Force, the ACWP, and/or the MS4.

Table 3-6: Implementation Schedule – Stenciling

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Conduct outreach activities in each MS4's jurisdiction.	Record date and type of activity.	Ongoing, annual
Year 2-5	Record amount of stencils (retrofitted/replaced, new installs, etc.)	Record information. Achieve 100% by Year 5	Ongoing, Year 5
Year 2-5	Develop, implement inspection program*	Tally stenciling replacement and new installations	Annual
Year 2-5	Assess the BMP*	Tally and evaluate visits, feedback	Annual

**** -new activity***

3.2.5 Brochures and Videos

The LTSTF has produced various brochures during the previous permit period and successfully delivered to the region. Samples of brochures have routinely been submitted to the TCEQ via the annual reporting process. Topics include soil erosion prevention, rain harvesting, low impact development, and Arroyo Colorado watershed protection topics. *After the Storm*, *No La Riegues*, *Chucho Salva el Dia* and similar video campaigns initiated by the EPA have been adopted by the LTSTF. Dozens of videos (PSA format) have been developed by the LTSTF and delivered to the region using public access Channels using Time Warner Channel 17 (local school district television), local government networks (Channel 12), websites and You Tube. The PSA program includes customized projects, i.e. documentary and 30-second clips in English and Spanish. The LTSTF will continue this outreach and will expand the effort by developing new customized PSAs during the permit period. Additional brochures will be developed. Similar delivery tools will be utilized. This BMP also has used self-service stations (public-owned facility lobbies), libraries and outreach events to deliver information.

Table 3-7: Brochures and Videos

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Conduct outreach activities (i.e. earth day, etc.) in each MS4's jurisdiction.	Record date and type of activity.	Ongoing, annual
Year 2-5	Deliver PSA to MS4 jurisdictions	Record type of delivery and date	Annual
Year 1-5	Deliver outreach materials	Record type of delivery and date(s)	Annual
Year 2-5	Assess the BMP*	Tally and evaluate visits, feedback	Annual

** -new activity*

3.2.6 Signage

Stormwater pollution prevention signs were designed, produced and installed along major intersections within the MS4 membership of the LTSTF. The signs bear the logos from the LTSTF, the ACWP and the MS4. Signage were placed throughout the region at locations where pedestrians and vehicle drivers will recognize the sign as an indicator of a local water body that should be protected , the importance of water quality, and the potential effects of stormwater pollution. Messages were conveyed in English and Spanish. This BMP will continue.

Table 3-8: Signage

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Conduct outreach activities (i.e. earth day, etc.) in each MS4's jurisdiction using a signage theme (NPS, Recycle, etc.).	Record date and type of activity.	Ongoing, annual
Year 1-5	Deliver outreach materials	Record type of delivery and date(s)	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, feedback	Annual

**** -new activity***

3.2.7 Community Outreach

The LTSTF has provided educational and outreach materials to the community, including brochures, fact sheets and handouts. These materials are made available at City Halls, and throughout public-owned facilities. Materials are made available to developers, businesses, and contractors during the planning and permitting processes. The LTST promotes its stormwater pollution prevention outreach program at various annual community events. Booths, brochures, children- friendly materials, and other similar approaches are used. The LTSTF shall consider designating a day or a week for stormwater pollution prevention awareness. The LTSTF has developed partnerships with various regional entities and coordinates an annual conference that promotes the SWMPs of the region and the ACWPP. This highly successful conference is held annually at South Padre Island. This BMP will continue to be developed.

Table 3-9: Community Outreach

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Help organize an annual conference in the region.	Record type and date. Archive announcements	Ongoing, annual
Year 1-5	Contribute and participate at various annual events (cleanups, etc.).	Record type and date(s) Archive announcements	Ongoing, annual
Year 1-5	Promote outreach (webinars, workshops, etc.) to businesses, engineers, contractors, developers, and the general public.	Record type and date(s) as appropriate	Ongoing, annual
Year 2-5	Establish partnerships (outreach, training, etc.) with professional organizations (ASCE, TFMA, AIA, TPWA, etc.)*	Record events, meetings (dates, activity, etc.)	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, feedback	Annual

**** -new activity***

3.2.8 Education - Arroyo Colorado Watershed Protection Plan

A watershed information curriculum with associated materials and training is available and advertised to the businesses, educational community and the general community. Program materials promote the ACWP. The LTSTF will continue to work closely with the ACWP to implement this BMP. The impairment of the Arroyo Colorado is of great concern to our region.

Table 3-10: Education - Watersheds

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Participate in ACWP workgroup and steering committee meetings*	Record type and date. Archive announcements.	Ongoing
Year 2-5	Contribute and participate at various annual events (cleanups, etc.)	Record type and date(s) Archive announcements	Once a year
Year 2-5	Promote outreach (webinars, workshops, etc.)	Record type and date(s) as appropriate	Annual
Year 2-5	Establish partnerships with non-profits*	Record events, meetings (dates, activity, etc.)	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, feedback	Once a year

**** -new activity***

3.2.9 Public Meetings

Annual public meetings are conducted to provide citizens with the opportunity to discuss various viewpoints and provide input concerning stormwater quality issues. Meetings are publicized in accordance with public notification requirements in each jurisdiction, such as a local newspaper or appropriate publication of wide circulation. Records of the meetings are available. This BMP will be expanded to include an additional public meeting.

Table 3-11: Public Hearings

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	Conduct Public Hearing	Record place and date. Archive announcements/agendas	Twice a year
Year 2-5	Assess the BMP*	Tally and evaluate events, obtain feedback	Annual

**** -new activity***

3.2.10 Advisory Workgroup

This BMP has been modified after general consensus indicated that a regional SWMP requires regional input and feedback. The LTSTF is comprised of several workgroups (i.e. outreach, ordinance, construction, grant, etc.) that provide much needed information to effectively implement and evaluate the coalition's SWMP. The organization will serve as the advisory workgroup for the MS4 partners.

Table 3-12: Advisory Workgroup

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Conduct meetings	Record place and date. Archive announcements/agendas	Ongoing
Year 2-5	Provide a monthly calendar of events*	Archive announcements/agendas.	Monthly
Year 2-5	Continue membership to LTSTF*	Execute contractual instruments	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, obtain feedback	Annual

**** -new activity***

3.2.11 Hotline

A Stormwater Hotline has been developed and implemented by the majority of the MS4s to promote outreach, enforce policy and to facilitate public involvement. The hotline is used for reporting illicit and illegal connections and discharges, illegal dumping, emergency and non-emergency incidents and other stormwater related activities. The hotline operator provides readily-available information and direction for further communication if warranted, direct notifications to the proper authorities, and record feedback, comments and recommendations. Several MS4s do not have the capability to isolate a hotline, but use either police or fire dispatch capability during off-hours to promote stormwater policy and related mitigate issues. This BMP will be further assessed.

Table 3-13: Hotline

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Respond to inquiries and mitigate accordingly	Record date and time of complaints. Tally	Ongoing
Year 2-5	Reporting*	Develop an annual report that includes pertinent information	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, obtain feedback	Annual

**** -new activity***

4.0 ILLICIT DISCHARGE DETECTION ELIMINATION

The following section presents the permit requirement for the Illicit Discharge Detection and Elimination Program. The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and a timeline (or frequency) for each implementation action. Each of these sections includes a brief discussion of current programs, a description of the BMPs selected for each MCM, a proposed implementation schedule for each BMP, and performance measures for the programs.

4.1 PERMIT REQUIREMENTS

The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #2):

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));

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.

(c) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)

(1) MS4 mapping

All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:

a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;

b. The location and name of all surface waters receiving discharges from the small MS4 outfalls;

c. Priority areas identified under Part III.B.2.(e)(1) if applicable.

(2) Education and Training

All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

To the extent feasible, all permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

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

(6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

4.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 2.

Table 4-0: Illicit Discharge Detection and Elimination (IDDE) BMPs

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
4.2.0	Assess existing IDDE program*	X	X	X	X	X
4.2.1	Sewer Map	X	X	X	X	X
4.2.2	Illicit Discharge Elimination Ordinance	X	X	X	X	X
4.2.3	Business Education	X	X	X	X	X
4.2.4	Illicit Discharge Inspections	X	X	X	X	X
4.2.5	Business Site Inspections	X	X	X	X	X
4.2.6	Household Hazardous Waste	X	X	X	X	X
4.2.7	Source Investigation and Elimination*		X	X	X	X
4.2.8	Hotline*	X	X	X	X	X

X – notes activity, see Section for details

****New BMP***

4.2.0 Assess existing IDDE program

Permittees will 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 will be updated as needed throughout the permit period.

Table 4-1: Implementation Schedule – Assess existing IDDE program.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	Assess program.	Complete Activity	Annual
Year 2-5	Update program as needed.	Complete Activity	Annual
Year 2-5	Submit NOC as needed	Complete Activity	As needed

4.2.1 Sewer Map

The MS4 members of the LTSTF have developed existing storm sewer maps, which show the locations of municipal storm sewer outfalls, the conveyance system as warranted, and the names and locations of state waters that receive discharges from those outfalls, to assure compliance with the TPDES requirements. The MS4s will continue to update the mapping and assess other strategies to improve this task.

Table 4-2: Implementation Schedule – Sewer Map

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	Update map and continue to improve mapping process	Record significant updates, date and time	Annual
Year 2-5	Provide trainings, meet annually to discuss mapping procedures	Record trainings and meetings (date, time, etc.)	Annual
Year 2-5	Reporting*	Develop an internal report that includes pertinent information	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, obtain feedback	Annual

**** -new activity***

4.2.2 Illicit Discharge Elimination Ordinance

The LTSTF developed a Model Illicit Discharge Elimination Ordinance for various activities to comply with the TPDES requirements. MS4s that did not have existing ordinances in place adopted the Model Ordinance, whole or in part to comply with the TPDES requirements. The existing ordinances will be reviewed to assure that additional legal authority, if needed, is incorporated into the existing language of the ordinances. Allowable and prohibited discharges will be reviewed.

Table 4-3: Implementation Schedule – Illicit Discharge Elimination Ordinance

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Evaluate existing ordinances to compare applicability	Record date and time of audits and/or meetings	Annual
Year 2-5	Enhance outreach program specifically for this BMP. Deliver outreach	Archive outreach materials	Twice per year
Year 2-3	Train inspectors and regulated community	Record training events.	Twice per year
Year 2-5	Reporting*	Develop an annual report that includes pertinent information	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, obtain feedback	Annual

*** -new activity**

4.2.3 Business Education

The LTSTF will continue to work together with its various partners to provide stormwater pollution prevention education materials to the commercial sectors identified as potentially significant contributors of pollutants to the MS4, including restaurants and vehicle service facilities. Educational materials will be provided to businesses through the delivery tools defined in the MCM 1 Section. Detailed recordkeeping of activities performed will be maintained. Outreach items will be developed to educate business staff (restaurants, groceries, auto facilities, etc.) to never dump wastes on the ground, and to help individuals understand that the storm drain connects directly to surface water. A stormwater fact sheet will be developed specifically for automotive businesses. Stormwater information will be added to any existing restaurant permitting fact sheets. All of the activities will be conducted in coordination with the activities performed to comply with the MCM #5 requirements so that one educational fact sheet will meet the needs for municipal fleet maintenance operations and

vehicle repair and auto body businesses. In addition, the MS4s will obtain and/or develop information on potential stormwater impacts from pressure-washing sidewalks, discarded shopping carts, window washing, concrete activities, and other business related activities. A brochure and outreach plan regarding BMPs for the aforementioned activities will be developed.

Table 4-4: Implementation Schedule – Business Education

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	City will develop a strategy for providing outreach to businesses that impact the MS4	Record date and time of complaints, tally	Annual
Year 2	Fact sheets, checklists and other materials will be developed	Keep record of types of brochures	Annual
Year 2	A target number of business will be identified	Keep record of meetings and identify types of businesses	Annual
Year 2-5	Perform two workshop presentations to solicit feedback from businesses. Fact sheets and other materials will be distributed	Archive date, time and venue for each event	Semi-annual
Year 3-5	Site Visits will be conducted. 25% of targeted businesses will be contacted each year	Compare actual visits to projections.	Annual
Year 3-5	City will develop a strategy for providing outreach to businesses that impact the MS4s	Keep record of meetings and identify types of businesses	Annual
Year 2-5	Reporting*	Develop an internal annual report that includes pertinent information	Annual
Year 2-5	Assess BMP*	Tally and evaluate events, obtain feedback	Annual

*** -new activity**

4.2.4 Illicit Discharge Inspections

The LTSTF will continue developing a program to conduct inspections to identify the presence and determine the source of illicit connections and illegal dumping activities. The program will incorporate policy-making, response, inspections, spill response and reporting, auditing and training. The program will include training of building inspectors and other staff. If necessary, the MS4s will entertain privatization of this BMP, in part, or in its entirety.

Table 4-5: Implementation Schedule – Illicit Discharge Inspections

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-3	Develop a comprehensive program to include tracing, removing, investigation, corrective action, and inspection.*	Record activities conducted	Annual
Year 2-5	Training	Record training events.	Semi-annually
Year 2-5	Assess BMP.*	Tally and evaluate events, obtain feedback	Annual

*** new activity**

4.2.5 Business Site Inspections

The LTSTF will continue to develop stormwater criteria to be required of all businesses, and solicit input from existing businesses regarding feasibility and appropriateness of the new criteria. A Criteria Checklist will be developed for vehicle repair shops, auto body shops, restaurants and other similar businesses. The program will be enhanced to include inspections of major businesses and of businesses that have the potential to adversely impact the MS4. Outreach will be conducted using MCM 1 delivery tools.

Table 4-6: Implementation Schedule – Business Site Inspections

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	City will develop an outreach strategy for businesses that impact the MS4	Record date and time of events. Tally.	Ongoing, annual
Year 2-5	Fact sheets, checklists and other materials will be developed	Record information on delivery.	Annual
Year 2-3	A target number of business types will be identified	Record information	Annual
Year 3-5	City will perform business inspections	Inspect 2 businesses from each target type	Annual
Year 3-5	City will conduct a workshop to solicit feedback from businesses	Record information on delivery.	Semi- annually
Year 3-5	1/3 of targeted businesses will be inspected each year	Record information on delivery.	Annual
Year 2-5	Assess BMP.*	Tally and evaluate events, obtain feedback	Annual

*** new activity**

4.2.6 Household Hazardous Waste

The MS4s will continue to develop a Household Hazardous Waste Outreach Program. This BMP has been incorporated into MCM #1. The City will seek partnerships with the ISDs and the ACWP to possibly expand the program.

Table 4-7: Implementation Schedule – Household Hazardous Waste

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Analyze potential of a comprehensive program	Develop a budget, cost, and feasibility report	Ongoing, annual
Year 2-5	Outreach program	Record announcements and activities	Annual
Year 3-5	Identify data that can be used to develop a good program, including quantity of waste produced, minimization goals, costs, benefits, and waste disposal quantities	Record data identified	Annual
Year 3	Determine target community, number of residents, businesses, etc.	Record data identified	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

*** new activity**

4.2.7 Source Investigation and Elimination

The MS4s will develop a Source Investigation and Elimination program. The program in response to an illicit discharge will include investigation to identify and locate the source of such illicit discharge as soon as practicable. The program will prioritize risk, provide for reporting as required, and the program 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. The program will allow for notification of illicit discharges outside of its jurisdiction, and will provide for corrective action procedures. An inspection program will be developed.

Table 4-8: Implementation Schedule – Source Investigation and Elimination

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Develop Source Investigation and Elimination program	Complete Activity	Annual
Year 3-5	Implement Program	Complete Activity	Annual
Year 2-5	Assess the BMP	Tally and evaluate events, obtain feedback	Annual

4.2.8 Hotline

A Stormwater Hotline has been developed and implemented by the majority of the MS4s to report illicit and illegal connections and discharges, illegal dumping, emergency and non-emergency incidents and other stormwater related activities. This program will have on-site readily available information and response procedures. The hotline operator provides readily-available information and direction for further communication if warranted, direct notifications to the proper authorities, and record feedback, comments and recommendations. Several MS4s do not have the capability to isolate a hotline, but use either police or fire dispatch capability during off-hours to promote stormwater policy and related mitigate issues. This BMP will be further assessed.

Table 4-9: Hotline

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Respond to inquiries and mitigate accordingly	Record date and time of complaints, tally	Ongoing, annual
Year 2-5	Reporting*	Develop an annual report that includes pertinent information	Annual
Year 2-5	Assess the BMP*	Tally and evaluate events, obtain feedback	Annual

*** -new activity**

4.3 Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.C of the new permit 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. Pursuant to the new rules, the following non-stormwater flows are allowable discharges, unless the flows 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. The permittee may regulate these flows through its legal authority.

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 firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges

5.0 CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

The following section presents the permit requirement for the Construction Site Storm Water Runoff Control Program. The section describes the existing and new BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

5.1 PERMIT REQUIREMENTS

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit.

The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #3):

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 program fully implemented by the end of this permit term.

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.

b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated

immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought- stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.

c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

(i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

(ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(iii) Minimize the discharge of pollutants from spills and leaks.

d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

(3) Prohibited Discharges - The following discharges are prohibited:

a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,

d. Soaps or solvents used in vehicle and equipment washing;

e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures, that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

a. The site plan review procedures must incorporate consideration of potential water quality impacts.

b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.

b. Inspections must occur during the active construction phase.

(i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.

(ii) Inspections of construction sites must, at a minimum:

1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.

2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.

3. Assess compliance with the permittee's ordinances and other regulations.

4. Provide a written or electronic inspection report.

c. Based on site inspection findings, all permittees shall take all necessary follow- up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

5.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 3.

Table 5-0: Construction Site Stormwater Controls BMPs

Section	Description of BMP	YEAR SCHEDULE (YEAR)				
		1	2	3	4	5
5.2.0	Assess existing Construction Site Stormwater Control program**	X	X	X	X	X
5.2.1	Erosion Control Ordinance	X	X	X	X	X
5.2.2	Construction Site Plan Review and Oversight	X	X	X	X	X
5.2.3	Site Inspection and Policy Enforcement	X	X	X	X	X
5.2.4	Training for regulated community*	X	X	X	X	X
5.2.5	Construction Site Waste Management	X	X	X	X	X
5.2.6	Provide Construction BMP outreach program*	X	X	X	X	X

X – notes activity, see Section for details
**** revised BMP***
***** New BMP***

5.2.0 Assess existing Construction Site Stormwater Control program

Permittees will 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 will 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 will be updated as needed throughout the permit period.

Table 5-1: Implementation Schedule –Assess existing Construction Site Stormwater Control program.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Assess program	Complete Activity	Annual
Year 2-5	Update program as needed.	Complete Activity	Annual
Year 2-5	Submit NOC as needed	Complete Activity	As needed

5.2.1 Erosion Control Ordinance

The LTSTF developed an Erosion Control Ordinance and/or an Order (non-traditional MS4s) for various activities to comply with the construction control TPDES requirements. The MS4s adopted this ordinance, or a variation of the ordinance, and/or identified an existing similar ordinance to assure compliance with the TPDES rules. The MS4s have the legal authority to develop ordinances, and amend as needed. To comply with the new rules this existing BMP will be reviewed to assure language is included to accept input from public, prohibited discharges, and other additional items as stated in the language of MCM #5. The MS4s will continue to work with local partnerships in evaluating and implementing this ordinance. This ordinance includes engineering, construction and post-construction requirements that focus on erosion control. Furthermore, the ordinance regulates construction site stormwater runoff controls that reduce pollutants in stormwater runoff. Moreover, the ordinance stipulates sanctions to ensure compliance, to the extent allowable under Federal, State or local law. Non-traditional MS4s will adopt interlocal agreements with neighboring MS4s as required under the new rules. The ordinance regulates construction activities that result in land disturbance of greater than or equal to one (1) acre pursuant to the TPDES regulations. Reduction of pollutants in

stormwater discharges from construction activity disturbing less than one acre is included in the program if that construction activity is part of a larger common plan of development that would disturb one (1) acre or more. The BMP will be reviewed to comply with the small and large construction site definition, and other elements of the MCM#5. The MS4 legal department or attorney will be required to review the new ordinance language. The ordinance will be evaluated based on historical efforts, TCEQ guidelines and EPA sources.

Table 5-2: Implementation Schedule – Erosion Control Ordinance

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1	Evaluate existing ordinances to compare applicability	Archive meetings and activities, complete activity	Ongoing, annual
Year 2	Amend ordinances and Orders as needed and adopt. Execute legal authority instruments*	Archive meetings and activities, complete activity	Annual
Year 2-5	Develop and deliver outreach program specifically for this BMP. Work with partnerships and regional workgroups..	Report copies of announcements and record delivery tallies of outreach materials	Ongoing
Year 2-5	Assess*	Develop pertinent information	Annual

*** new activity**

5.2.2 Construction Site Plan Review and Oversight

A construction site stormwater runoff control program was developed and implemented to assure adequate design, implementation, and maintenance of BMPs at construction sites within the MS4s' service areas to reduce pollutant discharges and protect water quality. The program includes the development and implementation of:

i. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
ii. Procedures for site plan review during planning and permitting which incorporate consideration of potential water quality impacts;
iii. Permitting process;
iv. A policy that defines responsibility for the on-site Stormwater Pollution Prevention Plan (SWP3) pursuant to TPDES regulations;
v. Enforcement;
vi. Training;
vii. Public input, and recordkeeping;

The BMP will be assessed and amended as required to assure compliance with the additional requirements including but not limited to development of inspection reports, public input, to frequency of inspections, to approval process of plans, and delivery of enforcement information.

Table 5-3: Implementation Schedule – Construction Site Plan Review and Oversight

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	Review and revamp existing construction plan review process, include review of subdivision model ordinance, amend as needed	Complete Activity	Annual
Year 3-5	Fully implement revised program	Complete Activity	Annual
Year 2-5	Develop and implement outreach program	Record announcements and activities	Annual
Year 3-5	Track MS4 issued TPDES permits	Record data identified	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

*** new activity**

5.2.3 Site Inspection and Policy Enforcement

The LTSTF construction site stormwater runoff control program has an inspection and enforcement component. The MS4s developed or are developing procedures for site inspection and enforcement of control measures. The MS4s will continue to evaluate in house staff and identify resources to implement and improve this BMP. The MS4s will consider privatization of this BMP.

Table 5-4: Implementation Schedule – Site Inspection and Policy Enforcement

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	Review site inspection program, amend as needed.	Complete Activity	Annual
Year 2-5	Continue to develop and improve enforcement policy.	Complete Activity.	Annual
Year 2-5	Bring utility construction, commercial, residential and other building TPDES inspections under one authority and/or develop a Stormwater department.*	Complete Activity.	Annual
Year 1-5	Train MS4 staff.	Complete and document activity. Maintain log of attendees.	Annual
Year 3-5	Implement revised inspection program as needed.	Complete Activity.	Annual
Year 2-5	Develop and deliver outreach program.	Record announcements and activities. Tally delivery.	Annual
Year 3-5	Develop archive inspection report process*	Record and report data identified.	Annual
Year 2-5	Assess.*	Develop pertinent information	Annual

***new activity**

5.2.4 Training for Regulated Community

The LTSTF did not develop a contractor certification program, but developed a training program for the TPDES regulated community that included courses, webinars and other events solicited to and

attend by contractors, engineers, and other professionals. The LTSTF will continue to develop education requirements, course curricula, continuing education classes, training, and other activities that will assure competent project managers will oversee TPDES regulated activities within construction sites within the MS4s' permitted areas. The LTSTF will continue to work with partnerships to review certification programs within the State.

Table 5-5: Implementation Schedule – Training for Regulated Community

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Develop partnerships with professional organizations*	Archive meetings, presentations and identify groups	Ongoing, annual
Year 2-5	Provide awareness and outreach	Record announcements and activities	Annual
Year 2-5	Provide a continuing education course	Complete and document activity, maintain log of attendees	Semi-annual
Year 3-5	Obtain feedback from regulated community, evaluate program, and update as necessary	Record data identified	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

***new activity**

5.2.5 Construction Site Waste Management

The LTSTF developed requirements for construction site operators to control waste such as discarded building materials, refueling, concrete truck washout, chemicals, litter, and sanitary waste at construction site that may cause adverse impacts to water quality.

Table 5-6: Implementation Schedule – Construction Site Waste Management

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Improve existing program	Archive meetings, new program requirements and complete activity	Ongoing, annual
Year 2-5	Outreach program. Implement awareness program	Record announcements and activities	Annual
Year 3	Start inspections.	Record data identified. Provide reports	Ongoing, annual
Year 2-5	Assess*	Develop pertinent information	Annual

***new activity**

5.2.6 Provide Construction BMP outreach program

Although the LTSTF did not develop a comprehensive menu of pre-approved BMPs for use within their permitted areas, outreach material describing construction BMPs were developed and delivered as part of the outreach program.

Table 5-7: Implementation Schedule – Provide Construction BMP outreach program

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Develop BMP outreach and awareness program	Complete and document activity	Ongoing, annual
Year 2-5	Use website for outreach	Record announcements and activities	Annual
Year 2-5	Assess.*	Develop pertinent information	Annual

6.0 POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

The following section presents the permit requirement for the Post-Construction Storm Water Management in New Development and Redevelopment Program. The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

6.1 PERMIT REQUIREMENTS

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit.

The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #4):

4. Post-Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

(1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

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

(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement, that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP

and made available for inspection by TCEQ.

(2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures All permittees shall, to the extent allowable under state, federal, and local law,
ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

a. Maintenance performed by the permittee. See Part III.B.5

b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

6.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 5.

Table 6-1: Post-Construction Stormwater Management in New Development and Redevelopment BMPs

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
6.2.0	Assess Post Construction Program**	X	X	X	X	X
6.2.1	Post-Construction Ordinance	X	X	X	X	X
6.2.2	Drainage Design Policy	X	X	X	X	X
6.2.3	BMP Maintenance*	X	X	X	X	X
6.2.4	Land Use Plan	X	X	X	X	X

X – notes activity, see Section for details
**** revised BMP***
***** New BMP***

6.2.0 Assess existing Post Construction Stormwater Management in New Development and Redevelopment Program

Permittees will 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 will be updated as needed throughout the permit period.

Table 6-0: Implementation Schedule – Post Construction Stormwater Management in New Development and Redevelopment Program.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Assess program	Complete Activity	Annual
Year 2-5	Update program as needed	Complete Activity	Annual
Year 2-5	Submit NOC as needed	Complete Activity	As needed

6.2.1 Post-Construction Ordinance

The management of stormwater runoff from sites after the construction phase is vital to controlling the impacts of development on urban water quality. The increase in impervious surfaces such as rooftops, roads, parking lots, and sidewalks due to land development can have a detrimental effect on aquatic systems. Increased areas of impervious cover have been associated with stream warming and loss of aquatic biodiversity in urban areas. Runoff from impervious areas can also contain a variety of pollutants that are detrimental to water quality, including sediment, nutrients, road salts, heavy metals, pathogenic bacteria, and petroleum hydrocarbons.

The main goal of the post-construction for existing development is to limit surface runoff volumes and reduce water runoff pollution loadings. The LTSTF developed a Model ordinance during the previous permit period, worked with the MS4s in identifying post construction BMP strategies.

Pursuant to the new rules, the MS4s will expand the post-construction program to include further review the Model Ordinance, expand the activities of the existing ordinance workgroup to include adoption of this ordinance, and develop an outreach program (new activity). Other ideas will be discussed (innovative methods, incentive program, offsite mitigation, etc.) that can be included in an ordinance to improve its ability to control stormwater runoff.

The ordinance will include what nonstructural and structural stormwater practices are allowed within the public and private sector community. The MS4s may also wish to add language regarding on-site stormwater requirements and whether off-site treatment is an option. The MS4s will review examples of existing ordinances including language dealing with each of the issues above. The MS4s will examine each ordinance for the language that is appropriate for the stormwater program (EPA, 2008).

Table 6-2: Implementation Schedule – Post-Construction Ordinance

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Evaluate existing ordinances to compare applicability, amend as needed.	Archive meetings, new program requirements and complete activity	Ongoing, annual
Year 3-4	Adopt and enforce ordinance, update as needed	Complete activity	Annual
Year 3-4	Develop Enforcement program*	Complete activity	Annual
Year 4	Implement Enforcement program*	Complete activity	Annual
Year 2-5	Outreach program, implement awareness program*	Record announcements and activities	Annual
Year 3	Work with partnerships and regional workgroup*	Record data identified, provide reports	Ongoing, annual
Year 2-5	Training	Complete and document activity, maintain log of attendees.	Ongoing, annual
Year 2-5	Assess*	Develop pertinent information	Annual

new activity

6.2.2 Drainage Design Policy

The LTSTF reviewed existing drainage design policies and provided recommendations to the MS4s that included provisions for the implementation of proper erosion and sediment controls, plat recordings, post construction BMPs, housekeeping of BMPs, inspections and enforcement, contractual instruments (public and private sector) and waste management as applicable.

Table 6-3: Implementation Schedule – Drainage Design Policy

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Review previously proposed program and update as needed	Complete and document activity.	Annual
Year 2-5	Update drainage policy and adopt as needed, review	Complete and document activity.	Annual
Year 2-5	Develop BMP outreach and awareness program	Record announcements and activities	Annual
Year 2-5	Use website for outreach	Record announcements and activities	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

6.2.3 BMP Maintenance

The LTSTF developed a model program to establish regular and routine inspections and maintenance procedures for structural post construction BMPs. The program included a Model Ordinance. The LTSTF will continue to develop this BMP, to incorporate the new rules. This BMP will assure post construction BMPs are in good working order, aesthetically pleasing, and repaired as soon as possible.

Table 6-4: Implementation Schedule – BMP Maintenance

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review previously proposed program and update as needed*	Complete and document activity.	Annual
Year 2-5	Adopt revised program and implement*	Complete and document activity.	Annual
Year 2-5	Develop BMP outreach and awareness program*	Record announcements and activities. Tally delivery events.	Annual
Year 2-5	Provide training*	Record announcements and activities. Tally attendees.	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

**** new activity***

6.2.4 Land Use

The LTSTF developed an awareness program on land use via the land use workgroup of the ACWP. The MS4s will continue to access stormwater management measures of its existing land use policies and zoning requirements. The revised program will include long-term maintenance of post-construction stormwater control measures that may be included in the Model Ordinance or as a separate instrument. Recording (at the County, etc.) of activities as required by the new permit will be included in this program.

Table 6-5: Implementation Schedule – Land Use

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Review previously proposed program and update as needed*	Complete and document activity	Annual
Year 2-3	Review and update land use policy	Complete and document activity	Annual
Year 2-5	Review current zoning laws and subdivision policy	Complete and document activity	Annual
Year 2-5	Adopt revised program and implement*	Complete and document activity	Annual
Year 2-5	Develop BMP outreach and awareness program	Record announcements and activities, tally delivery events	Annual
Year 2-5	Provide training*	Record announcements and activities, tally attendees	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

**** new activity***

7.0 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

The following section presents the permit requirement for the Pollution Prevention and Good Housekeeping for Municipal Operations Program. The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

7.1 PERMIT REQUIREMENTS

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit. The BMPs listed in this section were selected to meet the following regulatory requirement:

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

(1) All permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1.(c))

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. If feasible, the inventory may include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

a. Composting facilities;
b. Equipment storage and maintenance facilities;
c. Fuel storage facilities;
d. Hazardous waste disposal facilities;
e. Hazardous waste handling and transfer facilities;
f. Incinerators;
g. Landfills;
h. Materials storage yards;
i. Pesticide storage facilities;
j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
k. Parking lots;
l. Golf courses;

m. Swimming pools;
n. Public works yards;
o. Recycling facilities;
p. Salt storage facilities;
q. Solid waste handling and transfer facilities;
r. Street repair and maintenance sites;
s. Vehicle storage and maintenance yards; and
t. Structural stormwater controls.

(2) Training and Education

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.

(3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility- specific stormwater management operating procedures described in Parts III B.5.(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:

(i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;

(iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and

(iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).

c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:

(i) Replacing materials and chemicals with more environmentally benign materials or methods;

(ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and

(iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must

be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

7.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 5.

Table 7-0: Pollution Prevention/Good Housekeeping for Municipal Operations BMPs

Section	Description of BMP	YEAR SCHEDULE (YEAR)				
		1	2	3	4	5
7.2.0	Assess Pollution Prevention/Good Housekeeping for Municipal	X	X	X	X	X
7.2.1	Stormwater Sewer System O&M		X	X	X	X
7.2.2	Street Sweeping		X	X	X	X
7.2.3	Employee Training	X	X	X	X	X
7.2.4	SOP program and Pollution Prevention Measures*	X	X	X	X	X
7.2.5	Site Visits/Inspections*	X	X	X	X	X
7.2.6	Collection and Disposal of Stormwater Waste	X	X	X	X	X

X – notes activity, see Section for details
****revised BMP***

7.2.0 Assess Pollution Prevention/Good Housekeeping for Municipal Operations program

Permittees will 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 will 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 will be updated as needed throughout the permit period.

Table 7-1: Implementation Schedule –Assess existing Pollution Prevention/Good Housekeeping for Municipal Operations program.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Assess program	Complete Activity	Annual
Year 2-5	Update program as needed.	Complete Activity	Annual
Year 2-5	Submit NOC as needed	Complete Activity	As needed

7.2.1 Stormwater Sewer System Operation & Maintenance (O&M)

The LTSTF developed and implemented a stormwater pollution prevention O&M program to comply with TPDES program requirements. The program incorporated existing routine MS4 O&M activities, hurricane preparedness activities, other activities and additional tasks needed for compliance. The program targets prevention and/or reduction of stormwater pollution from facilities such as landfills, airports, streets, roads, right-of-ways, alleys, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, caliche, soil, and compost storage locations, recycling centers, disposal areas operated by the permittee, and waste transfer

stations. The program regulates activities such as park and open space maintenance, fleet and building maintenance, street maintenance, new construction of municipal facilities, and stormwater system maintenance, as applicable. The program will be modified to include contractor oversight, inspections and recordkeeping.

The MS4s'existing inventories of all potential sources of stormwater pollution will be expanded as required by the new permit. The MS4s' designated departments or staff will contact municipal departments to fill gaps and expand upon information provided by the inventories. Data needed from the inventories may include:

- Source or type of operation
- Location of facility/operation
- Contact information
- Activities conducted on-site
- Proximity to stormwater or surface water
- Potential impact to stormwater or surface water
- Percent of site with impervious surface

  The MS4s will use the inventory to prioritize municipal operations based on number of facilities, number of stormwater polluting activities identified, acreage affected, distance to surface water or to conveyance structure and the percent of impervious surface on-site. Municipal operations that will be scrutinized include:
- Vehicle repair or fleet maintenance
- Street and road maintenance, street sweeping (presented as a separate BMP)
- Right of way mowing
- Storm system maintenance and cleaning, including detention facilities, on site detention ponds, and outfalls (presented as a separate BMP)
- Parks maintenance
- Stormwater waste removal and disposal (presented as a separate BMP)
- Golf course maintenance
- Landfill maintenance
- Transfer station and recycling center operations
- Municipal curbside solid waste activities
- Wastewater and water treatment facility operations
- Operation and maintenance of intermediate receiving waterways owned by the permittee
- Operation and maintenance of lift stations

  The MS4s will recommend designing a generic Stormwater Pollution Control Plan that may include the elements listed below:
- Employee training plan (presented as a separate BMP)
- Implementation and tracking of BMPs
- Run-off control plans
- Map of facility
- Spill Prevention and Response Plan
- Recordkeeping
- BMP lists, resource sheets, stormwater messages, and other resources
- Tracking of inspections (copies of site visit checklists, follow-up letters, etc.)
- SOPs for pothole repair, pavement marking, sealing, and re-paving;

- Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;
- Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
- Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
- 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).
- 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:
  - Replacing materials and chemicals with more environmentally benign materials or methods;
  - Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
  - Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

    A structural control maintenance program will be assessed and evaluated, and implemented if warranted and feasible. The plan will provide a central location for copies of required BMPs and resource sheets.

Table 7-2: Implementation Schedule – Stormwater Sewer System O & M

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review, amend and develop revised O&M program	Complete and document activity	Annual
Year 2-5	Implement revised O&M program	Complete and document activity	Annual
Year 2	Review, amend and develop revised inventory and re-prioritize activities	Complete and document activity	Annual
Year 2-5	Based on review, develop mitigation program pursuant to inventory and prioritization process as needed	Complete and document activity	Annual
Year 2-5	Develop internal BMP outreach and awareness program*	Record announcements and activities, tally delivery events	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

**** new activity***

7.2.2 Street Sweeping

The MS4s improved their street sweeping programs by improving scheduling, purchasing new equipment, retrofitting existing equipment and moreover, continue to evaluate their respective street sweeping programs. Several MS4s do not have street sweeping programs (i.e. small MS4s, non-traditional MS4s), but these MS4s will continue to assess development of programs. Please see Section 13.2.2 for additional activities related to street sweeping as required for Type III and Type IV MS4s.

Table 7-3: Implementation Schedule – Street Sweeping

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review, amend and develop revised street sweeping program	Complete and document activity	Annual
Year 2-5	Implement revised program, if applicable	Complete and document activity	Annual
Year 2-5	Develop internal BMP outreach and awareness program*	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

*** new activity**

7.2.3 Employee Training Program

The employee training program's goal is to prevent or reduce pollutant runoff from municipal operations. The program uses videos, webinars, and similar tools to inform public employees of the impacts associated with illegal discharges and improper disposal of waste from municipal operations.

Table 7-4: Implementation Schedule – Employee Training Program

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review, amend and develop revised training program	Complete and document activity	Annual
Year 2-5	Implement revised program, if applicable	Complete and document activity	Annual
Year 2-5	Develop internal BMP outreach and awareness program*	Record announcements and activities, tally delivery events	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

*** new activity**

7.2.4 SOP program and pollution prevention measures

The LTSTF developed a general standard operation procedure (SOP) manual for municipal operations. The program developed policy, SOPs, and awareness programs that will continue to be evaluated annually. The program will be expanded to include new pollution prevention measures to comply with the new permit and 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.

This BMP targets stormwater pollution runoff control for municipal activities or operations. To assist in complying with the new permit requirements, focus group meetings will be conducted to get input from municipal employees. After the focus group meetings, existing BMPs will be modified as

necessary, deficiencies will be mitigated, and improvements will be implemented to reflect input received from these groups.

The MS4s will develop internal criteria (i.e. focus groups, checklists, or other tools) to identify priority operations. Information obtained from staff will be used to re-evaluate existing SOPs and BMPs, to develop new SOPS, and/or to revise SOPs. The MS4s outreach and awareness program will be expanded to include fact sheets, pamphlets, videos, webinars and other tools that will be incorporated into this MCM to more effectively manage stormwater runoff from municipal operations.

See Section 13.2.4 for additional BMPs associated with SOPs for Type III and Type IV MS4s.

Table 7-5: Implementation Schedule –SOP program and Pollution Prevention Measures

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review, amend and develop revised SOP program	Complete and document activities	Annual
Year 3	Implement revised program, as improved and if applicable	Complete and document activity	Annual
Year 2	Develop internal outreach and awareness program*	Complete and document activity	Annual
Year 3	Implement improved outreach and awareness program*	Record announcements and activities, tally delivery events	Semi-annual
Year 2	Assign staff to focus groups*	Complete and document activities	Annual
Year 2	Implement focus meetings*	Record announcements and activities, tally delivery events.	Semi-annual
Year 2-5	Assess*	Develop pertinent information	Annual

**** new activity***

7.2.5 Site Visits/Inspections

The MS4s will conduct site visits to include visual inspections of various municipal operations to determine the practicality of the SOPs/BMPs and also to provide staff with a better understanding of operations.

The SOPs/BMPs will be edited based on the site visit experiences. Follow-up letters will be sent to each operation after the each visit, noting the practices that were already in place to protect stormwater and the potential stormwater impacts that need to be corrected to achieve effective management. Recordkeeping will be added to this BMP. See Section 13.2.5 and Section 13.2.6 for additional BMPs required by Type III and Type IV MS4s.

Table 7-6: Implementation Schedule – Site Visits/Inspections

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review, amend and develop revised site visit program	Complete and document activity	Annual
Year 2-5	Implement revised program, if applicable, conduct inspections	Record announcements and activities, tally delivery events.	Semi-annual
Year 2-5	Develop and implement recordkeeping process*	Record activities	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

*** new activity**

7.2.6 Collection and Disposal of Stormwater Waste

Dredge spoil, sediment, and floatables collected through the implementation of stormwater sewer system maintenance BMPs will be disposed of properly. Materials collected will be tracked and evaluated.

Table 7-7: Implementation Schedule – Collection and Disposal of Stormwater Waste

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Review, amend and develop revised disposal program, assure program identifies sources	Complete and document activity	Annual
Year 2-5	Implement revised program, if applicable	Complete and document activity	Annual
Year 2-5	Develop and implement recordkeeping process*	Record activities	Annual
Year 2	Develop and implement an outreach and awareness program*	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Assess*	Develop pertinent information	Annual

**** new activity***

8.0 IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOADING (TMDL) REQUIREMENTS:

The following section presents the permit requirement for the Impaired Water Bodies and Total Maximum Daily Load (TMDL) requirements. The section describes the BMPs necessary to implement this program. It describes the measureable goals for each BMP and a timeline (or frequency) for each implementation action. Each of these sections includes a brief description of the BMPs selected, a proposed implementation schedule for each BMP, and performance measures for the programs.

8.1 Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements: The BMPs listed in this section were selected to meet the requirements of the new TPDES MS4 permit Part II Section D (4):

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

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list, as not meeting Texas Surface Water Quality Standards. The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below, and shall assess the progress in controlling those pollutants.

(a) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL
If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section.
The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the pollutant(s) of concern as described below:

(1) Targeted Controls
The SWMP must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) to reduce the pollutant(s) of concern in the impaired waters.

(2) Measurable Goals
For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term.

(3) Identification of Benchmarks
The SWMP must identify a benchmark for the pollutant(s) of concern. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant(s) of concern in stormwater discharge(s) from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the pollutant of concern must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an

adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on one of the following options:

a. If the MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.4(a)(6).

b. Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmarks for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark.

(4) Annual Report

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

(5) Impairment for Bacteria

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

The BMPs shall, as appropriate, address the following:

a. Sanitary Sewer Systems

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

(ii) Address lift station inadequacies;

(iii) Improve reporting of overflows; and

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

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

(i) Identify and address failing systems; and

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

c. Illicit Discharges and Dumping

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

d. Animal Sources

Expand existing management programs to identify and target animal sources such as zoos, pet

waste, and horse stables.

e. Residential Education

Increase focus to educate residents on:

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

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

(iii) Decorative ponds; and

(iv) Pet waste.

(6) Monitoring or Assessment of Progress

The permittee shall monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

a. The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality as follows:

(i) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer flows (SSOs); or, (6) increase in illegal discharge detection through dry screening, etc.; or

(ii) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.

b. Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

(7) Observing no Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from program implementation or water quality assessments as described in Part II.D.4(a)(6), the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark for the pollutant(s) of concern for their respective MS4s, as described in Part II.D.4(a)(3)(b) above.

Permittees must document, in their SWMP for the next permit term, the proposed schedule for

the development and subsequent adoption of alternative sub benchmark for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

(b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

(1) Discharging a Pollutant of Concern

a. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.

b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.

c. In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(2) Impairment of Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may implement the BMPs listed in Part II.D.4(a)(5) or proposed alternative BMPs as appropriate.

(3) The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

8.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of the new MS4 TPDES requirements related to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements. The LTSTF membership will prepare an Impaired Water Body BMP program to meet the requirements of the new MS4 TPDES requirements pursuant to Part II Section D and (b) (i.e. Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL) and Part II Section D 4 (a) (5) (i.e. Impairment for Bacteria).

Table 8-1: Impaired Water Bodies and Total Maximum Daily Load (TMDL) BMPs

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
8.2.1	Source determination	X	X	X	X	X
8.2.2	Bacteria Impairment Program		X	X	X	X
8.2.3	Workgroup	X	X	X	X	X
8.2.4	Reporting	X	X	X	X	X

X – notes activity, see Section for details

8.2.1 Source determination

There are three (3) significant watersheds located in the LRGV, namely the Arroyo Colorado, the Lower Laguna Madre and the Lower Rio Grande River watersheds. Solely, the Lower Rio Grande River is listed as unimpaired (Table 2-2 through Table 2-5). As depicted in Table 2-5, all the MS4s discharge directly into an impaired body of water.

Within the first year following the permit effective date, the MS4s shall determine whether the MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list (pollutants of concern are depicted in Tables 2-1 through Tables 2-3), and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern. The LTSTF will develop a workgroup to assist in developing a source determination strategy that may include review of pertinent historical literature, assessing existing EPA (RCRA, CERCLA, etc.), TCEQ (MSW, LPST, etc.) and other similar permit/registration databases, review local health department records, find and obtain past and active local and/or regional study findings, and identify other pertinent documentation.

If the MS4 determines that the MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.

In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

Table 8-2: Implementation Schedule – Source Determination

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Develop a source determination strategy, amend as needed	Complete and document activity	Annual
Year 2-5	Implement program, if applicable, amend as needed.	Complete and document activity	Annual
Year 3	Submit NOC, if applicable	Record activities	Annual
Year 3-5	Assess	Develop pertinent information	Annual

8.2.2 Bacteria Impairment Program

Since one of the pollutants of concern is identified as bacteria (Table 2-1 to Table 2-3), the permittees shall include focused BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate.

The BMPs shall, as appropriate, address the following: Sanitary Sewer Systems, On-site Sewage Facilities (OSSFs), Illicit Discharges and Dumping, Animal Sources, and Residential Education.

Table 8-3: Implementation Schedule – Bacteria Impairment Program

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-3	Develop a plan to target sanitary sewer systems. Assess: lift stations, reporting of SSOs, wet waste, and use of fats, oils and grease.	Complete and document activity	Annual
Year 2-3	Develop a plan to target OSSFs. Assess illegal uses, failing systems, jurisdiction issues, O&M requirements, and other issues.	Complete and document activity	Annual
Year 2-3	Develop a plan to identify, mitigate, enforce with policy or local law, and prevent Illicit Discharges and Dumping.	Complete and document activity	Annual
Year 2-3	Develop a plan to manage Animal Sources. Assess: pet ordinances, zoos, animal shelters, horse stables, CAFOs, dog parks, municipal parks, sports complexes, and other animal sources.	Complete and document activity	Annual
Year 3-5	Implement Plans.	Complete and document activity	Annual
Year 2	Develop outreach program. Target residential sources.	Complete and document activity	Annual
Year 2-5	Implement Residential Education awareness program.	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Report development and implementation during annual reporting process.	Develop pertinent information	Annual

8.2.3 Workgroup

Since one of the pollutants of concern is identified as bacteria (Table 2-1 to Table 2-3) , the permittees shall include focused BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. The BMPs shall, as appropriate, address the following: Sanitary Sewer Systems, On-site Sewage Facilities, Illicit Discharges and Dumping, Animal Sources, and Residential Education.

Table 8-4: Implementation Schedule – Bacteria Impairment Program

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Develop a source determination strategy, amend as needed	Complete and document activity	Annual
Year 2	Implement program, if applicable, amend as needed	Complete and document activity	Annual
Year 3	Submit NOC, if applicable	Record activities	Annual
Year 4-5	Develop and implement an outreach and awareness program, if applicable	Record announcements and activities, tally delivery events	Annual
Year 3-5	Assess	Develop pertinent information	Annual

8.2.4 Reporting

The annual report will include information pertaining to this section.

Table 8-5: Implementation Schedule – Reporting

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-5	Annual Report	Complete and document activity	Annual

9.0 LEGAL AUTHORITY

The following section presents the permit requirement for the Legal Authority Program. The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and a timeline (or frequency) for each implementation action. Each of these sections includes a brief discussion of current programs, a description of the BMPs selected, a proposed implementation schedule for each BMP, and performance measures for the programs.

9.1 Legal Authority Text

The BMPs listed in this section were selected to meet the following regulatory requirement (Legal Authority):

3. Legal Authority

(a) Traditional small MS4s, such as cities

(1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.

(2) To be considered adequate, this legal authority must, at a minimum, address the following:

a. Authority to prohibit illicit discharges and illicit connections;

b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;

c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;

d. Authority to require installation, implementation, and maintenance of control measures;

e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;

f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;

g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);

h. Authority to assess penalties, including monetary, civil, or criminal penalties; and

i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

(b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons and universities

(1) Where the permittee lacks the authority to develop ordinances or to

implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

(2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:

a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,

b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or TCEQs Field Operations Support Division as needed to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

9.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of Legal Authority.

Table 9-1: Legal Authority BMPs

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
9.2.1	Ordinances, Orders and Policy	X	X	X	X	X
9.2.2	Interlocal agreements, other instruments required to assist non-traditional MS4s	X	X	X	X	X

X – notes activity, see Section for details

9.2.1 Ordinances, Orders and Policy.

Traditional small MS4s, within two years from the permit shall review, revise and/or adopt ordinances, orders, and/or policies to assure legal authority to implement the SWMP.

Table 9-2: Implementation Schedule – Ordinances, Orders and Policy.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Review/revise existing model ordinances, orders, and policies	Complete and document activity	Semi-annual
Year 2-5	Adopt revised model ordinances, orders, and policies	Complete and document activity	As needed

9.2.2 Interlocal agreements, other instruments required to assist non-traditional MS4s

Traditional small MS4s, within two years from the permit shall review, revise and/or adopt ordinances, orders, and/or policies to assure legal authority to implement the SWMP.

Table 9-3: Implementation Schedule – Interlocal agreements, other instruments required to assist non-traditional MS4s.

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Develop interlocal agreements or other instruments to assist non-traditional MS4s to implement and enforce the SWMP.	Meet, complete and document activity.	Annual
Year 2-5	Adopt interlocal agreements or other instruments to assist non-traditional MS4s to implement and enforce the SWMP.	Complete and document activity.	By year 5

10.0 ILLICIT DISCHARGE DETECTION ELIMINATION (FOR TYPE II, III AND IV MS4s)

The following section presents the additional permit requirements for the Illicit Discharge Detection and Elimination Program. The section describes the additional BMPs necessary to implement this program. It describes the measureable goals for each BMP and a timeline (or frequency) for each implementation action. Each of these sections includes a brief discussion and a description of the BMPs selected for the MCM, a proposed implementation schedule for each BMP, and performance measures for the program.

10.1 IDDE PERMIT REQUIREMENTS (MCM #2 FOR TYPE II, III AND IV MS4s)

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit. The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #2 for Type II, III and IV MS4s):

2. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;

f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (See Part III.B.2.(g)(1));

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

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection.

(d) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part

III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater

discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)-(d) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Identification of Priority Areas

Permittees who operate level 4 small MS4s shall identify priority areas and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) as needed, field screening.

If dry weather field screening is necessary, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.

b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures should include the basis used to determine which outfalls would be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits or stains.

c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants as determined by the permittee. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

10.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 2 that apply to Type II, III and IV MS4s.

Table 10-1: Illicit Discharge Detection and Elimination (IDDE) BMPs for Type II, III and IV MS4s

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
10.2.1	OSSF leak detection, prevention and mitigation[2,3,4]		X	X	X	X
10.2.2	Identify priority areas[4]		X	X	X	X
10.2.3	Field Screening[4]		X	X	X	X
10.2.4	Notification of Illicit Discharge[N]		X	X	X	X
10.2.5	Source Investigation and Elimination[3,4]		X	X	X	X

X – notes activity, see Section for details
[2] – Type II MS4
[3] – Type III MS4
[4] – Type IV MS4
[N] – Non Traditional Type of MS4

10.2.1 OSSF leak detection, prevention and mitigation (Type II, III, and IV MS4)

As part of the MS4s' IDDE Programs, this BMP will develop and implement a mitigation plan with procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4. This will include targeting residential, commercial and municipal systems. The program will work with the local Designated Representatives (DRs) to review permitting, inspection and O&M programs. The MS4s will also review legal authority instruments, attempt to identify illegal systems, and prohibit OSSFS where applicable. Outreach will be included.

Table 10-2: Implementation Schedule – OSSF leak detection, prevention and mitigation (Type II, III, and IV MS4)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Develop OSSF IDDE program	Complete activity	Annual
Year 3-5	Implement program	Complete activity	Annual
Year 2-5	Outreach	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Assess the BMP	Tally and evaluate events, obtain feedback	Annual

10.2.2 Identify priority areas (Type IV MS4 only)

The MS4 will develop a program to identify high priority areas with a high potential to generate stormwater pollutants. These areas may include maintenance yards, hazardous waste facilities, industrial zones, colonias, parks, municipal 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 an area a high priority ranking are: the amount of urban pollutants stored at the site, type of activity conducted, SIC classification, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Table 10-3: Implementation Schedule – Identify priority areas (Type IV MS4)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Develop Priority Area identification program	Complete activity	Annual
Year 3-5	Implement program	Complete activity	Annual
Year 2-5	Develop, deliver outreach	Record announcements and activities, tally delivery events	Annual
Year 2-5	Assess the BMP	Tally and evaluate events, obtain feedback	Annual

10.2.3 Field Screening (Type IV MS4)

The MS4 will develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. The dry weather field screening will consist of (1) field observations; and (2) as needed, field screening. Dry weather field screening will include targeting priority areas, field observations, and written procedures.

Table 10-4: Implementation Schedule – Field Screening (Type IV MS4 only)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-3	Develop a written dry weather field screening program. Including field observation procedures, type of data collected and guidance for staff for mobilization	Complete activity	By year 3
Year 2-3	Quantify the priority areas and develop a schedule for field screening these areas	Complete activity	Annual
Year 2-5	Training	Record announcements and activities, tally delivery events	Annual
Year 2-5	Recordkeeping	Archive site visits, complete activity	Semi-annual
Year 3-5	Implement Program. 1/3 of targeted areas will be assessed each year, cumulatively (1/3 in year 3, 2/3 in year 4 and 100% annually thereafter)	Compare actual visits to projections	Annual
Year 3-5	City will develop a strategy for providing outreach to key stakeholders in priority areas that may impact the MS4s	Keep record of meetings and identify types of stakeholders	Annual
Year 2-5	Reporting	Develop an internal annual report that includes pertinent information	Annual
Year 2-5	Assess BMP	Tally and evaluate events, obtain feedback	Annual

10.2.4 Notification of Illicit Discharge (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. The notification program will include providing key information to staff (phone numbers, hotlines, etc.), readily available communication procedures, and reporting procedures. Some IDDE training will be provided.

Table 10-5: Implementation Schedule – Notification of Illicit Discharge (non-traditional small MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2	Develop a notification program	Record activities conducted	By Year 2
Year 3-5	Implement program	Record activities conducted	Annual
Year 2-5	Training	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Assess BMP*	Tally and evaluate events, obtain feedback	Annual

10.2.5 Source Investigation and Elimination (Type III and IV MS4s)

Upon being notified that a reported discharge has been eliminated, the MS4 will 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 Source Investigation and Elimination Program shall include procedures for a site visit, follow-up investigation, enforcement, recordkeeping, and policy to seek recovery, compensation and remediation costs from responsible parties, if applicable.

Table 10-6: Implementation Schedule – Source Investigation and Elimination (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-3	Develop Source Investigation and Elimination program	Meet, complete activity	Annual
Year 3-5	Implement Program	Complete activity	Annual
Year 2-5	Assess the BMP	Tally and evaluate events, obtain feedback	Annual

11.0 CONSTRUCTION SITE STORM WATER RUNOFF CONTROL (FOR TYPE III AND IV MS4s)

The following section presents the additional permit requirements for the Illicit Discharge Detection and Elimination Program. The section describes the additional BMPs necessary to implement this program. It describes the measureable goals for each BMP and a timeline (or frequency) for each implementation action. Each of these sections includes a brief discussion and a description of the BMPs selected for the MCM, a proposed implementation schedule for each BMP, and performance measures for the program.

11.1 CONSTRUCTION SITE STORM WATER RUNOFF CONTROL PERMIT REQUIREMENTS (FOR TYPE III AND IV MS4s)

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit. The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #3 for Type III and IV MS4s):

3. Construction Site Stormwater Runoff Control

(c) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Construction Site Inventory

Permittees who operate level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.

11.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 3.

Table 11-1: Construction Site Storm Water Controls BMPs (Type III and IV MS4s)

Section	Description of BMP	YEAR SCHEDULE (YEAR)				
		1	2	3	4	5
11.2.1	Construction Site Inventory[3,4]		X	X	X	X

X – notes activity, see Section for details

[3] – Type III MS4

[4] – Type IV MS4

11.2.1 Construction Site Inventory (Type III and IV MS4s)

The MS4s will develop an internal recordkeeping program to maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The MS4s will utilize their legal authority to incorporate this

requirement into the MCM #3 and the SWMP in general.

Table 11-2: Implementation Schedule – Construction Site Inventory (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-3	Evaluate existing construction permitting process	Archive meetings and activities, complete activity	Annual
Year 2-3	Develop a recordkeeping program and a database	Archive meetings and activities, complete activity	Annual
Year 3-5	Report information in annual report	Report activity	Annual
Year 2-5	Assess	Develop pertinent information	Annual

12.0 POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT CONTROL (FOR TYPE IV MS4s)

The BMPs listed in this section were selected to meet the following regulatory requirement

The following section presents the additional permit requirement for the Post-Construction Storm Water Management in New Development and Redevelopment Program (Minimum Control Measure #4 for IV MS4s): The section describes the BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

12.1 PERMIT REQUIREMENTS

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit.

The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #4):

4. Post-Construction Stormwater Management in New Development and Redevelopment

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.5(b)(1)-(3) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Inspections - Permittees who operate level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.

a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

12.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 5.

Table 12-1: Post-Construction Stormwater Management in New Development and Redevelopment BMPs (Type IV MS4s)

Section	Description of BMP	IMPLEMENTATION SCHEDULE (YEAR)				
		1	2	3	4	5
12.2.1	Inspection program[4]	X	X	X	X	X

X – notes activity, see Section for details

[4] – Type IV MS4

12.2.1 Inspection Program (Type IV MS4s)

The MS4 will 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. The MS4 will develop an inspection reporting process.

Table 12-2: Implementation Schedule – Inspection Program (Type IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Develop an inspection program to include awareness program	Archive meetings, new program requirements and complete activity	Annual
Year 3-5	Implement inspection program	Complete activity	Annual
Year 3-4	Outreach program. Implement awareness program	Record announcements and activities	Annual
Year 3-5	Training	Record training events	Annual
Year 2-5	Assess	Develop pertinent information	Annual

13.0 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS (MCM #5 FOR TYPE III AND TYPE IV MS4s)

The following section presents the additional permit requirement for the Pollution Prevention and Good Housekeeping for Municipal Operations Program (Minimum Control Measure #5 for Type III and Type IV MS4s). The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

13.1 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS PERMIT REQUIREMENTS (MCM #5 FOR TYPE III AND TYPE IV MS4s)

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit.

The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #5 for Type III and IV MS4s):

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(c) Additional Requirements for Level 3 and 4 small MS4s:

In addition to the requirements described in Parts.B.5.(b)(1)-(6) above, permittees who operate level 3 or 4 small MS4s shall meet the following requirements:

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.

b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads

Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.

b. For areas where street sweeping is technically infeasible (for example, streets

without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.

c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

Permittees who operate level 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate level 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.

b. Identification of high priority facilities - Based on the Part III.B.5.(c)(4)a. assessment, the permittee shall identify as high priority those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.

c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

Permittees who operate level 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.

b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate level 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part III.B.5.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.

b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.

d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate level 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts III.B.5(b) and III.B.5.(c) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Pesticide, Herbicide, and Fertilizer Application and Management

a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.

b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

(i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.

(ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:

(a) Use of native plants or xeriscaping;

(b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;

(c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;

(d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.

c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.

d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

13.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the requirements of MCM 5.

Table 13-1: Pollution Prevention/Good Housekeeping for municipal operations BMPs

Section	Description of BMP	YEAR SCHEDULE (YEAR)				
		1	2	3	4	5
13.2.1	Storm Sewer System O&M [3,4]		X	X	X	X
13.2.2	Roadway O&M[3,4]		X	X	X	X
13.2.3	Mapping of Facilities[3,4]		X	X	X	X
13.2.4	Facility specific SOPs[3,4]		X	X	X	X
13.2.5	Stormwater Controls for High Priority Areas[3,4]		X	X	X	X
13.2.6	Inspections[3,4]		X	X	X	X
13.2.7	Pesticide, Herbicide, Fertilizer Application & Management Program[4]		X	X	X	X

X – notes activity, see Section for details

[3] – Type III MS4

[4] – Type IV MS4

13.2.1 Storm Sewer System O&M (Type III and IV MS4s)

The MS4s will 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. The program will include identifying potential problem areas and developing an inspection program. Problem areas will be prioritized, and additional inspections will be contemplated.

Table 13-2: Implementation Schedule – Storm Sewer System O&M (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-3	Evaluate existing stormwater O&M program, primarily targeting catch basins and other surface drainage structures	Archive meetings, activities, complete activity	Annual
Year 2-3	Develop inspection, O&M program	Archive activities, complete activity	Annual
Year 2-5	Implement O&M program. Inspect 1/3 of priority areas Year 3, 2/3 Year 4 and 100% year 5 (cumulative)	Archive activities, complete activity	Annual
Year 2-5	Develop a recordkeeping program, particularly archive priority areas identified, record mitigation activities	Archive activities, complete activity	Annual
Year 3-5	Report information in annual report	Report activity	Annual
Year 2-5	Assess BMP	Develop pertinent information	Annual

13.2.2 Roadway O&M (Type III and IV MS4s)

The MS4s will develop and implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The MS4 will evaluate resources, staff, and budget requirements for development and implementation of this BMP by Year 2. If a street sweeping and cleaning program is implemented pursuant to this MCM, the MS4 will evaluate 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. Similar assessment will be developed if an equivalent BMP is selected. The program will include an implementation schedule (frequency, other strategy), alternative strategies in areas that require unreasonable efforts (technically infeasible, cost), and waste disposal (dewater, characterization, disposal site, etc.). The program will be implemented to the MEP.

Table 13-3: Implementation Schedule – Roadway O&M (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-4	Develop Roadway O&M Plan. Evaluate resources, staff and budget, identify BMPs to be implemented and incorporate into the SWMP	Archive activities, complete Activity	Annual
Year 3-5	Implement Roadway O&M Plan, implement program in 1/3 of target areas by Year 3, 2/3 by Year 4 and 100% of areas by Year 5 (cumulative)	Archive activities, complete activity	Annual
Year 3-5	Submit NOC, NOC to include additional BMP	Complete activity	Annual
Year 2-5	Develop a recordkeeping program, particularly archive priority areas identified, record mitigation activities and disposal information	Archive activities, complete activity	Annual
Year 3-5	Implement disposal program	Archive activities, complete activity	Annual
Year 3-5	Report information in annual report	Report activity	Annual
Year 2-5	Assess BMP	Develop information	Annual

13.2.3 Mapping of Facilities (Type III and IV MS4s)

MS4s will enhance their existing stormwater system map to include identification and location of permittee-owned and operated facilities and stormwater controls regulated under this general permit.

Table 13-4: Implementation Schedule – Mapping of Facilities (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 2-5	Amend stormwater map	Archive meetings and activities, complete activity	Annual
Year 2-5	Evaluate BMP	Develop pertinent information	Annual

13.2.4 Facility specific SOPs (Type III and IV MS4s)

The MS4s will develop facility specific stormwater management SOPs. The SOPs will be developed in a manual format specific to each facility. Each high priority facility identified by the MS4 will be incorporated into the SOP program. The SOP document will be located on site in hard copy and electronic format. The staff awareness program will be enhanced to include this BMP.

Table 13-5: Implementation Schedule – Facility specific SOPs (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 3-4	After high priority facilities are identified, develop advanced SOP program	Archive meetings and activities, complete activity	Annual
Year 3-5	Implement program	Complete activity	Annual
Year 3-5	Outreach and awareness	Record announcements and activities, tally delivery events	Annual
Year 2-5	Assess BMP	Develop pertinent information	Annual

13.2.5 Stormwater Controls for High Priority Areas (Type III and IV MS4s)

The MS4 will develop and implement facility specific 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. SOPs will include general good housekeeping, de-icing and anti-icing material, fueling operations and vehicle maintenance, equipment and vehicle.

Table 13-6: Implementation Schedule – Stormwater Controls for High Priority Areas (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 3-4	After high priority facilities are identified, develop advanced O&M program	Archive meetings and activities, complete activity	Annual
Year 3-5	Identify additional BMPs as applicable, amend SWMP and provide NOC	Archive meetings and activities, complete activity	As needed
Year 3-5	Implement program	Archive meetings and activities, complete activity	Annual
Year 3-5	Outreach, training and awareness	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Assess BMP	Develop pertinent information	Annual

13.2.6 Inspections (Type III and IV MS4s)

Permittees will develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. Recordkeeping program will be included.

Table 13-7: Implementation Schedule – Inspections (Type III and IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 3-4	After high priority facilities are identified, develop advanced inspection program and recordkeeping process	Archive meetings and activities, complete activity	Annual
Year 3-5	Identify additional BMPs as applicable, amend SWMP and provide NOC	Archive meetings and activities, complete activity	Annual
Year 3-5	Implement program	2 inspections per facility	Annual
Year 3-5	Outreach, training and awareness.	Record announcements and activities, tally delivery events.	Annual
Year 2-5	Assess BMP	Develop pertinent information	Annual

13.2.7 Pesticide, Herbicide, Fertilizer Application & Management Program (Type IV MS4s)

The permittee will develop a Pesticide, Herbicide, Fertilizer Application & Management Program that will include 1) evaluation of 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, 2) implementation of educational activities, permits, certifications, and other measures for the permittee's applicators and distributors, 3) pest management measures that encourage non-chemical solutions where feasible, 4) development of a schedule 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, and 5) proper collection and disposal of the permittee's unused pesticides, herbicides, and fertilizers.

Table 13-8: Implementation Schedule – Pesticide, Herbicide, Fertilizer Application & Management Program (Type IV MS4s)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 3-4	Evaluation of municipal activities	Archive meetings and activities, complete activity	Annual
Year 3-5	Develop P, H, F application and management program	Archive meetings and activities, complete activity	Annual
Year 3-5	Identify additional BMPs as applicable, amend SWMP and provide NOC	Archive meetings and activities, complete activity	Annual
Year 3-5	Implement program	Complete activity	Annual
Year 3-5	Outreach, training and awareness	Record announcements and activities, tally delivery events	Annual
Year 2-5	Assess BMP	Develop pertinent information	Annual

14.0 INDUSTRIAL SOURCES (MCM #6 FOR TYPE IV MS4s)

The following section presents the additional permit requirement for the Industrial Sources Program (Minimum Control Measure #6 for IV MS4s). The section describes the existing BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

14.1 INDUSTRIAL SOURCES PERMIT REQUIREMENTS (MCM #6 FOR TYPE IV MS4s)

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit. The BMPs listed in this section were selected to meet the following regulatory requirement (Minimum Control Measure #6 for Type IV MS4s):

6. INDUSTRIAL STORMWATER SOURCES

(a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s

(1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

14.2 DISCUSSION OF PROGRAMS (TYPE IV MS4)

The following table lists BMPs that meet the requirements of MCM 6.

Table 14-1: Industrial Sources BMPs (Type IV MS4)

Section	Description of BMP	YEAR SCHEDULE (YEAR)				
		1	2	3	4	5
14.2.1	Identify and Control Pollutants in Stormwater Discharges	X	X	X	X	X

X – notes activity, see Section for details

14.2.1 Identify and Control Pollutants in Stormwater Discharges

The MS4 will develop and implement an industrial source identification and pollutant control program. The program will identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the

permittee determines are contributing a substantial pollutant loading to the small MS4. The program will include priorities and procedures for inspections and for implementing control measures for such discharges.

Table 14-2: Implementation Schedule – Industrial Source Program (Type IV MS4)

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Develop inventory of target facilities, review legal authority, and applicable regulations (EPCRA, RCRA, TSCA, CERCLA, etc.)	Archive meetings and activities, complete activity	Annual
Year 1-2	Develop inspection program to include procedures, checklists, guidance, training, and reporting	Archive meetings and activities, complete activity	Annual
Year 1-2	Develop program to include control measures, mitigation, enforcement and reporting	Archive meetings and activities, complete activity	Annual
Year 3-5	Implement program	Complete activity	Annual
Year 3-5	Outreach, training and awareness	Record announcements and activities, tally delivery events	Annual
Year 2-5	Assess BMP	Develop pertinent information	Annual

15.0 REPORTING

The following section presents the permit requirement for the Reporting Program. The section describes the BMPs necessary to implement this program. It describes the measureable goals for each BMP and the timeline (or frequency) for each implementation action.

15.1 REPORTING PERMIT REQUIREMENTS

The following text is quoted directly from the Small MS4 General Permit, TPDES Permit No. TX040000, dated December 13, 2013. For additional information, please consult Appendix A which contains a copy of the entire permit. The BMPs listed in this section were selected to meet the following regulatory requirement:

Part IV. Recordkeeping and Reporting

Section A. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.

2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.

3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.

4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile transmission (FAX) to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

(1) A description of the noncompliance and its cause;

(2) The potential danger to human health or safety, or the environment;

(3) The period of noncompliance, including exact dates and times;

(4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, or NOC, or any other report, the permittee shall promptly submit the facts or information to the executive director.

2. Annual Report

The MS4 operator shall submit a concise annual report to the executive director within 90 days of the end of each reporting year. For the purpose of this section, the reporting year may include either the permit year, the permittee's fiscal year or the calendar year, as elected by the small MS4 and notified to the TCEQ in the application submittal. The annual report must address the previous reporting year.

The first reporting year for annual reporting purposes shall begin on the permit effective date, and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2014.

Subsequent calendar years will begin at the beginning of the first reporting year (which will vary based on the previous paragraph) and last for one (1) year. The MS4 operator shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

(a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;

(b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

(c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

(d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;

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

(f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;

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

(h) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and

(i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

An annual report must be prepared whether or not the NOI and SWMP have been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI and SWMP, then the annual report may include that information.

If permittees share a common SWMP, they shall contribute to and submit a single system- wide report. Each permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

The annual report must be submitted with the appropriate TCEQ reporting forms if available, or as otherwise approved by TCEQ.

The annual report must be submitted to the following address:
Texas Commission on Environmental Quality Stormwater & Pretreatment Team;
MC - 148
P.O. Box 13087
Austin, Texas 78711-3087

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4. If available, electronic submission of annual reports is encouraged. The Federal Waste Reduction Act and the Government Paperwork Elimination Act encourages governmental agencies to use electronic submission. See the TCEQ website at, www.tceq.texas.gov for additional information and instructions.

15.2 DISCUSSION OF PROGRAMS

The following table lists BMPs that meet the reporting requirements of the new MS4 permit.

Table 15-1: Reporting BMPs

Section	Description of BMP	YEAR SCHEDULE (YEAR)				
		1	2	3	4	5
15.2.1	Reporting Program	X	X	X	X	X

X – notes activity, see Section for details

15.2.1 Reporting Program

The MS4s will develop and implement a reporting program and will submit an annual report pursuant to the requirements fiscal calendar selection.

Table 15-2: Implementation Schedule – Reporting

Permit Period	Activity	Measurable Goals	Completed By (Month and Year or Frequency of Action
Year 1-2	Develop and implement recordkeeping program	Archive meetings and activities, complete activity.	Annual
Year 1-5	Prepare and submit annual report	Archive meetings and activities, complete activity	Dec 30, 2015, 2016, 2017, 2018
Year 1-2	Prepare and submit NOC, as applicable	Archive meetings and activities, complete activity	As needed

16.0 REFERENCES

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APPENDIX A
GENERAL PERMIT TX040000

Texas Commission on Environmental Quality

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

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued August 13, 2007

Small Municipal Separate Storm Sewer Systems

located in the state of Texas

may discharge directly to surface water in the state

only according to requirements and conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years after the permit effective date.

EFFECTIVE DATE: DEC 13 2013

ISSUED DATE: DEC 13 2013

Bryan W. Shaw

For the Commission

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

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Part I. Definitions

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

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Catch basins - Storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

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

Clean Water Act (CWA) - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Common Plan of Development or Sale - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Construction Activity - Soil disturbance, including clearing, grading, and excavating; and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

> **Small Construction Activity** is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.
>
> **Large Construction Activity** is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

Construction Site Operator - The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:

(a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or

(b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution

prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

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

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

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

Edwards Aquifer - As defined in 30 TAC §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ or the TCEQ website.

Final Stabilization - A construction site where any of the following conditions are met:

(a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

(b) For individual lots in a residential construction site by either:

(1) The homebuilder completing final stabilization as specified in condition (a) above; or

(2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

(c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

(d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

(2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

General Permit - A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) §26.040.

Groundwater Infiltration - For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

High Priority Facilities - High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Hyperchlorinated Water – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

Illicit Connection - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge - Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

Impaired Water - A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Indian Country - Defined in 18 USC § 1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Indicator Pollutant - An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

Industrial Activity - Any of the ten (10) categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

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

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

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

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

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

(c) That is not a combined sewer; and

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

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

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

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

(c) Which is not a combined sewer;

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

(e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

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

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

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

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

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

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

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

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

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

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

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

(b) All interstate waters, including interstate wetlands;

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

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

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

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

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

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

(f) The territorial sea; and

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

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

Part II. Permit Applicability and Coverage

This general permit provides authorization for stormwater and certain non-stormwater discharges from small municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains requirements applicable to all small MS4s that are eligible for coverage under this general permit.

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

Discharges from a small MS4 must be authorized if any of the following criteria are met and may be authorized under this general permit if coverage is not otherwise prohibited.

1. Small MS4s Located in an Urbanized Area

Operators of small MS4s that are fully or partially located within an urbanized area (UA), as determined by the 2000 or 2010 Decennial Census by the U.S. Bureau of Census, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

2. Designated Small MS4s

A small MS4 that is outside an urbanized area that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR § 122.32(a)(2) or 40 CFR § 122.26(a)(1)(v) and adopted by reference in Title 30, TAC § 281.25, is eligible for coverage under this general permit. Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

3. Operators of Previously Permitted Small MS4s

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXR040000, Issued and Effective on August 13, 2007) must reapply for permit coverage, or must obtain a waiver if applicable (see Part II.B, related to Obtaining a Waiver.)

4. Regulated Portion of Small MS4

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the UA as defined and used by the U.S. Census Bureau in the 2000 or 2010 census, as well as any portion of the small MS4 that is designated by TCEQ.

For the purpose of this permit, the regulated portion of a small MS4 for a transportation entity is the land owned by the permittee within the UA which functions as, or is integral to a transportation system with drainage conveyance. Non-contiguous property that does not drain into the transportation drainage system is not subject to this general permit.

5. Categories of Regulated Small MS4s

This permit defines MS4 operators by the following categories, or levels, based on the population served within the 2010 UA. The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area, such as by annexing land or if land is annexed away. However, the level of a small MS4 will not change during the permit term based on population fluctuation.

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

(b) Level 2: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served;

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

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

For the purpose of this section “serve a population” means the residential population within the regulated portion of the small MS4 based on the 2010 census, except for non-traditional small MS4s listed in (b) above.

Section B. Available Waivers from Coverage

The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or 2 below. To obtain Waiver Option 1, the MS4 operator must submit the request on a waiver form provided by the executive director. To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions. A provisional waiver from permitting requirements begins 30 days after an administratively complete waiver form is postmarked for delivery to the TCEQ. Following review of the waiver form, the executive director may:(1) Determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number; (2) Determine that the waiver form is incomplete and deny the waiver until a completed waiver form is submitted; or (3) Deny the waiver and require that permit coverage be obtained.

If the conditions of a waiver are not met by the MS4 operator, then the MS4 operator must submit an application for coverage under this general permit or a separate TPDES permit application.

At any time the TCEQ may require a previously waived MS4 operator to comply with this general permit or another TPDES permit if circumstances change so that the conditions of the waiver are no longer met. Changed circumstances can also allow a regulated MS4 operator to request a waiver at any time.

At any time the TCEQ can request to review any waivers granted to MS4 operators to determine whether any of the information required for granting the waiver has changed. At a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining a waiver, the population served refers to the residential population for traditional small MS4s and for certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts). For other non-traditional small MS4s, the population served refers to the number of people using the small MS4 on an average operational day.

1. Waiver Option 1:

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

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

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

2. Waiver Option 2:

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

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

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

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

(d) For the purpose of this paragraph (2.), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total

suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section C. Allowable Non-Stormwater Discharges

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

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

Section D. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

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

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

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

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

2. Discharges of Stormwater Mixed with Non-Stormwater

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

3. Compliance with Water Quality Standards

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

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

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list, as not meeting Texas Surface Water Quality Standards.

The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below, and shall assess the progress in controlling those pollutants.

(a) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the pollutant(s) of concern as described below:

(1) Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) to reduce the pollutant(s) of concern in the impaired waters.

(2) Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term.

(3) Identification of Benchmarks

The SWMP must identify a benchmark for the pollutant(s) of concern. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant(s) of concern in stormwater discharge(s) from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the pollutant of concern must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on one of the following options:

a. If the MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.4(a)(6).

b. Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmarks for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark.

(4) Annual Report

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

(5) Impairment for Bacteria

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

The BMPs shall, as appropriate, address the following:

a. Sanitary Sewer Systems

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

(ii) Address lift station inadequacies;

(iii) Improve reporting of overflows; and

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

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

(i) Identify and address failing systems; and

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

c. Illicit Discharges and Dumping

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

d. Animal Sources

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

e. Residential Education

Increase focus to educate residents on:

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

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

(iii) Decorative ponds; and

(iv) Pet waste.

(6) Monitoring or Assessment of Progress

The permittee shall monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

a. The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality as follows:

(i) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer flows (SSOs); or, (6) increase in illegal discharge detection through dry screening, etc.; or

(ii) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.

b. Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

(7) Observing no Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from program implementation or water quality assessments as described in Part II.D.4(a)(6), the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark for the pollutant(s) of concern for their respective MS4s, as described in Part II.D.4(a)(3)(b) above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub benchmark for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

(b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

(1) Discharging a Pollutant of Concern

a. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.

b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.

c. In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(2) Impairment of Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may implement the BMPs listed in Part II.D.4(a)(5) or proposed alternative BMPs as appropriate.

(3) The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit.

The permittee's agency-approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For discharges originating from the small MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 NOI to the appropriate TCEQ regional office with each WPAP application submitted to TCEQ on or after August 13, 2012.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager
Austin Regional Office
12100 Park 35 Circle, Bldg. A, Rm 179
Austin, Texas 78753
(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater from regulated small MS4s and other non-stormwater discharges are not authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

7. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality provided by § 401.002 of the Texas Local Government Code.

8. Indian Country Lands

Stormwater runoff from small MS4s that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. EPA.

9. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI and SWMP. If adverse impact is determined after submittal of the NOI and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

10. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

Section E. Obtaining Authorization

1. Application for Coverage

When submitting a notice of intent (NOI) and SWMP, for coverage under this general permit, as described in Parts II.E.3., II.E.4, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.12 of this general permit.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form. Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and confirm coverage by providing a notification and an authorization number, 2) The NOI or SWMP are incomplete and deny coverage and require that a new complete NOI and SWMP be submitted, 3) Approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) Deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed and the applicant has followed the public participation provisions in Part II.E.12. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

(a) Small MS4s Located in a 2010 Urbanized Area (UA) (Newly regulated Small MS4s)

Operators of small MS4s described in Part II.A.1 that were not previously regulated under the TPDES General Permit TXR040000, shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Small MS4s Located in a 2000 UA (Previously Regulated Small MS4s)

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

(c) Designated Small MS4s

Following designation, operators of small MS4s described in Part II.A.2 shall submit an NOI and SWMP, or apply for coverage under an individual TPDES stormwater permit, within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.

(d) Individual Permit Alternative

If an operator of a small MS4 described in Part II.A.1. of this general permit elects to apply for an individual permit, the application must be submitted within 90 days following the effective date of this general permit.

2. Late Submission of the NOI and SWMP

Operators are not prohibited from submitting an NOI and SWMP after the deadlines provided. If a late NOI and SWMP are submitted, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

3. Stormwater Management Program (SWMP)

A SWMP must be developed and submitted with the NOI for eligible discharges that will reach waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to waters of the U.S., according to the requirements of Part III of this general permit. The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

New elements in the program must be completely implemented within five years of the effective date of this general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Previously regulated MS4s shall assess existing program elements set forth in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP.

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which case the permittee will have 90 days to finalize such changes to the SWMP.

Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI. Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made following submittal of a notice of change (NOC) and receipt of written approval of the NOC from the TCEQ, except as follows:

(a) The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP, and must be included in the annual report:

(1) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. An equivalent BMP is one that is intended to address the same concern as the original BMP and is substantially similar in nature to the original BMP;

(2) Nonsubstantive changes, including:

a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;

b. Minor clarifications to the existing BMPs;

c. Correction of typographical errors;

d. Other similar administrative or nonsubstantive comments.

(3) Adding or subtracting area(s) during the permit term, such as by annexing land or if land is de-annexed.

(b) The permittee may replace a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP). Such a change may be implemented within 60 days following submittal of an NOC form, unless the NOC is denied in writing by TCEQ. Such requests must include the following:

(1) An explanation of why the BMP was eliminated;

(2) An explanation of the effectiveness of the replacement BMP; and

(3) An explanation of how the replacement BMP is expected to achieve the goals of the previous BMP.

(c) All other changes must be submitted on an NOC form and may only be implemented following written approval by TCEQ (See Part II.E.5).

4. Contents of the NOI

The NOI must contain the following minimum information:

(a) MS4 Operator Information

(1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and

(2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).

(b) Site Information

(1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;

(2) County or counties where the small MS4 is located;

(3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;

(4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;

(5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;

(6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;

(7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;

(8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;

(9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;

(10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and

(11) Any other information deemed necessary by the executive director.

5. Notice of Change (NOC)

If the MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in a NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change.

Any revisions that are made to the SWMP must be made in accordance with Part II.E.3. above. Changes that are made to the SWMP following NOI approval must be made using an NOC form, in accordance with Part II.E.3. above.

6. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous operator must submit a Notice of Termination (NOT) and the new operator must submit an NOI and SWMP. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

7. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ, or immediately following confirmation of receipt of the electronic NOT form by the TCEQ. A NOT must be submitted within 30 days after the MS4 operator obtains coverage under an individual permit.

8. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms

NOI, NOT, NOC, and Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

9. Fees

An application fee of $100.00 must be submitted with each NOI. A fee is not required for submission of a waiver form, a NOT, or an NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of $100.00 under TWC § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

10. Permit Expiration

(a) This general permit is effective for five (5) years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five (5) years.

(b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC, Chapter 205. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.

(c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.

(d) If the TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

11. Suspension of Permit Coverage

The executive director may suspend an authorization under this general permit for the reasons specified in 30 TAC § 205.4(d) by providing the discharger with written notice of the decision to suspend that authority, and the written notice will include a brief statement of the basis for the decision. If the decision requires an application for an individual permit or an alternative general permit, the written notice will also include a statement establishing the deadline for submitting an application. The written notice will state that the authorization under this general permit is either suspended on the effective date of the commission's action on the permit application, unless the commission expressly provides otherwise, or immediately, if required by the executive director.

12. Public Notice Process for NOI submittal

An applicant under this general permit shall adhere to the following procedures:

(a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:

(1) BMPs the applicant will implement for each of the six MCMs, as appropriate;

(2) The measurable goals for each of the BMPs, including, as appropriate the months and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and

(3) The person or persons responsible for implementing or coordinating the applicants SWMP.

(b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary decision on the NOI and SWMP.

(c) The notice will include the following information, at a minimum:

(1) The legal name of the MS4 operator;

(2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;

(3) The address of the applicant;

(4) A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;

(5) The location and mailing address where the public may provide comments to the TCEQ;

(6) The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and

(7) If required by the executive director, the date, time, and location of the public meeting.

(d) This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.

(e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.

(f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant shall publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.

(g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.

(h) The applicant shall file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.

(i) The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.

(j) Persons whose names and addresses appear legibly on the sign-in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

Section F. Permitting Options

1. Authorization Under the General Permit

An operator of a small MS4 is required to obtain authorization either under this general permit, or under an individual TPDES permit if it is located in a UA or designated by the TCEQ. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same UA, or are located in the same watershed. Each regulated small MS4 will be issued a distinct permit number. These MS4 operators may combine or share efforts in meeting any or all of the SWMP requirements stated in Part III of this general permit. MS4 operators that share SWMP development and implementation responsibilities must meet the following conditions:

(a) Participants

The SWMP must clearly list the name and permit number for each MS4 operator that chooses to contributes to development or implementation of the SWMP, and provide written confirmation that the contributing MS4 operator has agreed to contribute. If a contributing small MS4 has submitted a NOI and SWMP to TCEQ, but has not yet received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or be included in the SWMP.

(b) Responsibilities

Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its small MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define each minimum control measure and the component(s) each entity agrees to implement, within which MS4 area(s) each entity agrees to implement and clearly identify the contributing MS4 operator.

2. Alternative Coverage under an Individual TPDES Permit

An MS4 operator eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a MS4 operator, authorized by this general permit, to apply for an individual TPDES permit because of: the conditions of an approved TMDL or TMDL implementation plan; a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is

entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

Part III. Stormwater Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed, implemented and enforced according to the requirements of Part III of this general permit, for stormwater discharges that reach waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented and enforced to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements best management practices consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in the previous permit effective August 13, 2007.

Section A. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing regulated small MS4s

Permittees who were regulated under the previous TPDES general permit TXR040000, shall update and submit to the TCEQ an updated SWMP under this general permit along with the NOI for coverage. The NOI and SWMP are due within 180 days of the general permit effective date. The permittee shall continue to operate under the conditions of the previous permit and existing SWMP until the revised SWMP is approved.

(b) New regulated small MS4s

Operators of regulated small MS4s that were not required to obtain permit coverage under the previous TPDES general permit TXR040000, have 180 days from the effective date of the general permit to develop and submit their NOI and SWMP.

(c) Implementation of the SWMP

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Previously regulated MS4 operators shall continue to implement existing elements in the approved SWMPs until the revised SWMPs has been approved.

Designated small MS4s must achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation. Newly regulated small MS4s, based on the 2010 Decennial Census, must achieve full implementation of the SWMP as soon as practicable, but no later than five years from the permit effective date.

2. Content of the SWMP

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

(a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.

(b) A measurable goal that includes the development of ordinances or other regulatory mechanisms, allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;

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

(d) A description of a program or a plan of compliance with the requirements in Part II.D.4. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements)

3. Legal Authority

(a) Traditional small MS4s, such as cities

(1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.

(2) To be considered adequate, this legal authority must, at a minimum, address the following:

a. Authority to prohibit illicit discharges and illicit connections;

b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;

c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;

d. Authority to require installation, implementation, and maintenance of control measures;

e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;

f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;

g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);

h. Authority to assess penalties, including monetary, civil, or criminal penalties; and

i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

(b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons and universities

(1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

(2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:

a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,

b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or TCEQs Field Operations Support Division as needed to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this permit.

5. Effluent Limitations

The controls and BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B, which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

Permittees with enforcement authority (i.e. traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, the permittee shall notify either the adjacent MS4 operator with enforcement authority or TCEQ's Field Operations Support Division.

Section B. Minimum Control Measures

Operators of small MS4s seeking coverage under this general permit shall develop and implement a SWMP that includes the following six minimum control measures (MCMs), as applicable.

All program elements must be implemented according to the schedule mentioned in Part III.A. All six MCMs apply to all MS4s regardless of their level as described in Part II.A.5. Specific program elements under each MCM shall be implemented by all MS4 operators, unless it is specifically stated that particular program elements only are applicable for certain levels of small MS4s.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not feasible as described in each MCM.

1. Public Education, Outreach, and Involvement

(a) Public Education and Outreach

(1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

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

a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);

b. Identify the target audience(s);

c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;

d. Determine cost effective and practical methods and procedures for distribution of materials.

(2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

(3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related

to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

(1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

(2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities;

(3) Ensure the public can easily find information about the SWMP.

2. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

(1) All permittees shall develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1(c).

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

a. An up-to-date MS4 map (see Part III.B.2.(c)(1));

b. Methods for informing and training MS4 field staff (See Part III.B.2.(c)(2));

c. Procedures for tracing the source of an illicit discharge (see Part III. B.2.(c)(5));

d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));

e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;

f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (See Part III.B.2.(g)(1));

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

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection.

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.

(c) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)

(1) MS4 mapping

All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:

a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;

b. The location and name of all surface waters receiving discharges from the small MS4 outfalls;

c. Priority areas identified under Part III.B.2.(e)(1) if applicable.

(2) Education and Training

All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

To the extent feasible, all permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

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

(6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

(d) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)-(d) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Identification of Priority Areas

Permittees who operate level 4 small MS4s shall identify priority areas and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) as needed, field screening.

If dry weather field screening is necessary, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.

b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures should include the basis used to determine which outfalls would be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits or stains.

c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants as determined by the permittee. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

3. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.

b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.

c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

(i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

(ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(iii) Minimize the discharge of pollutants from spills and leaks.

d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

(3) Prohibited Discharges - The following discharges are prohibited:

a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,

d. Soaps or solvents used in vehicle and equipment washing;

e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures, that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

a. The site plan review procedures must incorporate consideration of potential water quality impacts.

b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.

b. Inspections must occur during the active construction phase.

(i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.

(ii) Inspections of construction sites must, at a minimum:

1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.
2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.
3. Assess compliance with the permittee's ordinances and other regulations.
4. Provide a written or electronic inspection report.

c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

(c) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Construction Site Inventory

Permittees who operate level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.

4. Post-Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

(1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges

from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

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

(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement, that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

(2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

a. Maintenance performed by the permittee. See Part III.B.5

b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.5(b)(1)-(3) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Inspections - Permittees who operate level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.

a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

(1) All permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1.(c))

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. If feasible, the inventory may include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

a. Composting facilities;

b. Equipment storage and maintenance facilities;

c. Fuel storage facilities;

d. Hazardous waste disposal facilities;

e. Hazardous waste handling and transfer facilities;

f. Incinerators;

g. Landfills;

h. Materials storage yards;

i. Pesticide storage facilities;

j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;

k. Parking lots;

l. Golf courses;

m. Swimming pools;

n. Public works yards;

o. Recycling facilities;

p. Salt storage facilities;

q. Solid waste handling and transfer facilities;

r. Street repair and maintenance sites;

s. Vehicle storage and maintenance yards; and

t. Structural stormwater controls.

(2) Training and Education

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.

(3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:

(i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;

(iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and

(iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).

c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:

(i) Replacing materials and chemicals with more environmentally benign materials or methods;

(ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and

(iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

(c) Additional Requirements for Level 3 and 4 small MS4s:

In addition to the requirements described in Parts.B.5.(b)(1)-(6) above, permittees who operate level 3 or 4 small MS4s shall meet the following requirements:

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.

b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads

Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program,

or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.

b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.

c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

Permittees who operate level 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate level 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.

b. Identification of *high priority* facilities - Based on the Part III.B.5.(c)(4)a. assessment, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.

c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results

of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

Permittees who operate level 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.

b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate level 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part III.B.5.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.

b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.

d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate level 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts III.B.5(b) and III.B.5.(c) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Pesticide, Herbicide, and Fertilizer Application and Management

a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.

b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

(i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.

(ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:

(a) Use of native plants or xeriscaping;

(b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;

(c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;

(d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.

c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.

d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

6. Industrial Stormwater Sources

(a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s

(1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

7. Authorization for Construction Activities where the Small MS4 is the Site Operator

The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non-stormwater from construction activities where the MS4 operator meets the definition of a construction site operator in Part I of this general permit. When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and Part III.B.3 of this permit. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit. This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, a NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit. Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit.

This MCM is only available for projects where the small MS4 is a construction site operator or owner, and the MCM does not provide any authorization for other construction site operators at a municipal project.

Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state.

(a) The MCM must include:

(1) A description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations;

(2) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);

(3) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;

(4) A general description of how a SWP3 will be developed for each construction site, according to Part VI of this general permit, "Authorization for Municipal Construction Activities"; and

(5) Records of municipal construction activities authorized under this optimal MCM, in accordance with Part VI of this general permit.

Section C. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

1. A list of any public or private entities assisting with the development or implementation of the SWMP;
2. If applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
3. A list of all BMPs and measurable goals for each of the MCMs;
4. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.
5. A description of how each measurable goal will be evaluated; and
6. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

Part IV. Recordkeeping and Reporting

Section A. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile

transmission (FAX) to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

(1) A description of the noncompliance and its cause;

(2) The potential danger to human health or safety, or the environment;

(3) The period of noncompliance, including exact dates and times;

(4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, or NOC, or any other report, the permittee shall promptly submit the facts or information to the executive director.

2. Annual Report

The MS4 operator shall submit a concise annual report to the executive director within 90 days of the end of each reporting year. For the purpose of this section, the reporting year may include either the permit year, the permittee's fiscal year or the calendar year, as elected by the small MS4 and notified to the TCEQ in the application submittal. The annual report must address the previous reporting year.

The first reporting year for annual reporting purposes shall begin on the permit effective date, and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2014.

Subsequent calendar years will begin at the beginning of the first reporting year (which will vary based on the previous paragraph) and last for one (1) year. The MS4 operator shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

(a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;

(b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

(c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

(d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;

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

(f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;

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

(h) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and

(i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

An annual report must be prepared whether or not the NOI and SWMP have been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI and SWMP, then the annual report may include that information.

If permittees share a common SWMP, they shall contribute to and submit a single system-wide report. Each permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

The annual report must be submitted with the appropriate TCEQ reporting forms if available, or as otherwise approved by TCEQ.

The annual report must be submitted to the following address:

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

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4.

If available, electronic submission of annual reports is encouraged. The Federal Waste Reduction Act and the Government Paperwork Elimination Act encourages governmental agencies to use electronic submission. See the TCEQ website at, www.tceq.texas.gov for additional information and instructions.

Part V. Standard Permit Conditions

A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.

B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.

E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.

F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:

1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and

2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.

H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

J. The permittee shall implement its SWMP on any new areas under its jurisdiction that are located in a UA or that are designated by the TCEQ. Implementation of the SWMP in these areas is required the greater of three (3) years from acquiring the new area, or five (5) years from the date of initial permit coverage.

Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th Optional MCM is selected

The MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the MS4 operator that results in a land disturbance of one (1) acre or more of land or less than one (1) acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the MS4 operator may develop the SWMP to include the optional seventh (7^{th}) stormwater MCM listed in Part III.B.7 of this general permit if the eligibility requirements in Part VI.A. below are met. If an MS4 operator decides to utilize this MCM, then the MS4 operator must include this MCM in its SWMP submitted with the NOI or submit an NOC notifying the executive director of the addition of this MCM to its SWMP. The MS4 operator must identify the geographic area or boundary where the construction activities will be conducted under the provisions of this general permit. If the permittee meets the terms and requirements of this general permit, then discharges from these construction activities may be authorized under this general permit as long as they occur within the regulated geographic area of the small MS4. An MS4 operator may utilize this MCM over additional portions of their small MS4 if those areas are also in compliance with all MCMs listed in this general permit. Even if an MS4 operator has developed this optional seventh stormwater MCM, the MS4 operator may apply under TPDES CGP TXR150000 for authorization for particular municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Section A. Eligible Construction Sites

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

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

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

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

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

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

3. Non-Stormwater Discharges

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

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

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

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

(d) Uncontaminated water used to control dust;

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

(f) Uncontaminated air conditioning condensate; and

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

4. Other Permitted Discharges

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

Section C. Limitations on Permit Coverage

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

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

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

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

Section E. Stormwater Runoff from Concrete Batch Plants

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

1. Benchmark Sampling Requirements

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

Table 1. Benchmark Monitoring

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/quarter (*1)(*2)	Grab (*3)

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Total Suspended Solids	100 mg/L	1/quarter (*1)(*2)	Grab (*3)
pH	6.0-9.0 S.U.	1/quarter (*1)(*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1)(*2)	Grab (*3)

(*1) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*2) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March
April through June
July through September
October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI.

(*3) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

(b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

(1) Any additional potential sources of pollution, such as spills that might have occurred;

(2) Necessary revisions to good housekeeping measures that are part of the SWP3;

(3) Additional BMPs, including a schedule to install or implement the BMPs; and

(4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater run-on to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

2. BMPs and SWP3 Requirements

Minimum Stormwater Pollution Prevention Plan (SWP3) Requirements - The following are required in addition to other SWP3 requirements listed in this section:

(a) Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:

(1) Drainage – The site map must include the following information:

a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;

b. A depiction of the drainage area and the direction of flow to the outfall(s);

c. Structural controls used within the drainage area(s);

d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES Construction General Permit TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

(2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

(3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to

stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

(4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.

(b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part VI.E.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

(1) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

(2) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(3) Inspections - Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

(4) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a

minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

(5) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(6) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

(c) Comprehensive Compliance Evaluation – At least once per year, one (1) or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:

(1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(2) Based on the results of the evaluation, the following must be revised as appropriate within two (2) weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VI.E.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VI.E.2.(b) "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.

(3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC Section 305.128, relating to Signatories to Reports.

(4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part VI.E.2.(b)(3) of this general permit.

3. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater

discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck washout at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

4. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under this section of the general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

(a) Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

(b) Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

(c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

(d) The discharge of wash out water shall not cause or contribute to groundwater contamination.

(e) If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated map.

Section F. Effective Date of Coverage

Construction activities may not commence under this section until the MS4 NOI and SWMP are approved in writing by the TCEQ. Following approval of the NOI and SWMP, operators of construction activities eligible for coverage under this general permit are authorized to discharge stormwater associated with construction activity immediately upon posting the signed construction site notice required under this section.

Section G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

1. Be completed and initially implemented prior to commencing construction activities that result in soil disturbance;

2. Be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices; and

3. Provide for compliance with the terms and conditions of this general permit.

Section H. Plan Review and Making Plans Available

The SWP3 must be retained on-site at the construction site or made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; and to local government officials.

Section I. Keeping Plans Current

The permittee shall amend the SWP3 whenever either of the following occurs:

1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3; or
2. Results of inspections or investigations by site operators, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section J. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. Site Description

A site description, or project description, which must include:

(a) A description of the nature of the construction activity, potential pollutants and sources;

(b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;

(c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;

(d) Data describing the soil type or the quality of any discharge from the site;

(e) A map showing the general location of the site (e.g. a portion of a city or county map);

(f) A detailed site map indicating the following:

(1) Drainage patterns and approximate slopes anticipated after major grading activities;

(2) Areas where soil disturbance will occur;

(3) Locations of all major structural controls either planned or in place;

(4) Locations where temporary or permanent stabilization practices are expected to be used;

(5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;

(6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;

(7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and

(8) Vehicle wash areas.

(g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;

(h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and

(i) A copy of Part VI of this TPDES general permit.

2. Structural and non-structural controls

The SWP3 must describe the structural and the non-structural controls (best management practices) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

(a) Erosion and Sediment Controls

(1) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.

(2) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.

(3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50 per cent.

(4) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.

(5) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

3. Stabilization Practices

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible.

(a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation and other similar measures.

(b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:

(1) The dates when major grading activities occur;

(2) The dates when construction activities temporarily or permanently cease on a portion of the site; and

(3) The dates when stabilization measures are initiated.

(c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.

(1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

The SWP3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

(a) Sites with a drainage area of ten (10) or more acres:

(1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.

(2) Where rainfall data is not available or a calculation cannot be performed the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

(1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt

fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

5. Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

6. Other Controls

(a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.

(b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.

(c) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

7. Effluent Limits

The federal Effluent Limitations Guidelines at 40 CFR Part 450.21(a) apply to all regulated construction activities under this 7th optional MCM, where the small MS4 is the operator.

8. Approved State and Local Plans

(a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.

(b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

9. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated

storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

10. Inspections of Controls

(a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid or semi-arid, or drought stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

(b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VI.J.10(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VI.J.10.(a) above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be

developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(c) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(d) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

(f) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

11. Pollution Prevention Measures

The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge.

Section K. Additional Retention of Records

The permittee shall retain the following records for a minimum period of three (3) years from the date that final stabilization has been achieved on all portions of the site. Records include:

1. A copy of the SWP3; and
2. All reports and actions required by this section, including copies of the construction site notices.

APPENDIX B
TCEQ TPDES FACT SHEET

Fact Sheet and Executive Director's Preliminary Decision

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

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087
Prepared by:	Stormwater & Pretreatment Team (MC-148) Wastewater Permitting Section Water Quality Division, Office of Water (512) 239-4671
Date:	August 16, 2013
Permit Action:	Amendment and Reissuance of a General Stormwater Permit for Phase II (Small) Municipal Separate Storm Sewer Systems (MS4s)

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I. Summary

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

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

1. Permit coverage

    a. Operators of small MS4s that are fully or partly located within an urbanized area, as determined by the 2000 or the 2010 Decennial Census, must obtain authorization for the discharge of stormwater runoff, and are eligible for coverage under the general permit unless otherwise specified. (Permit Part II.A.1).

    b. Operators of small MS4s that were previously authorized under the general permit must reapply for coverage under the reissued general permit. (Permit Part II.A.3).

    c. Regulated small MS4s are categorized into four levels in the permit, with different permit requirements applied to each level for some of the program elements. For the purpose of this section, the level of a small MS4 is based on the population served by the small MS4 within the 2010 UA, except for non-traditional MS4s such as transportation entities (Permit Part II.A.5):

        (1) Level 1 serves a population of less than 10,000 within a UA;

        (2) Level 2 serves a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts (regardless of population served in the UA);

        (3) Level 3 serves a population of at least 40,000 but less than 100,000 within a UA; and

        (4) Level 4 serves a population of 100,000 or more within a UA.

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

    a. Revised the section entitled "Impaired Water Bodies and Total Maximum Daily Load Requirements" to address discharges to impaired water bodies listed in accordance with Section 303(d)(1) of the federal Clean Water Act (CWA). (Permit Part II.D.4).

3. Stormwater Management Program (SWMP)

    a. Minimum Control Measures (MCMs) - The current permit includes six (6) required MCMs in the SWMP. The permit revises and to some extent,

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

b. Added a section describing the kind of legal authority a small MS4 is required to have in order to develop and implement the SWMP. The section divides small MS4s up into traditional small MS4s (for example, cities) and non-traditional small MS4s (for example, counties, drainage districts, transportation entities, and municipal utility districts). Non-traditional small MS4, which might lack the enforcement authority and be unable to meet the goals in the permit, must either enter into interlocal agreements or notify the TCEQ as needed to report incidences of noncompliance.

c. Added a section requiring small MS4s to ensure resources and funding necessary to meet all requirements of the permit (Permit Part III.A.4).

d. Added a section requiring small MS4s to develop enforcement measures to respond to violations (Permit Part III.A.6).

4. MS4-operated construction sites (Optional 7th MCM)

   a. Stormwater Runoff from Concrete Batch Plants

      Updated language describing stormwater runoff from concrete batch plant at construction sites where the MS4 operator is the construction site operator and the MS4 operator elects to utilize the optional 7th MCM related to municipal construction. The language was updated to correspond to the TPDES construction general permit (CGP) TXR150000, March 5, 2008 (Permit Part VI.E).

   b. Effluent Limits

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

II. Executive Director's Recommendation

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

III. Permit Applicability and Coverage

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

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

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

A. Regulated Small MS4s Subject to Permitting

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

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

B. Designated Small MS4s Subject to Permitting

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

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

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

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

C. Permit Waivers

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

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

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

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

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

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

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

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

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

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

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

D. Ineligible Discharges

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

1. Discharges from Phase I (medium and large) MS4s (Phase I MS4s are those that are located in a city or county with a residential population of 100,000 or more based on the 1990 Census);
2. Discharges from small MS4s that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses of receiving waters;
3. New sources or new discharges of the pollutant(s) of concern to impaired waters, unless otherwise allowable under TCEQ rules, applicable state law, and any TMDL and TMDL Implementation Plan (I-Plan) that exists for the applicable receiving water;
4. Stormwater discharges that combine with sources of non-stormwater, unless the non-stormwater source is an allowable non-stormwater discharge described in the proposed general permit, or the non-stormwater source is authorized under a separate TPDES permit; and
5. Discharges otherwise prohibited under existing state rules.
6. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

E. Allowable Non-stormwater Discharges

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection measure, or other minimum control measures (MCMs), provided that they have not been determined by the MS4 operator or the TCEQ to be substantial sources of pollutants to the small MS4:

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas surface water quality standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air-conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges;
14. Street wash water excluding street sweeper waste water;

15. Discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or National Pollutant Discharge Elimination System (NPDES) permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges, such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

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

F. Discharges from Small MS4 Construction Activities

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

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

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

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

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

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

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

IV. Permit Conditions and Effluent Limitations

A. Notice of Intent

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

B. Public Notice and Public Participation

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

1. The applicant must submit the NOI and attached SWMP to the executive director. TCEQ staff will review the application for administrative and technical completeness.
2. After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary determination on the NOI and SWMP.
3. The notice will be provided to the applicant, and will include, at a minimum:
    a. The legal name of the applicant;
    b. An indication whether the NOI is for a new small MS4 or is a renewal of an existing authorization;
    c. The address of the applicant;
    d. A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;
    e. The location and mailing address where the public may provide comments to the TCEQ;
    f. The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
    g. If required by the executive director, the date, time, and location of the public meeting.
4. This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.
5. The public comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held, the comment period will end at the closing of the public meeting. The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.

6. If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant must publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.
7. If a public meeting is held, the applicant must describe the contents of the NOI and SWMP. The applicant must also provide maps and other data on the small MS4. The applicant must provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
8. The applicant must file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.
9. The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
10. Persons whose names and addresses appear legibly on the sign in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

C. Stormwater Management Program (SWMP)

The proposed SWMP requirements were developed based on:

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

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

Small MS4s must develop a SWMP, according to the provisions of this general permit, to the extent allowable under state and local law, to address the portions of the small MS4 that are either located within the UA or that are designated by the TCEQ, with discharges that reach waters of the U.S.. Waters of the U.S. are defined in the general permit. Waters of the U.S. do not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition). This exclusion applies only to manmade bodies of water that neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland.

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

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

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

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

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

Level 2: Operators of small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of the population served within a UA or UAs;

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

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

The six MCMs are separately described below and include:

1. Public Education, Outreach, and Involvement

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

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

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

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

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

The permit includes the following proposed language under this MCM:

(a) Public Education and Outreach

(1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

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

a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);

b. Identify the target audience(s);

c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;

d. Determine cost effective and practical methods and procedures for distribution of materials;

(2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

(3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees shall involve the public, and at minimum comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

(1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

(2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities;

(3) Ensure the public can easily find information about the SWMP.

2. Illicit Discharge Detection and Elimination (IDDE)

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

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

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

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

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

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

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

The permit includes the following proposed language under the MCM:

(a) Program Development

(1) All permittees shall develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1(c).

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

a. An up-to-date MS4 map (see Part III.B.2.(c)(1));

b. Methods for informing and training MS4 field staff (See Part III.B.2.(c)(2));

c. Procedures for tracing the source of an illicit discharge (see Part III. B.2.(c)(5));

d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));

e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;

f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (See Part III.B.2.(g)(1));

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

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection.

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.

(c) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)

(1) MS4 mapping

All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:

a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;

b. The location and name of all surface waters receiving discharges from the small MS4 outfalls;

c. Priority areas identified under Part III.B.2.(e)(1) if applicable.

(2) Education and Training

All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

To the extent feasible, all permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with

discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

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

(6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

(d) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(g)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an

authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)-(d) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(2) Identification of Priority Areas

Permittees who operate level 4 small MS4s shall identify priority areas and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(3) Dry Weather Field Screening

By the end of the permit term, permittee who operate level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) as needed, field screening.

If dry weather field screening is necessary, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(g)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.

b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures should include the basis used to determine which outfalls would be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits or stains.

c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants as determined by the permittee. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

3. Construction Site Stormwater Runoff Control

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

The permittee is required to implement procedures to conduct inspections of large and small construction projects, and Level 3 and4 MS4s are further required to

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

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

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

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

The permit includes the following proposed language under the MCM:

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be

included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.

b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.

c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

(i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

(ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(iii) Minimize the discharge of pollutants from spills and leaks.

d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

(3) Prohibited Discharges - The following discharges are prohibited:

a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,

d. Soaps or solvents used in vehicle and equipment washing;

e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures, that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

a. The site plan review procedures must incorporate consideration of potential water quality impacts.

b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.

b. Inspections must occur during the active construction phase.

(i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.

(ii) Inspections of construction sites must, at a minimum:

1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.

2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.

3. Assess compliance with the permittee's ordinances and other regulations.

4. Provide a written or electronic inspection report.

c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

(c) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate level 3 and 4 small MS4s shall meet the following requirements:

(1) Construction Site Inventory

Permittees who operate level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger commom plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.

4. Post-Construction Stormwater Management in New Development and Redevelopment

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

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

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

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

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

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

The permit includes the following proposed language under this MCM:

(a) Post-Construction Stormwater Management Program

(1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu components to address this requirement.

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

(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement, that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost

effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

(2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

a. Maintenance performed by the permittee. See Part III.B.5

b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.5(b)(1)-(3) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Inspections - Permittees who operate level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.

a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

5. Pollution Prevention and Good Housekeeping for Municipal Operations

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

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

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

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

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

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

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

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

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

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

The permit language proposed under this MCM is included below:

(a) Program development

(1) All permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1.(c))

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. If feasible, the inventory may include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

a. Composting facilities;

b. Equipment storage and maintenance facilities;

c. Fuel storage facilities;

d. Hazardous waste disposal facilities;

e. Hazardous waste handling and transfer facilities;

f. Incinerators;

g. Landfills;

h. Materials storage yards;

i. Pesticide storage facilities;

j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;

k. Parking lots;

l. Golf courses;

m. Swimming pools;

n. Public works yards;

o. Recycling facilities;

p. Salt storage facilities;

q. Solid waste handling and transfer facilities ;

r. Street repair and maintenance sites;

s. Vehicle storage and maintenance yards;

t. Structural stormwater controls.

(2) Training and Education

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.

(3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:

(i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;

(iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas;

(iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation;

b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).

c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:

(i) Replacing materials and chemicals with more environmentally benign materials or methods ;

(ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters;

(iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

(c) Additional Requirements for Level 3 and 4 small MS4s:

In addition to the requirements described in Parts.B.5.(b)(1)-(6) above, permittees who operate level 3 or 4 small MS4s shall meet the following requirements:

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.

b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads

Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high

traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

a. *Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M prgram.*

b. *For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.*

c. *Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.*

(3) Mapping of Facilities

Permittees who operate level 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate level 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

a. *Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.*

b. *Identification of high priority facilities - Based on the Part III.B.5.(c)(2)a. assessment, the permittee shall identify as high priority those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.*

c. *Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.*

(5) Development of Facility Specific SOPs

Permittees who operate level 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.

b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate level 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part III.B.5.(c)(4)b.. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.

b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.

d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate level 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts III.B.5(b) and III.B.5.(c) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) Pesticide, Herbicide, and Fertilizer Application and Management

a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.

b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

(i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.

(ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:

(a) Use of native plants or xeriscaping;

(b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;

(c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;

(d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.

c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.

d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

5. Industrial Stormwater Sources

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

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

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

The permit language proposed under this MCM is included below:

(a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s

(1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

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

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

7. SWMP Implementation.

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

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

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

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

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

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

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

D. Reporting Requirements

1. The proposed general permit requires small MS4s to provide documentation on the development, implementation, and evaluation of the SWMP. The documentation must be included as a part of the SWMP and may be required to be submitted in the annual report. The preparation and review of the annual report by the small MS4 may ensure progressive improvement of stormwater controls and reduce pollutants to the maximum extent practicable. At a minimum, the documentation must include:

    a. A list of any public or private entities assisting with the development or implementation of the SWMP;

    b. If applicable, a list of MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;

    c. A list of all BMPs and measurable goals for each of the MCM;

    d. A schedule for the implementation of all SWMP requirements;

    e. A description of how each measurable goal will be evaluated; and

    f. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

2. Additionally, the small MS4 must evaluate the following items and must include the information in an annual report:

a. Program compliance;

b. The appropriateness of the chosen BMPs;

c. Progress toward achieving identified measurable goals.

V. Changes From Existing General Permit:

The major changes to the permit include the following:

1. Added definitions of:

   Arid Areas;
   Catch basins;
   Construction Activity,
   Control Measure;
   Edwards Aquifer;
   Edwards Aquifer Recharge Zone;
   General Permit;
   High Priority Facitities:
   Hyperchlorinated Water;
   Illegal Dumping;
   Impaired Water;
   Indicator Pollutant;
   Major Outfall;
   Municipal Separate Storm Sewer System (MS4);
   Non-traditional Small MS4;
   Semiarid Areas; and
   Traditional Small MS4

2. Removed definition of:

   Daily Maximum

3. Removed the Section entitled "Commonly Used Acronyms."

4. Added that operators of small MS4s, fully or partly located within a UA, as determined by the 20000 or 2010 Decennial Census, are regulated. (Part II.A.1 in the permit). This change is in addition to the current requirement that operators of small MS4s fully or partially located within a UA as defined under the 2000 Census, which is being continued from the existing permit based on the Phase II regulations.

5. Added that operators of previously permitted small MS4s must reapply or obtain a waiver if applicable. (Part II.A.3 in the permit).

6. Categorized regulated small MS4s into 4 levels (Part II.A.5 in the permit):

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

   b. Level 2: Operators of small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, universities, colleges, correctional institutions, municipal utility districts and other districts regardless of population served within the UA,

unless the non-traditional small MS4 can demonstrate that is meets the criteria for a waiver form permit coverage based on the population served.

c. Level 3: Operators of small MS42 that serve a population of at least 40,000 but less than 100,000 within a UA;

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

7. Added a statement that discharges authorized by a TPDES or NPDES permit or that are not required to be permitted may be included in the list of Allowable of Non-Stormwater Discharges (Part II.C in the permit).

8. Expanded the language in the section Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements. Small MS4s discharging to a water quality impaired waterbody with an approved TMDL, where the impairment is caused or contributed to by stormwater, shall include in the SWMP controls targeting the pollutant(s) of concern along with controls required in the TMDL or Implementation Plan (IP) plan. For each targeted control the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented. A benchmark must be determined based on a Waste Load Allocation (WLA) for the small MS4. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant(s) of concern in stormwater discharge(s) from the MS4 to the maximum extent practically (MEP). The BMPs would need to be evaluated and modified as necessary within an adaptive management framework during the permit term. Adaptive management requires the permittee to assess and modify, as necessary, any or all existing BMPs to optimize reduction in stormwater pollutants through an iterative process. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines. The exceedance of a benchmark is not a permit violation and does not of itself indicate a violation of instream water quality standards. If the pollutant of concern is bacteria the SWMP must include focused BMPs targeting those sources. The SWMP and annual report must include information on implementing any focused controls and must include monitoring or assessment of progress in achieving benchmarks. If the permittee reduces applicable pollutant discharges for the pollutants listed in the TMDL to the MEP, this reduction is deemed to be adequate progress toward achieving assigned TMDL WLAs during this five year permit period. Small MS4s discharging directly to water quality impaired water bodies without an approved TMDL shall determine if the discharge contains the pollutant(s) of concern, and if so the small MS4 shall implement focused BMPs along with corresponding measurable goals that will eliminate the discharge of the pollutant(s) of concern. (Part II.D.4 of the permit).

9. Added the NOI also must include an electronic mail address of the MS4 operator. (Part II.D.4 of the permit).

10. Clarified that the public notice must be published at least once in a newspaper of *general* circulation in the municipality or county where the small MS4 is located (Part II.D.12 in the permit).

11. Added a section to describe modifications to the SWMP. TCEQ can require the permittee to update its SWMP in which case the modifications have to be done within 90 days. If the permittee determines modifications are needed, such changes must be made as soon as practicably, but not later than 60 days (Permit Part II.E.3).

12. Added that non-substantive changes such as minor clarifications to the SWMP, correctional or typographical errors or other similar administrative comments does not require submittal of a NOC.

13. Added a section to require permittees to develop or update their SWMP, as applicable and submit it to SWMP to the TCEQ as part of the application process. Permittees who were not previously regulated and existing permittees must submit their SWMP within 180 days following the issue date of the permit (Permit Part III.A.1).

14. Added a section entitled *Developing a Stormwater Management Program* (Part III.A in the permit). The section describes that, at a minimum, a SWMP must include ordinances or other regulatory mechanisms necessary to enforce the SWMP, including what the legal ordinance must address to implement the SWMP. The permit provides guidance to non-traditional small MS4s (for example counties, drainage districts, municipal utility districts, and transportation entities) that do not have the authority to develop ordinances, on how they can meet the goals of the permit. The section describes that operators are required to ensure that it has adequate resources and funding to implement the program, and have a plan for how to respond to violations.

15. Added a section describing the six MCMs, all of which have been expanded from the original general permit, based on the EPA MS4 Improvement Guide, with consideration from the stormwater stakeholder workgroup: (1) Public Education, Outreach and Involvement; (2) Illicit Discharge Detection and Elimination; (3) Construction Site Stormwater Runoff Control; (4) Post Construction Stormwater Management in New Development and Redevelopment; (5) Pollution Prevention and Good House Keeping for Municipal Operations; and (6) Industrial Stormwater Sources (Part IV.C of this fact sheet and Part III.B in the permit).

16. Removed the requirement to consider specific groups (residents, visitors, public service employees, business, commercial and industrial facilities, and construction site personnel) in the Public Education, Outreach and Involvement MCM (Part III.B.(1) in the permit). This is consistent with the Phase II regulations at 40 CFR § 122.34(b)(1) and should allow MS4 operators to streamline this MCM.

17. Made several minor changes to the Standard Permit Conditions in Part V of the general permit.

18. Added that the permittee must submit annual reports at the end of each reporting year, and provided the flexibility for each MS4 to have a different reporting year. In the permit, the permittee may choose its reporting year based on the permit year, the permittee's fiscal year, or the calendar year. This information will need to be provided to the TCEQ during the NOI submittal.

19. Added language under the optional 7th MCM, related to small MS4 Construction Activities, to correspond to requirements in the Construction General Permit (CGP) TXR150000 effective on March 5, 2008 (Part VI in the permit).

20. Added that that the permittee must make the NOI and the SWMP available to the public at reasonable times during business hours (Part IV.A.(c) in the permit).

21. Added the limitation that discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by the general permit, and site-specific controls may be

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

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

VI. Addresses

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

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

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

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

By fax: (512) 239-3311*

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

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

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

Supplementary information on this Fact Sheet is organized as follows:

VII. Legal Basis

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

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

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

VIII. Regulatory Background

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

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

IX. Permit Coverage

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

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

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

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

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

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

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

3. Submission of an NOI and SWMP is an acknowledgment by the regulated small MS4 that the conditions of this general permit are applicable to the proposed discharges and that the applicant agrees to comply with the conditions of the general permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed, and the applicant has followed the public participation provisions in the general permit. The documents must be submitted by certified mail, return receipt requested, to the address indicated on the NOI form. Following review of the NOI, SWMP, and any public comments received on the application, the executive director will determine that: 1) the submission is complete and confirm coverage by providing a notification and an authorization number, 2) the NOI or SWMP are incomplete and deny coverage until a complete NOI and SWMP are submitted, or 3) approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Denial of coverage under the general permit is subject to the requirements of 30 TAC § 205.4(c). After receiving written approval from the TCEQ, the applicant must implement the approved SWMP in accordance with the terms and conditions of the general permit.
4. If the operational control of the small MS4 changes, the present operator must submit an NOT and the new operator must submit an NOI and SWMP to obtain authorization under this general permit. The NOT and NOI must be submitted concurrently no greater than 10 days after the change occurs.
5. A permittee must submit current information to the executive director by submitting a Notice of Change (NOC) no later than 30 days before a change in information previously provided to the executive director within an NOI occurs. An NOC is also required for changes to the SWMP that are made after TCEQ has approved the NOI and SWMP. If changes are proposed before the applicant has received written approval of the NOI and SWMP from the TCEQ, then this information must be submitted in a letter as supplemental application information. An NOC must be signed according to TCEQ rules at 30 TAC § 305.44. The permit includes a list of minor changes that may be made without submitting an NOC, and also includes information regarding time frames for implementing changes requested on an NOC.

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

X. Technology-Based Requirements

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

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

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

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

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

Table 1: Benchmark Monitoring for Concrete Batch plants

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

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

XI. Water Quality-Based Requirements

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

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

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

XII. Monitoring

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

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

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

XIII. Procedures for Final Decision

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

1. The county judge of the county or counties in which the discharges under the general permit could be located;

2. If applicable, state and federal agencies for which notice is required in 40 CFR, §124.10(c);

3. Persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and

4. Any other person the executive director or chief clerk may elect to include.

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

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

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

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

XIV. Administrative Record

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

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

40 CFR Chapter 122

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

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

B. Letters/Memoranda/Records of Communication:

Memorandum from the U.S. EPA (Hanlon) dated April 16, 2004 from, "Implementing the Partial Remand of the Stormwater Phase II Regulations Regarding Notices of Intent & NPDES General Permitting for Phase II MS4s."

Stakeholder comments provided to the TCEQ in September 2011 and October 2011.

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

Comment letters received during the initial public notice period.

C. Miscellaneous:

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

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

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

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

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

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

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

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

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

TCEQ Rules.

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

APPENDIX C
MS4 NOIs AND LOCATION MAPS

ALAMO
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

Mailed ☑ Check/Money Order No.: 034267
Name Printed on Check: TCEQ-Water Quality Division

EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

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

Is the copy attached? ☐ Yes

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

☑ Yes The existing authorization number is: TXR040289
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600241566

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 787-0006 Ext: 123 Fax Number: (956) 787-6807
E-mail: lozuna@alamotexas.org
Mailing Address: 420 N. Tower Road
Internal Routing (Mail Code, Etc.):
City: Alamo State: Texas ZIP Code: 78516
If outside USA: Territory: Country Code: Postal Code: 2795

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105586176

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

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

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

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

☑ No

e. Latitude: 29 11'6"N Longitude: 98 7' 4"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Melisa Gonzales
   Title: Stormwater Manager Company: City of Alamo
   Phone Number: (956) 787-0006 Ext: Fax Number: (956) 787-6807
   E-mail: mgonzales@alamotexas.org
   Mailing Address: 420 N. Tower Rd.
   Internal Routing (Mail Code, Etc.):
   City: Alamo State: TX ZIP Code: 78516

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado/Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2301, 2302/2494

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado/Laguna Madre

     What are the pollutants of concern?
     PCB, DDE, Mercury, DO, Bacteria/DO, Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Melisa Gonzales
   Title: Stormwater Manager Company: City of Alamo
   Phone Number: (956) 787-0006 Ext: Fax Number: (956) 787-6807
   E-mail: mgonzales@alamotexas.org
   Mailing Address: 420 N. Tower Rd.
   Internal Routing (Mail Code, Etc.):
   City: Alamo State: TX ZIP Code: 78516

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of Alamo City Hall
   Address of Public Place: 420 N. Tower Rd., Alamo, TX
   County of Public Place: Hidalgo

5) CERTIFICATION

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

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

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

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

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

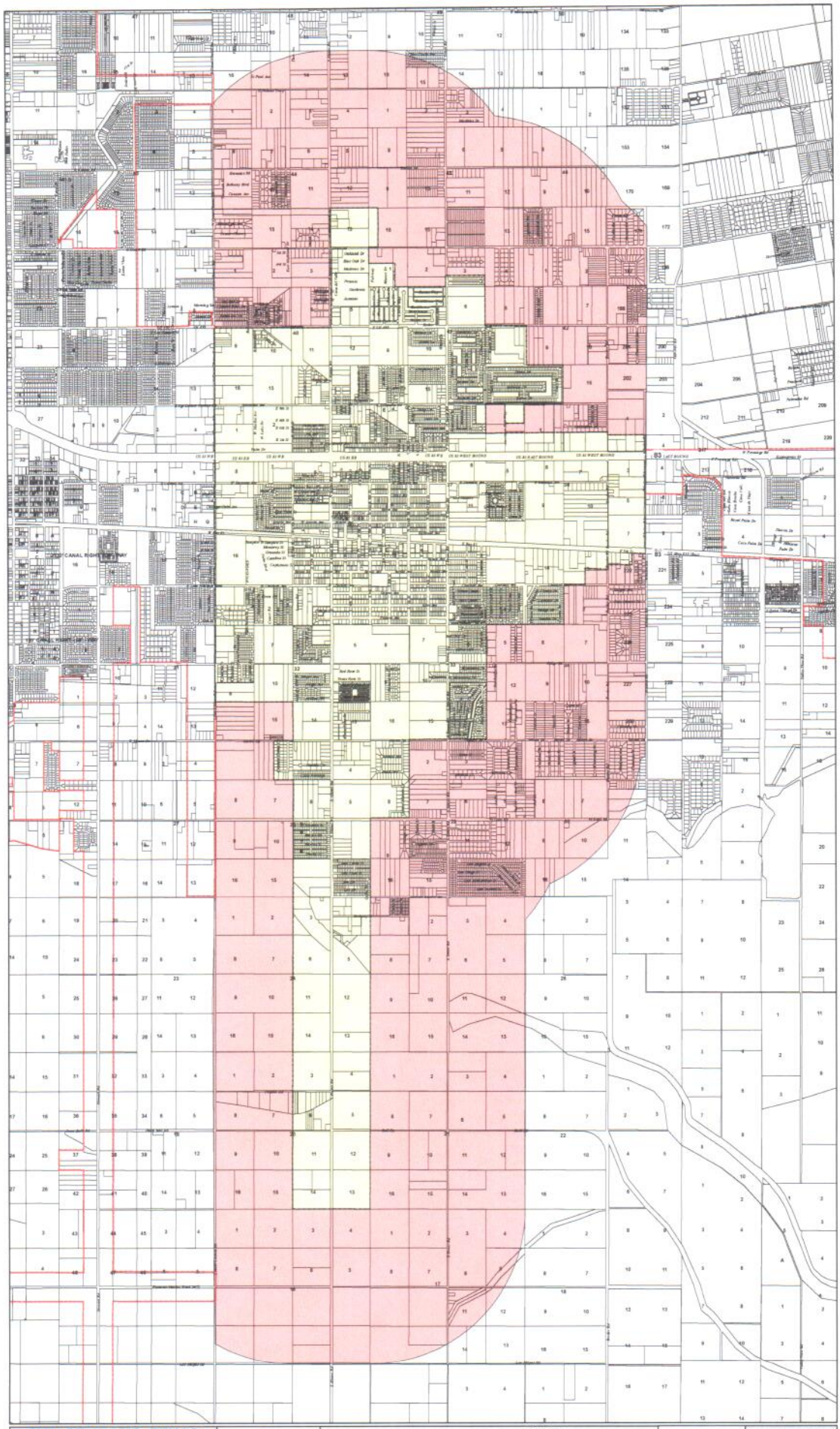
Operator Certification:

I, Luciano Ozuna Jr. (*Typed or printed name*) City Manager (*Title*)

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

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

Signature: _____ (*Use blue ink*) Date: 6/4/14



CITY OF ALAMO, TEXAS
CITY LIMITS AND EXTRA TERRITORIAL JURISDICTION AREA (ETJ)

ALAMO
BEFORE TO THE VALLEY
www.cityofalamo.org

THE DATA USED TO COMPILE THIS MAP WAS GATHERED FROM A VARIETY OF SOURCES. THE CITY OF ALAMO DOES NOT GUARANTEE THE ACCURACY OR TIMLINESS OF THE INFORMATION CONTAINED HEREIN.

LEGEND

- CITY LIMIT
- CITY AREA
- PARCEL
- ETJ AREA

La Playa MAPPING
(956)554-9487

1 inch = 1,250 feet

3/22/2013

ALTON
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

Mailed ☑ Check/Money Order No.: 143989
Name Printed on Check: _____
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

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

Is the copy attached? ☐ Yes

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

☑ Yes The existing authorization number is: TXR04 0162
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600739965

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 432-0760 Ext: Fax Number: (956) 432-0766
E-mail: jeff.underwood@alton-tx.gov
Mailing Address: 509 S. Alton Blvd.
Internal Routing (Mail Code, Etc.):
City: Alton State: TX ZIP Code: 78573
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105533848

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

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

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

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

☑ No

e. Latitude: 29 16'48"N Longitude: 98 18' 36"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Jeff Underwood
   Title: Assistant City Manager Company: City of Alton
   Phone Number: (956) 432-0760 Ext: Fax Number: (956) 432-0766
   E-mail: jeff.underwood@alton-tx.gov
   Mailing Address: 509 S. Alton Blvd.
   Internal Routing (Mail Code, Etc.):
   City: Alton State: TX ZIP Code: 78573

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado/Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2301, 2302/2494

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado/Laguna Madre

     What are the pollutants of concern?
     PCB, DDE, Mercury, DO, Bacteria/DO, Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Jeff Underwood
   Title: Assistant City Manager Company: City of Alton Texas
   Phone Number: (956) 432-0760 Ext: _____ Fax Number: (956) 432-0766
   E-mail: jeff.underwood@alton-tx.gov
   Mailing Address: 509 S. Alton Blvd.
   Internal Routing (Mail Code, Etc.): _____
   City: Alton State: TX ZIP Code: 78573

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: Alton City Hall
   Address of Public Place: 509 S. Alton Blvd.
   County of Public Place: Hidalgo

5) CERTIFICATION

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

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

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

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

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

Operator Certification:

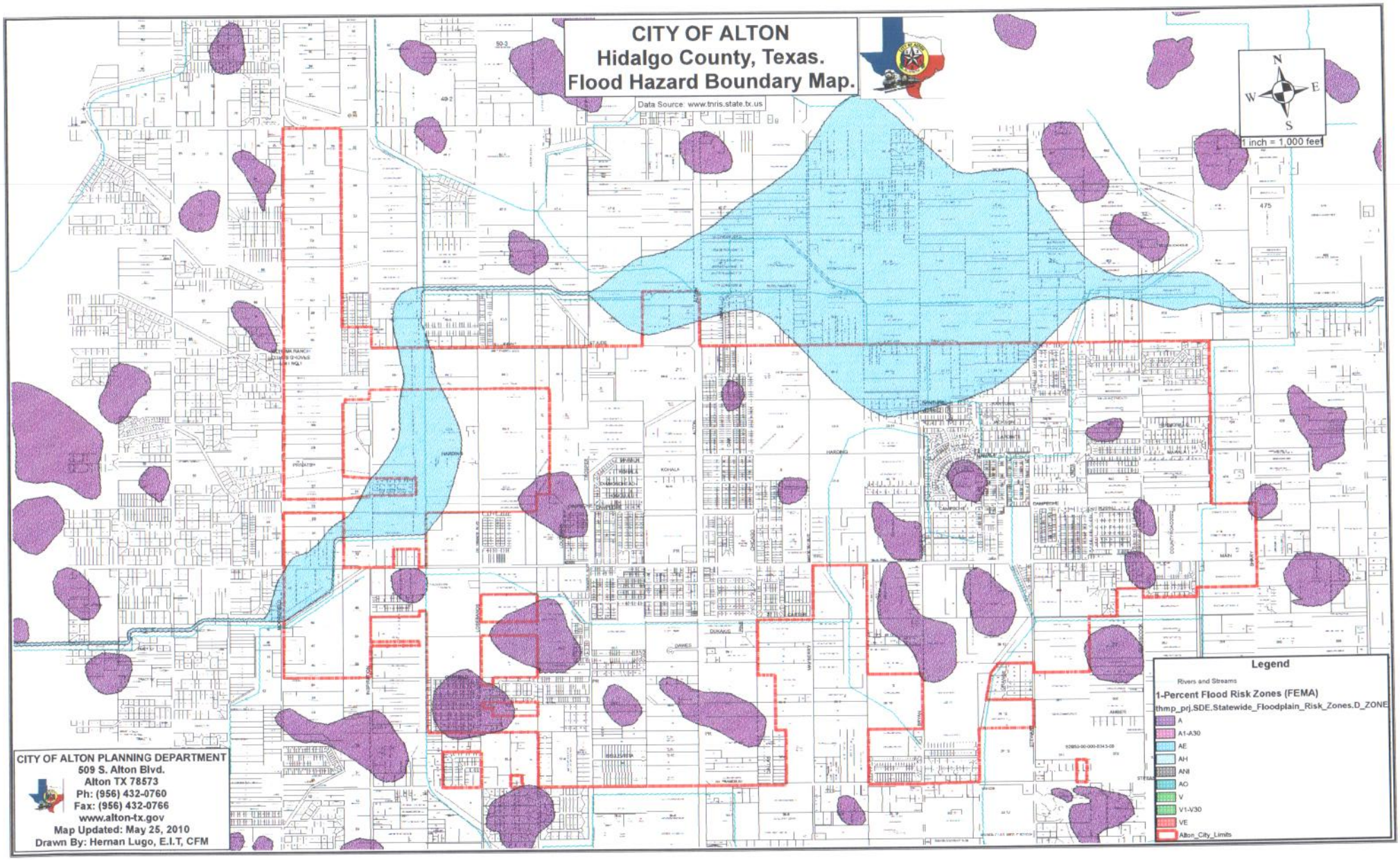
I, Jorge Arcaute (*Typed or printed name*) City Manager (*Title*)

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

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

Signature: _____ Date: 6-3-14

(Use blue ink)


CITY OF ALTON
Hidalgo County, Texas.
Flood Hazard Boundary Map.
Data Source: www.tnris.state.tx.us
N
W
E
S
1 inch = 1,000 feet
Legend
Rivers and Streams
1-Percent Flood Risk Zones (FEMA)
thmp_prj.SDE.Statewide_Floodplain_Risk_Zones.D_ZONE
A
A1-A30
AE
AH
ANI
AO
V
V1-V30
VE
Alton_City_Limits
CITY OF ALTON PLANNING DEPARTMENT
509 S. Alton Blvd.
Alton TX 78573
Ph: (956) 432-0760
Fax: (956) 432-0766
www.alton-tx.gov
Map Updated: May 25, 2010
Drawn By: Hernan Lugo, E.I.T, CFM

BROWNSVILLE
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
EPAY ☑ Voucher No.: 210618
Is the Payment Voucher copy attached? ☑ Yes

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR040264
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600243448

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 548-6007 Ext: Fax Number:
E-mail: rachel@cob.us
Mailing Address: 1001 E. Elizabeth St.
Internal Routing (Mail Code, Etc.):
City: Brownsville State: TX ZIP Code: 78520
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☑ No, complete section below

Phone Number: (956) 561-2472 Ext: Fax Number: (956) 831-0180
E-mail: jose.figueroa@cob.us
Mailing Address: 6035 Jaime J. Zapata Ave.
Internal Routing (Mail Code, Etc.):
City: Brownsville State: TX ZIP Code: 78521
Mailing Information if outside USA:
Territory: Country Code: Postal Code:

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105574156

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

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

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

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

☑ No

e. Latitude: 25°56'6"N Longitude: 97°28'48"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Jose Figueroa
   Title: Environmental Coordinator Company: City of Brownsville
   Phone Number: (956) 561-2472 Ext: Fax Number: (956) 831-0180
   E-mail: jose.figueroa@cob.us
   Mailing Address: 6035 Jaime J. Zapata Ave.
   Internal Routing (Mail Code, Etc.):
   City: Brownsville State: TX ZIP Code: 78521

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado, Laguna Madre, Brownsville Ship Channel, Rio Grande River

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/2491/2494/2301

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado, Laguna Madre, Brownsville Ship Channel

     What are the pollutants of concern?
     PCB, DDE, Mercury, DO, Bacteria/DO, Bacteria/Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     Cameron County Drainage District #1
   - ☐ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Jose Figueroa
   Title: Environmental Coordinator Company: City of Brownsville
   Phone Number: (956) 561-2472 Ext: Fax Number: (956) 831-0180
   E-mail: jose.figueroa@cob.us
   Mailing Address: 6035 Jaime J. Zapata Ave.
   Internal Routing (Mail Code, Etc.):
   City: Brownsville State: TX ZIP Code: 78521

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: Public Works Yard
   Address of Public Place: 6035 Jaime J. Zapata Ave., Brownsville TX, 78521
   County of Public Place: Cameron

5) CERTIFICATION

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

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

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

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

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

Operator Certification:

I, Charlie Cabler (*Typed or printed name*) City Manager (*Title*)

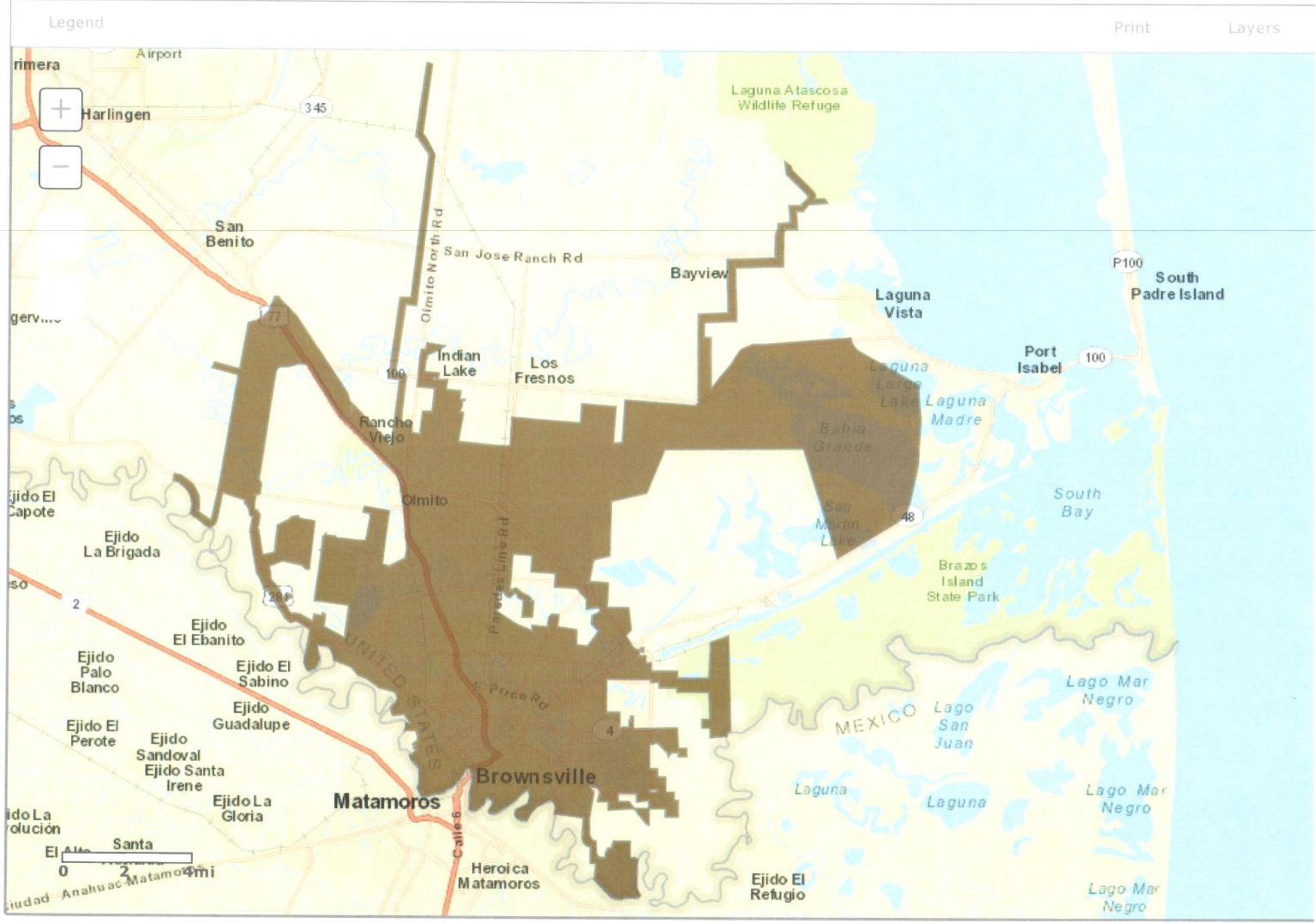
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the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

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

Signature: _____ Date: 6/5/14

(Use blue ink)

City of Brownsville City Limits Dec. 2012



CAMERON COUNTY DRAINAGE DISTRICT NO. 1
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

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

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR04 4005
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600343271

b. What is the Legal Name of the entity (applicant) applying for this permit?
Cameron County Drainage District No. 1
(The exact legal name must be provided.)

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 838-0162 Ext: Fax Number: (956) 831-7602
E-mail: ayala59@yahoo.com
Mailing Address: 3510 OLD PORT ISABEL ROAD
Internal Routing (Mail Code, Etc.):
City: Brownsville State: TX ZIP Code: 78526
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105564447

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
Cameron County Drainage District No. 1

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):
All area within the jurisdiction of the Cameron County Drainage District No. 1

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

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

☑ No

e. Latitude: 25°58'10N Longitude: 97°29'15W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☐ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Carlos C. Ayala, Jr.
   Title: General Manager Company: CCDD No. 1
   Phone Number: (956) 838-0162 Ext: Fax Number: (956) 831-7602
   E-mail: ayala59@yahoo.com
   Mailing Address: 3510 OLD PORT ISABEL ROAD
   Internal Routing (Mail Code, Etc.):
   City: Brownsville State: TX ZIP Code: 78526

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado, Laguna Madre, Brownsville Ship Channel

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201,2202/2491/2494

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado, Laguna Madre, Brownsville Ship Channel

     What are the pollutants of concern?
     PCB, DDE, Mercury, DO, Bacteria/DO Bacteria/Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Carlos C. Ayala Jr.
   Title: General Manager Company:
   Phone Number: (956) 838-0162 Ext: Fax Number: (956) 831-7602
   E-mail: ayala59@yahoo.com
   Mailing Address: 3510 OLD PORT ISABEL ROAD
   Internal Routing (Mail Code, Etc.):
   City: Brownsville State: TX ZIP Code: 78526

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: Cameron County Drainage District No.1 Main office
   Address of Public Place: 3510 OLD PORT ISABEL ROAD, Brownsville, TX
   County of Public Place: Cameron

5) CERTIFICATION

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

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

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

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

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

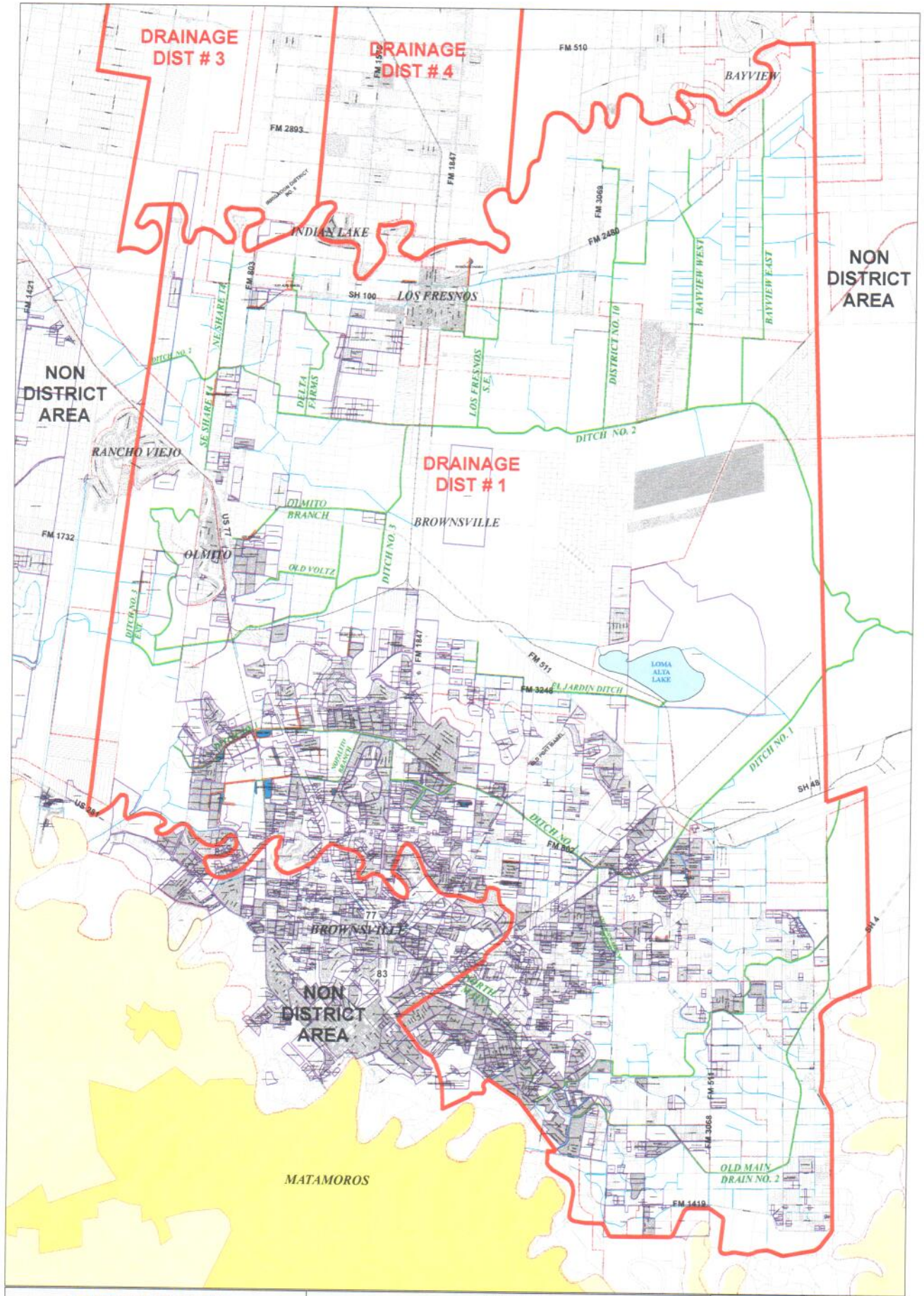
Operator Certification:

I, Carlos C. Ayala, Jr. (*Typed or printed name*) General Manager (*Title*)

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

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

Signature: _____ Date: 6-5-14
(Use blue ink)



CAMERON COUNTY
DRAINAGE DISTRICT NO. 1
DISTRICT MAP

LEGEND

- CCDD 1 SERVICE BOUNDRY
- PRIMARY DISTRICT DRAINS
- DRAINAGE DISTRICT 1 AREA
- ROAD
- RETENTION POND
- POND R.O.W.
- Parcel Lines
- LATERALS
- CITY OF BROWNSVILLE
- SUBDIVISION LIMIT

La Playa MAPPING
(956)554-9487

1 inch = 2,000 feet
9/20/10

CAMERON COUNTY
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

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

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR04 0051
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600343271

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

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Carlos Cascos, CPA Suffix: H.
Title: County Judge Credential: Elected Official

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 982-5414 Ext: Fax Number: (956) 983-5099
E-mail: dagarcia@co.cameron.tx.us / Attn: Mr. David A. Garcia
Mailing Address: 1100 E. Monroe St.
Internal Routing (Mail Code, Etc.): N/A
City: Brownsville State: Texaxs ZIP Code: 78520
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105483655

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

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

d. County where the largest residential population exists within the regulated MS4 boundaries:
Cameron County, Texas, 1100 E. Monroe, Brownsville Texas 78520

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

☑ No

e. Latitude: 26 56' 6"North Longitude: 97 28' 48"West

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☑ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Ernesto E. Hinojosa, P.E.
   Title: County Engineer Company: Cameron County
   Phone Number: (956) 247-3533 Ext: Fax Number: (956) 361-8278
   E-mail: ehinojosa@co.cameron.tx.us
   Mailing Address: 1390 W. Expressway 83
   Internal Routing (Mail Code, Etc.): San Benito Annex Building
   City: San Benito State: Texas ZIP Code: 78586

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Rio Grande River, Laguna Madre, Arroyo Colorado

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   Rio Grande Rivedr, Laguna Madre, Arroyo Colorado

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado 2201, 2202/Laguna Madre 2491

     What are the pollutants of concern?
     DDE, Mercury, PCB, DO and Bacteria/Bacteria, DO
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     City of Brownsville, City of Harlingen, and City of San Benito
   - ☐ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Ernesto E. Hinojosa, P.E.
   Title: County Engineer Company: Cameron County
   Phone Number: (956) 247-3333 Ext: Fax Number: (956) 361-8278
   E-mail: ehinojosa@co.cameron.tx.us
   Mailing Address: 1390 W. Expressway 83
   Internal Routing (Mail Code, Etc.): San Benito Annex Building
   City: San Benito State: Texas ZIP Code: 78586

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: Cameron County Courthouse (Dancy Building)
   Address of Public Place: 1100 E. Monroe St. Brownsville, Tx 78520
   County of Public Place: Cameron County

5) CERTIFICATION

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

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

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

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

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

Operator Certification:

I, Carlos H. Cascos, CPA (*Typed or printed name*) County Judge (*Title*)

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

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

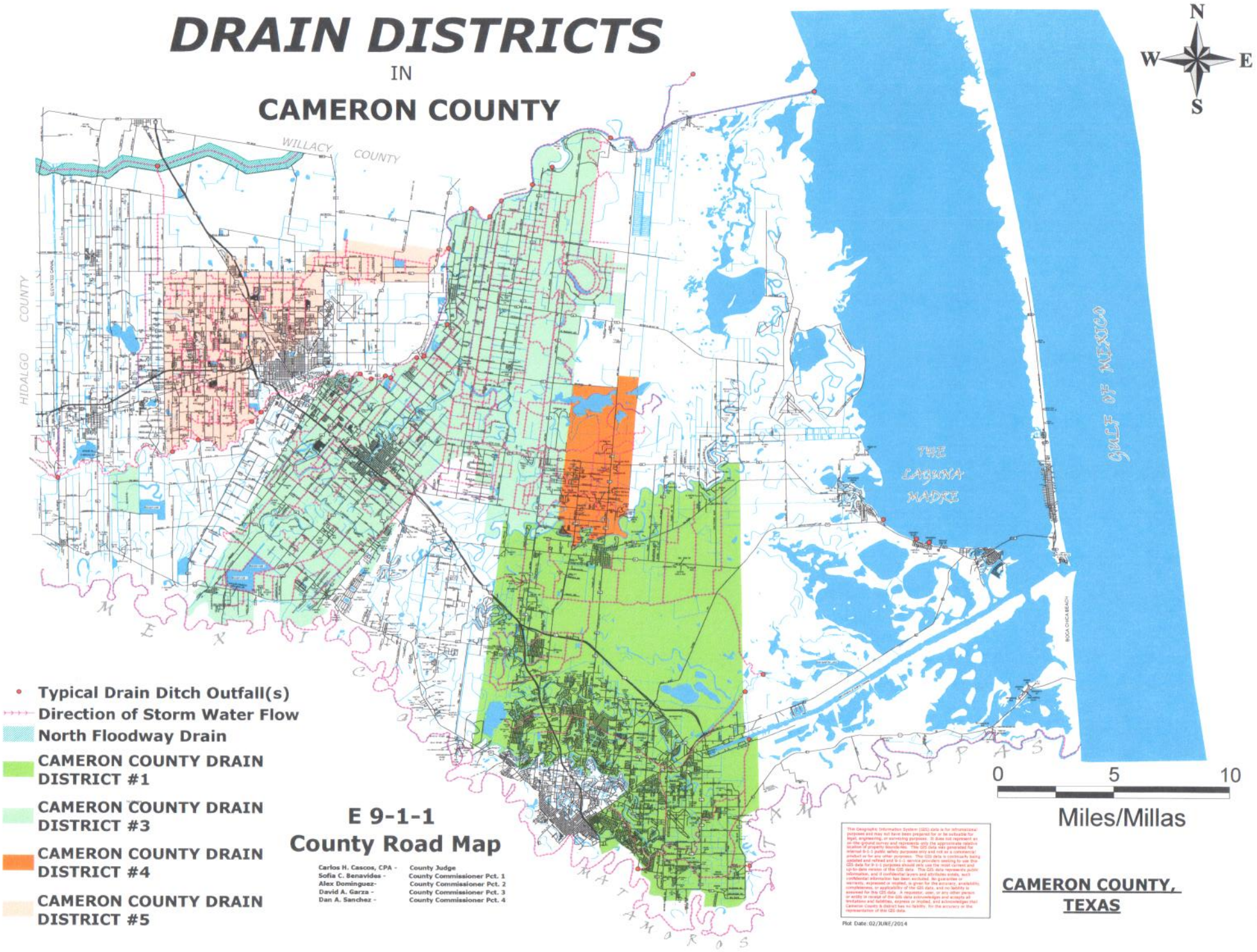
Signature: _____ Date: 6/3/14

(Use blue ink)

DRAIN DISTRICTS

IN

CAMERON COUNTY



- Typical Drain Ditch Outfall(s)
- Direction of Storm Water Flow
- North Floodway Drain
- CAMERON COUNTY DRAIN DISTRICT #1
- CAMERON COUNTY DRAIN DISTRICT #3
- CAMERON COUNTY DRAIN DISTRICT #4
- CAMERON COUNTY DRAIN DISTRICT #5

E 9-1-1 County Road Map

Carlos H. Cascos, CPA -	County Judge
Sofia C. Benavides -	County Commissioner Pct. 1
Alex Dominguez-	County Commissioner Pct. 2
David A. Garza -	County Commissioner Pct. 3
Dan A. Sanchez -	County Commissioner Pct. 4

The Geographic Information System (GIS) data is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The GIS data was generated for internal 9-1-1 public safety purposes only and not as a convenience product or for any other purpose. The GIS data is continuously being updated and refined and 9-1-1 service providers are seeking to use this GIS data for 9-1-1 purposes should only use the most current and up-to-date version of the GIS data. This GIS data represents public information, and if confidential layers and information exist, such confidential information has been excluded. No guarantee or warranty, expressed or implied, is given for the accuracy, availability, completeness, or applicability of the GIS data, and no liability is assumed for this GIS data. A requestor, user, or any other person or entity in receipt of the GIS data acknowledges and accepts all limitations and liabilities, express or implied, and acknowledges that Cameron County & district has no liability for the accuracy or the representation of the GIS data.

Plot Date: 02/JUNE/2014

CAMERON COUNTY, TEXAS

DONNA
NOI AND LOCATION MAP

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

RESET FORM

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

IMPORTANT:

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

APPLICATION FEE:

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

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

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

Is the copy attached? ☑ Yes

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

☐ Yes The existing authorization number is: TXR04 0165
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600737886

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 464-3314 Ext: Fax Number: (956) 464-9923
E-mail: fern.flores7@gmail.com
Mailing Address: 307 S. 12th Street
Internal Routing (Mail Code, Etc.):
City: Donna State: TX ZIP Code: 78537
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105535355

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

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

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

Is the MS4 located within additional counties?
☐ Yes – If Yes, what county (or counties)?
Hidalgo
☐ No

e. Latitude: 26°10′20″N Longitude: 98°3′42″W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.
☐ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☐ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/20/2014

f. Stormwater Management Program (SWMP)

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

   ☐ Yes

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

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

   ☐ Yes

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

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

   First/Last Name: Fernando Flores
   Title: Interim City Manager Company: City of Donna
   Phone Number: (956) 464-3314 Ext: Fax Number: (956) 464-9923
   E-mail: fern.flores7@gmail.com
   Mailing Address: 307 S 12th St
   Internal Routing (Mail Code, Etc.):
   City: Donna State: TX ZIP Code: 78537

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

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

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

   ☐ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☐ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado, Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/ 2491

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☐ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado, Laguna Madre

     What are the pollutants of concern?
     PCB, DDE, Mercury, DO, Bacteria/DO, Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☐ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Fernando Flores
   Title: Interim City Manager Company: City of Donna
   Phone Number: (956) 464-3314 Ext: Fax Number: (956) 464-9923
   E-mail: fern.flores7@gmail.com
   Mailing Address: 307 S 12th St
   Internal Routing (Mail Code, Etc.):
   City: Donna State: TX ZIP Code: 78537

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of Donna City Hall
   Address of Public Place: 307 S 12th St., Donna, TX
   County of Public Place: Hidalgo

5) CERTIFICATION

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

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

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

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

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

Operator Certification:

I, Fernando Flores (*Typed or printed name*) City Manager (*Title*)

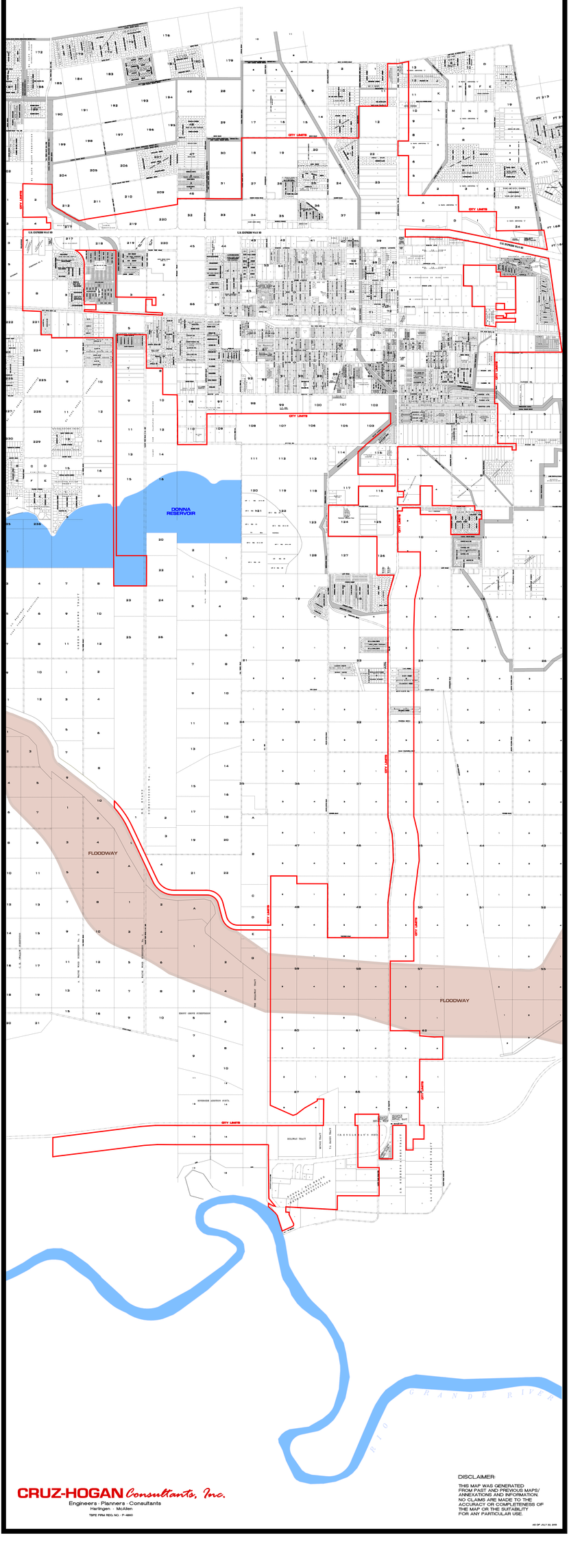
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the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

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

Signature: _____ Date: 6-9-14
(Use blue ink)

City of Donna

The Heart of the Valley



CRUZ-HOGAN Consultants, Inc.
Engineers · Planners · Consultants
Harlingen · McAllen
TBPE FIRM REG. NO.: F-4860

DISCLAIMER:

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AS OF JULY 22, 2019

EDINBURG
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

Mailed ☑ Check/Money Order No.: 63852
Name Printed on Check: City of Edinburg
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR04 0323
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600647978

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

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Elias Longoria Suffix: Jr
Title: Mayor Pro Tem Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 388-8210 Ext: 8955 Fax Number: (956) 383-7111
E-mail: plongoria@cityofedinburg.com
Mailing Address: 415 W University Dr.
Internal Routing (Mail Code, Etc.):
City: Edinburg State: Texas ZIP Code: 78539
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

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

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

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

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

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

☑ No

e. Latitude: 26°18'15"N Longitude: 98°9'50"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Ponciano N. Longoria, PE, CFM
   Title: Director of Public Works Company: City of Edinburg
   Phone Number: (956) 388-8210 Ext: 8955 Fax Number: (956) 383-7111
   E-mail: plongoria@cityofedinburg.com
   Mailing Address: 415 W University Dr.
   Internal Routing (Mail Code, Etc.):
   City: Edinburg State: TX ZIP Code: 78539

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado, Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/2491

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado, Laguna Madre

     What are the pollutants of concern?
     DDE, PCB, DO, Mercury, Bacteria/Do, Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

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

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

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

- ☑ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Ponciano Longoria, PE, CFM
   Title: Director of Public Works Company:
   Phone Number: (956) 388-8210 Ext: 8955 Fax Number: (956) 383-7111
   E-mail: plongoria@cityofedinburg.com
   Mailing Address: 415 W University Dr.
   Internal Routing (Mail Code, Etc.):
   City: Edinburg State: TX ZIP Code: 78539

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of Edinburg Hall
   Address of Public Place: 415 W University Dr Edinburg TX 78539
   County of Public Place: Hidalgo

5) CERTIFICATION

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

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

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

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

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

Operator Certification:

I, Elias Longoria, Jr. (*Typed or printed name*) Mayor Pro Tem (*Title*)

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

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

Signature: _____ (*Use blue ink*) Date: 6/10/2014

Date: 1/21/2014

Date: 1/21/2014

Legend

- City Boundary
- ETJ_2014

Farm-to-Market Road 490
Cibolo Rd
El Cibolo Rd
Mile 14
Mile 13 Rd
Mile 22 1/2
Brush Line Rd
Farm-to-Market Road 2812
Ingle Rd
Jasman Rd
Kenyon Rd
Benito A. Ramirez Rd
Gwin Rd
Doolittle Rd
Cesar Chavez Rd
Alamo Rd
Terry Rd
Tower Rd
Ramseyer Dr
Mi 20 Rd
Sharp Rd
Davis Rd
Seminary Rd
Mile 19 Rd
Big Five
Mon Mack Rd
Rio Grande Care Rd
Jackson Rd
McAllen E.T.J.
Edinburg E.T.J.
Monte Cristo Rd
S.H. 336 Hwy
Business Highway 281
Roegiers Rd
Rogers Rd
Mile 17 1/2 Rd
Russell Rd
Hoehn Dr
M Rd
Chapin St
Schunior St
Depot Rd
McColl Rd
Richardson Rd
State Highway 107
Tex-Mex Rd
University Dr
Sugar Rd
Curry Rd
Curve Rd
Sprague St
Closner Blvd
Texas Rd
Freddy Gonzalez Dr
Iowa Rd
Canton Rd
Veterans Blvd
Raul Longoria Rd
Trenton Rd
Wisconsin Rd
Alberta Rd
Owassa Rd
Mile 17 Rd

LA FERIA
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

Mailed ☑ Check/Money Order No.: 78510
Name Printed on Check: Texas Commission on Environmental Qua
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR04 0286
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600520845

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 797-2261 Ext: N/A Fax Number: (956) 797-1898
E-mail: skphilip@cityoflaferia.com
Mailing Address: 115 E. Commercial Ave.
Internal Routing (Mail Code, Etc.): _____
City: La Feria State: TX ZIP Code: 78559
If outside USA: Territory: _____ Country Code: _____ Postal Code: _____

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105586036

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

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):
Area within La Feria city limits, area within the city's 5 mile urban ETJ & future annexation

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

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

☑ No

e. Latitude: 26 09'31.79" Longitude: 97 49' 24.95"

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☑ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Paula M. Rodriguez
   Title: Planning & Comm. Dev. Director Company: City of La Feria
   Phone Number: (956) 797-2261 Ext: N/A Fax Number: (956) 797-1898
   E-mail: prodriguez@cityoflaferia.com
   Mailing Address: 115 E. Commercial Ave.
   Internal Routing (Mail Code, Etc.):
   City: La Feria State: TX ZIP Code: 78559

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

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

   ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
   All areas within the La Feria city limits and all areas within the city's 5 mile

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado/Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/2491

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado/Laguna Madre

     What are the pollutants of concern?
     Bacteria, Mercury, PCBs, DDE, DO/BACTERIA, DO
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

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

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

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

- ☐ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Paula M. Rodriguez
   Title: Planning & Comm. Dev. Director Company: City of La Feria
   Phone Number: (956) 797-2261 Ext: N/A Fax Number: (956) 797-1898
   E-mail: prodriguez@cityoflaferia.com
   Mailing Address: 115 E. Commercial Ave.
   Internal Routing (Mail Code, Etc.):
   City: La Feria State: TX ZIP Code: 78559

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of La Feria City Hall
   Address of Public Place: 115 E. Commercial Ave., La Feria, TX 78559
   County of Public Place: Cameron County

5) CERTIFICATION

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

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

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

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

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

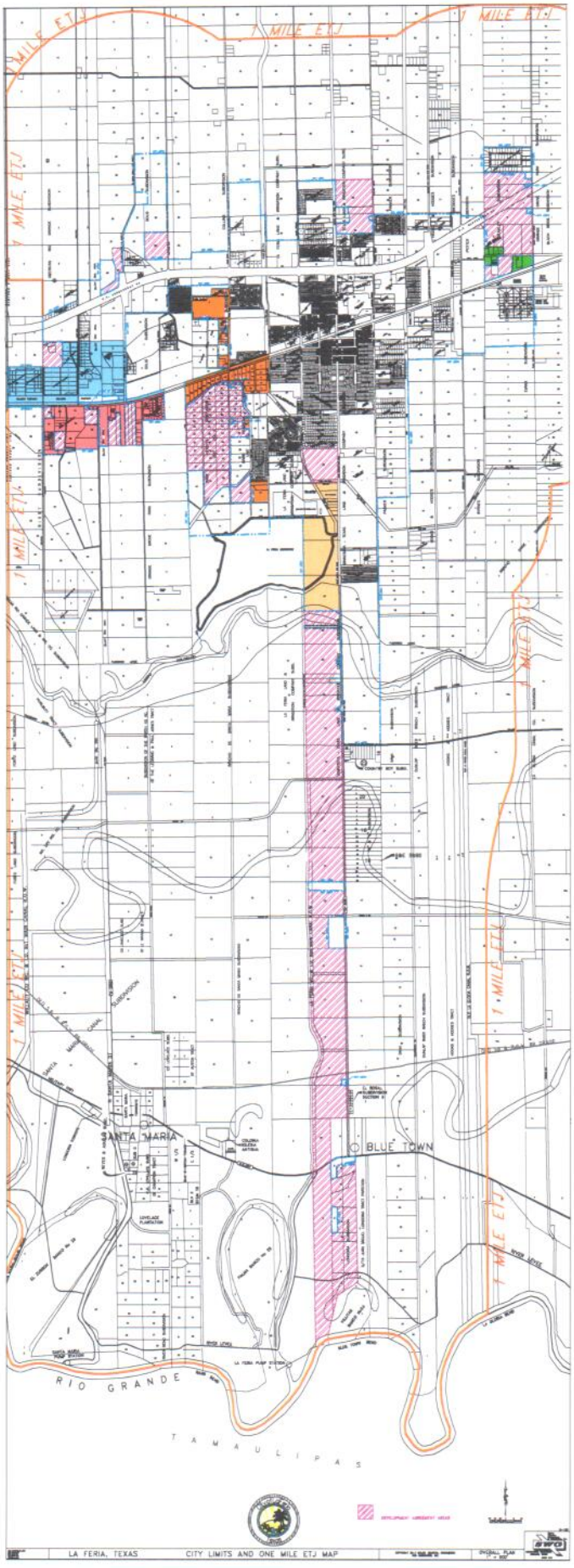
Operator Certification:

I, Sunny K. Philip (*Typed or printed name*) City Manager (*Title*)

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

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

Signature: _____ (*Use blue ink*) Date: 6/2/2014


1 MILE ETJ
SANTA MARIA
BLUE TOWN
RIO GRANDE
TAMAULIPAS
LA FERIA, TEXAS
CITY LIMITS AND ONE MILE ETJ MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

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

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR044028
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600704639

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 580-7029 Ext: Fax Number: (956) 583-7598
E-mail: cityoflajoya@aol.com
Mailing Address: 1P.O. Box H
Internal Routing (Mail Code, Etc.):
City: La Joya State: TX ZIP Code: 78560
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105586143

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

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

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

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

☑ No

e. Latitude: 26°14'54"N Longitude: 98°28'30"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Isidro Venecia
   Title: Supervisor Company: City of La Joya
   Phone Number: (956) 580-7029 Ext: Fax Number: (956) 583-7598
   E-mail: cityoflajoya@aol.com
   Mailing Address: P.O. Box H
   Internal Routing (Mail Code, Etc.):
   City: La Joya State: TX ZIP Code: 78560

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado, Laguna Madre, Rio Grande River

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/2491/2301

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado, Laguna Madre

     What are the pollutants of concern?
     Mercury, DDE, PCB, DO, Bacteria/DO, Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

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

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

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

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Mike Alaniz
   Title: City Administrator Company: City of La Joya
   Phone Number: (956) 580-7029 Ext: _____ Fax Number: (956) 583-7598
   E-mail: cityoflajoya@aol.com
   Mailing Address: P.O. Box H
   Internal Routing (Mail Code, Etc.): _____
   City: La Joya State: TX ZIP Code: 78560

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of La Joya City Hall
   Address of Public Place: 101 N. Leo Ave., La Joya, TX
   County of Public Place: Hidalgo

5) CERTIFICATION

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

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

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

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

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

Operator Certification:

I, Mike Alaniz (*Typed or printed name*) City Administrator (*Title*)

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

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

Signature: Mike Alaniz (*Use blue ink*) Date: 06-09-14

LOS FRESNOS
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

Mailed ☑ Check/Money Order No.: 26980
Name Printed on Check: City of Los Fresnos

EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR04 0270
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600241483

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 233-5768 Ext: 205 Fax Number: (956) 233-9879
E-mail: mmilum@citylf.us
Mailing Address: 200 North Brazil Street
Internal Routing (Mail Code, Etc.):
City: Los Fresnos State: Texas ZIP Code: 78566
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105576573

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

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

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

Is the MS4 located within additional counties?

☐ Yes – If Yes, what county (or counties)?

☑ No

e. Latitude: 26.073216 Longitude: 97.478164

4) GENERAL CHARACTERISTICS

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

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

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

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

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

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

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

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

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

☐ Yes

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

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

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

   ☑ Yes

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

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

   ☑ Yes

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

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

   First/Last Name: Mark W. Milum
   Title: City Manager Company: City of Los Fresnos
   Phone Number: (956) 233-5768 Ext: 205 Fax Number: (956) 233-9879
   E-mail: mmilum@citylf.us
   Mailing Address: 200 North Brazil Street
   Internal Routing (Mail Code, Etc.):
   City: Los Fresnos State: Texas ZIP Code: 78566

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

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

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

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado/Laguna Madre/Brownsville Ship Channel

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/2491/ 2494

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado/Laguna Madre/Brownsville Ship Channel

     What are the pollutants of concern?
     DDE, Mercury, PCB, DO, Bacteria/DO, Bacteria/Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     Cameron County Drainage District #1
   - ☐ No

i. Edwards Aquifer

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

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

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

- ☑ Yes

j. Public Participation Process

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

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

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

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

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Pam Denny
   Title: City Secretary Company: City of Los Fresnos
   Phone Number: (956) 233-5768 Ext: 206 Fax Number: (956) 233-9879
   E-mail: pdenny@citylf.us
   Mailing Address: 200 North Brazil Street
   Internal Routing (Mail Code, Etc.):
   City: Los Fresnos State: Texas ZIP Code: 78566

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City Hall/City Administrative Offices - City of Los Fresnos
   Address of Public Place: 200 North Brazil Street
   County of Public Place: Cameron

5) CERTIFICATION

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

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

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

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

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

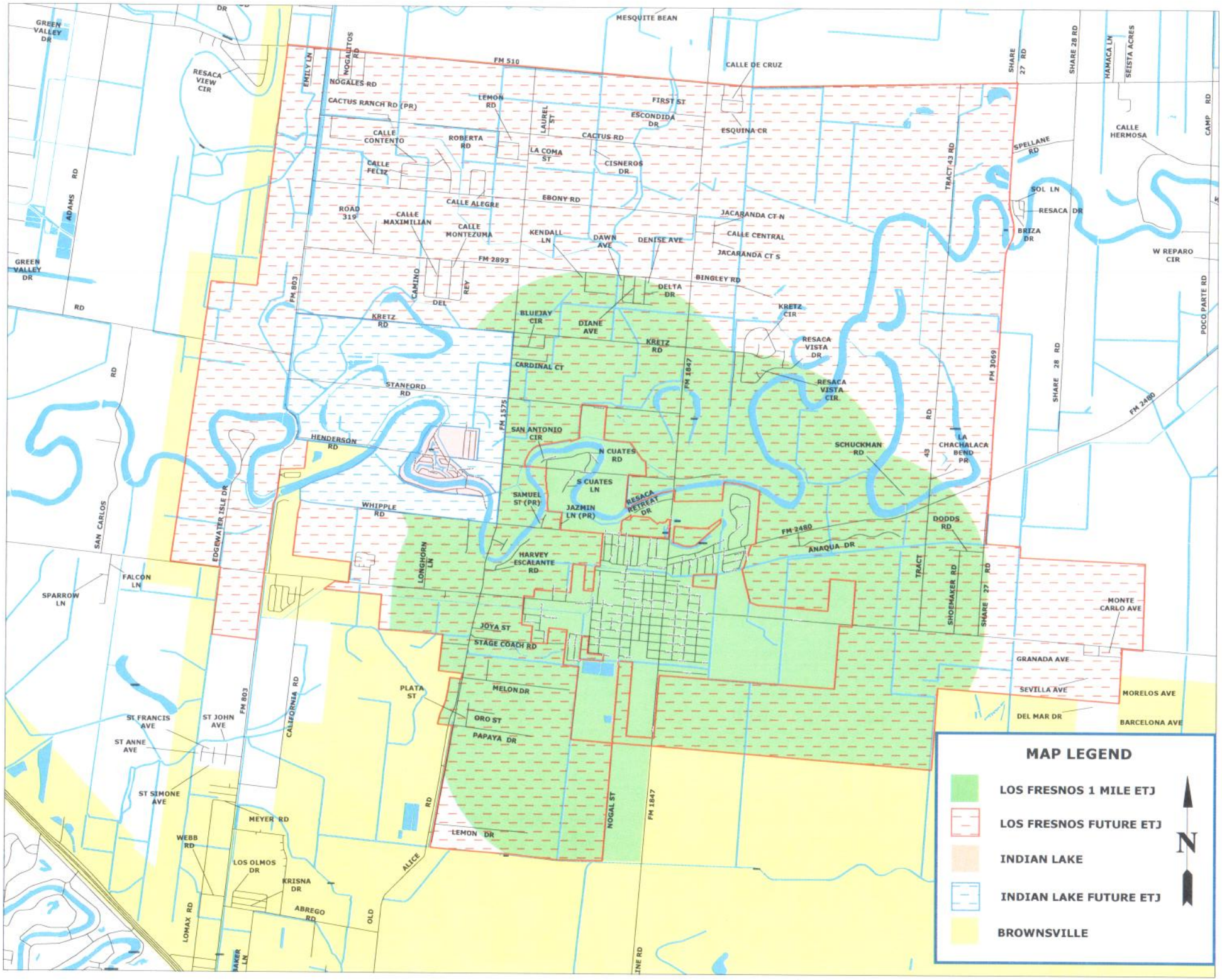
Operator Certification:

I, Mark W. Milum (*Typed or printed name*) City Manager (*Title*)

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

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

Signature: Mark W. Milum (*Use blue ink*) Date: 6/6/14


MAP LEGEND
LOS FRESNOS 1 MILE ETJ
LOS FRESNOS FUTURE ETJ
INDIAN LAKE
INDIAN LAKE FUTURE ETJ
BROWNSVILLE
N
GREEN VALLEY DR
RESACA VIEW CIR
NOGALITOS RD
EMILY LN
MESQUITE BEAN
FM 510
CALLE DE CRUZ
SHARE 27 RD
SHARE 28 RD
HAMACA LN
SIESTA ACRES
CAMP RD
NOGALES RD
CACTUS RANCH RD (PR)
LEMON RD
LAUREL ST
FIRST ST
ESCONDIDA DR
ESQUINA CR
CALLE CONTENTO
ROBERTA RD
CACTUS RD
LA COMA ST
CISNEROS DR
CALLE HERMOSA
SPELLANE RD
CALLE FELIZ
ADAMS RD
CALLE ALEGRE
EBONY RD
TRACT 43 RD
SOL LN
RESACA DR
ROAD 319
CALLE MAXIMILIAN
CALLE MONTEZUMA
KENDALL LN
DAWN AVE
DENISE AVE
JACARANDA CT N
CALLE CENTRAL
JACARANDA CT S
BRIZA DR
W REPARO CIR
FM 2893
FM 803
CAMINO DEL REY
BINGLEY RD
DELTA DR
POCO PARTE RD
KRETZ RD
BLUEJAY CIR
DIANE AVE
KRETZ CIR
RESACA VISTA DR
CARDINAL CT
FM 1847
FM 3069
STANFORD RD
RESACA VISTA CIR
FM 1575
SHARE 28 RD
FM 2480
SAN ANTONIO CIR
HENDERSON RD
N CUATES RD
SCHUCKMAN RD
LA CHACHALACA BEND PR
S CUATES LN
SAMUEL ST (PR)
JAZMIN LN (PR)
RESACA RETREAT DR
WHIPPLE RD
SAN CARLOS
EDGEWATER ISLE DR
DODDS RD
FM 2480
ANAQUA DR
HARVEY ESCALANTE RD
LONGHORN LN
TRACT
SHOEMAKER RD
SHARE 27 RD
FALCON LN
SPARROW LN
MONTE CARLO AVE
JOYA ST
STAGE COACH RD
GRANADA AVE
SEVILLA AVE
MORELOS AVE
DEL MAR DR
BARCELONA AVE
PLATA ST
MELON DR
ORO ST
PAPAYA DR
CALIFORNIA RD
FM 803
ST FRANCIS AVE
ST JOHN AVE
ST ANNE AVE
ST SIMONE AVE
MEYER RD
WEBB RD
LOS OLMOS DR
KRISNA DR
ABREGO RD
LOMAX RD
OLD ALICE RD
LEMON DR
NOGAL ST
FM 1847
BAKER LN
LINE RD

MISSION
NOI AND LOCATION MAP

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

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

IMPORTANT:

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

APPLICATION FEE:

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

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

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

Is the copy attached? ☑ Yes

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

☑ Yes The existing authorization number is: TXR04 0168
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600520852

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

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

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 580-8662 Ext: Fax Number: (956) 580-8780
E-mail: mgarza@missiontexas.us
Mailing Address: 1201 E. 8th Street
Internal Routing (Mail Code, Etc.):
City: Mission State: Tx. ZIP Code: 78572
If outside USA: Territory: Country Code: Postal Code:

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

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

2) BILLING ADDRESS

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

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

☐ No, complete section below

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

3) REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (RN): RN 105535462

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

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

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

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

☑ No

e. Latitude: 26°12'44.7"N Longitude: 98°18'46.2"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?

☐ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☐ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

☑ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

☐ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Juan De La Garza
   Title: Project Manager Company: City Of Mission
   Phone Number: (956) 580-8780 Ext: Fax Number: (956) 580-8782
   E-mail: jdlgarza@missiontexas.us
   Mailing Address: 2801 N. Holland Ave.
   Internal Routing (Mail Code, Etc.):
   City: Mission State: TX ZIP Code: 78572

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

   ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado, Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201,2202/2491

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado/Laguna Madre

     What are the pollutants of concern?
     DDE PCB Mercury DO Bacteria/DO Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☐ Yes - If Yes, complete certification below by checking "Yes".
- ☑ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple

counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   ☑ Yes
   ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Juan De La Garza
   Title: Project Manager Company: City Of Mission
   Phone Number: (956) 580-8780 Ext: Fax Number: (956) 580-8782
   E-mail: jdlgarza@missiontexas.us
   Mailing Address: 2801 N. Holland Ave.
   Internal Routing (Mail Code, Etc.):
   City: Mission State: Tx. ZIP Code: 78572

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City Hall
   Address of Public Place: 1201 E. 8th St. Mission Tx. 78572
   County of Public Place: Hidalgo

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

Operator Certification:

I, Martin Garza Jr. (*Typed or printed name*) City Manager (*Title*)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: _____ (*Use blue ink*) Date: 06/05/14

PALMVIEW
NOI AND LOCATION MAP

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the INSTRUCTIONS to fill out each question in this form.
- Use the CHECKLIST to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to https://www3.tceq.texas.gov/epay/index.cfm
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed ☑ Check/Money Order No.: _____
Name Printed on Check: _____
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?
(Note: An authorization cannot be renewed after June 11, 2014.)

☐ Yes The existing authorization number is: TXR04_____
(If an authorization number is not provided, a new number will be assigned.)

☑ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 60068621

b. What is the Legal Name of the entity (applicant) applying for this permit?
City of Palmview
(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Ramon Segovia Suffix:
Title: City Manager Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 432-0300 Ext: Fax Number: (956) 581-7494
E-mail: rsegovia@cityofpalmview.us
Mailing Address: 400 West Veterans Blvd.
Internal Routing (Mail Code, Etc.):
City: Mission State: TX ZIP Code: 78572
If outside USA: Territory: Country Code: Postal Code:

e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☑ City Government ☐ Other Government

f. Number of Employees:
☑ 0-20; ☐ 21-100; ☐ 101-250; ☐ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?
☑ Yes, go to Section 3).

☐ No, complete section below

Phone Number: Ext: Fax Number:
E-mail:
Mailing Address:
Internal Routing (Mail Code, Etc.):
City: State: ZIP Code:
Mailing Information if outside USA:
Territory: Country Code: Postal Code:

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

a. TCEQ issued RE Reference Number (RN): RN 102575057

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Palmview

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):
Area within City of Palmview city limits and its Urban ETJ

d. County where the largest residential population exists within the regulated MS4 boundaries:
Hidalgo

Is the MS4 located within additional counties?
☐ Yes – If Yes, what county (or counties)?

☑ No

e. Latitude: 26°14'13"N Longitude: 98°22'25"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?

☑ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☐ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

☐ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

   First/Last Name: David Nacianceno
   Title: Project Manager Company: City Of Palmview
   Phone Number: (956) 432-0300 Ext: Fax Number: (956) 581-7494
   E-mail: dnacianceno@cityofpalmview.us
   Mailing Address: 400 West Veterans Blvd.
   Internal Routing (Mail Code, Etc.):
   City: Mission State: TX ZIP Code: 78572

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

   ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado/Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201, 2202/2491

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado/Laguna Madre

     What are the pollutants of concern?
     Mercury, PCB, DDE, DO, Bacteria/DO, Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     Hidalgo County Drainage District #1
   - ☐ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☐ Yes - If Yes, complete certification below by checking "Yes".
- ☑ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple

counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   ☑ Yes
   ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: David Nacianceno
   Title: Project Manager Company: City Of Palmview
   Phone Number: (956) 432-0300 Ext: Fax Number: (956) 581-7494
   E-mail: dnacianceno@cityofpalmview.us
   Mailing Address: 400 West Veterans Blvd.
   Internal Routing (Mail Code, Etc.):
   City: Mission State: ZIP Code: 78572

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of Palmview City Hall
   Address of Public Place: 400 West Veterans Blvd.
   County of Public Place: Hidalgo

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

Operator Certification:

I, Ramon Segovia, City Manager

Typed or printed name *Title*

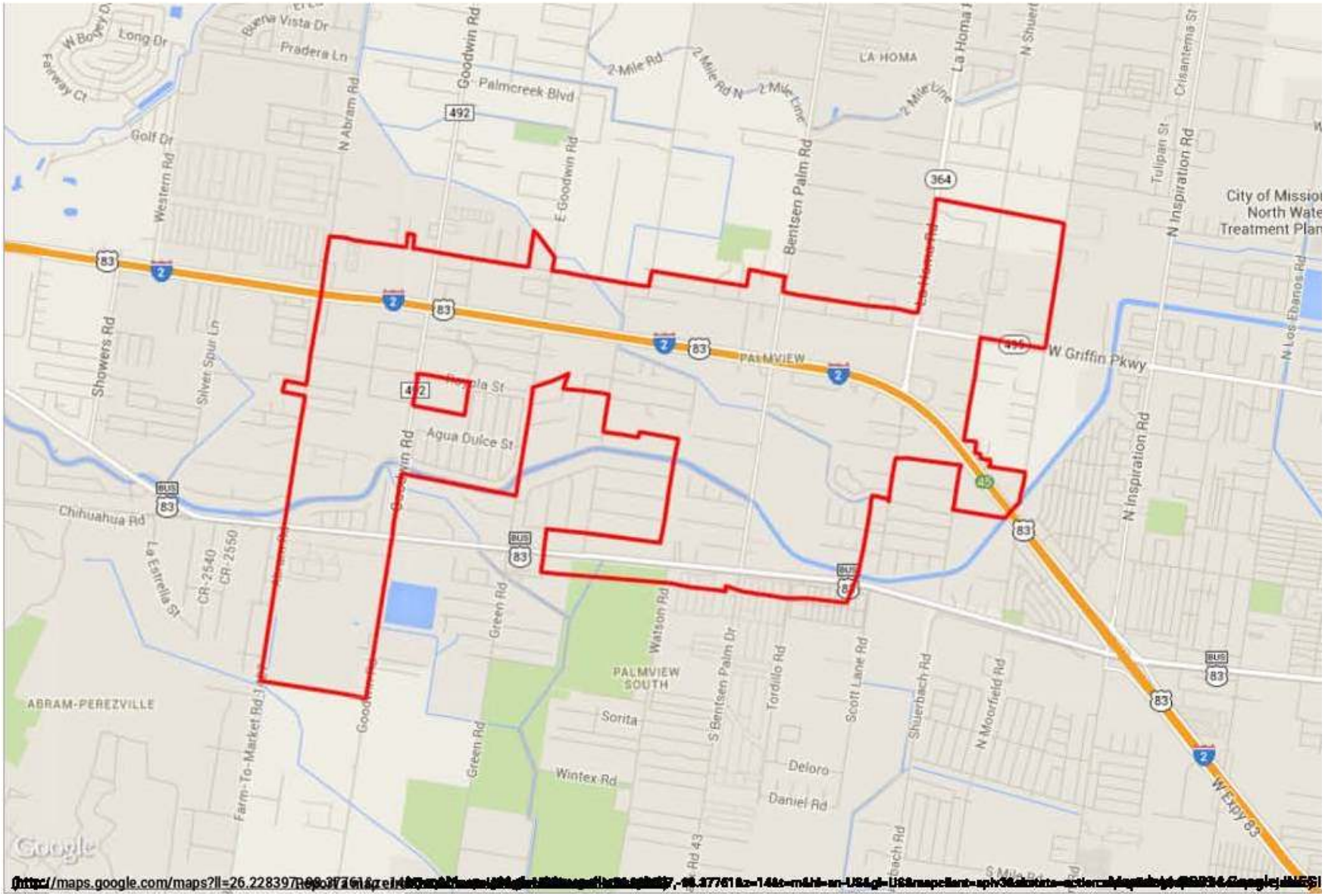
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: _____ Date: 10-6-14

(Use blue ink)

Boundary Map and Geodata for the City of Palmview in Texas, U.S.A.



PRIMERA
NOI AND LOCATION MAP

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the INSTRUCTIONS to fill out each question in this form.
- Use the CHECKLIST to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to https://www3.tceq.texas.gov/epay/index.cfm
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed ☑ Check/Money Order No.: 11220
Name Printed on Check: Texas Commission On Environmental Qu
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?
(Note: An authorization cannot be renewed after June 11, 2014.)

☑ Yes The existing authorization number is: TXR04 0002
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600656136

b. What is the Legal Name of the entity (applicant) applying for this permit?
City of Primera
(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Pat Patterson Suffix:
Title: Mayor Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 423-9654 Ext: Fax Number: (956) 423-2166
E-mail: jmendez@cityofprimera.com
Mailing Address: 22893 Stuart Place Road
Internal Routing (Mail Code, Etc.):
City: Primera State: Texas ZIP Code: 78552
If outside USA: Territory: Country Code: Postal Code: 78552

e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☑ City Government ☐ Other Government

f. Number of Employees:
☑ 0-20; ☐ 21-100; ☐ 101-250; ☐ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?
☑ Yes, go to Section 3).

☐ No, complete section below

Phone Number: Ext: Fax Number:
E-mail:
Mailing Address:
Internal Routing (Mail Code, Etc.):
City: State: ZIP Code:
Mailing Information if outside USA:
Territory: Country Code: Postal Code:

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

a. TCEQ issued RE Reference Number (RN): RN 105472047

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Primera MS4

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):
Incorporated limits of the City of Primera and Urban ETJ

d. County where the largest residential population exists within the regulated MS4 boundaries:
Cameron

Is the MS4 located within additional counties?
☐ Yes – If Yes, what county (or counties)?

☑ No

e. Latitude: 26 degrees 13'41.87" N Longitude: 97 degrees 45' 27.66" W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?

☑ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☐ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?
☑ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.
   ☑ Yes
   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.
   ☑ Yes
   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Javier Mendez
   Title: City Administrator Company: City of Primera
   Phone Number: (956) 423-9654 Ext: Fax Number: (956) 423-2166
   E-mail: jmendez@cityofprimera.com
   Mailing Address: 22893 Stuart Place Road
   Internal Routing (Mail Code, Etc.):
   City: Primera State: Texas ZIP Code: 78552

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?
   ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☐ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado /Laguana Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2302, 2394

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☐ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado /Laguana Madre

     What are the pollutants of concern?
     DO Bacteria PCB DDE/Bacteria, DO
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     Cameron County Drainage District #5
   - ☐ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☐ Yes - If Yes, complete certification below by checking "Yes".
- ☑ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple

counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   - ☑ Yes
   - ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: Javier Mendez
   Title: City Administrator Company: City of Primera
   Phone Number: (956) 423-9654 Ext: Fax Number: (956) 423-2166
   E-mail: jmendez@cityofprimera.com
   Mailing Address: 22893 Stuart Place Road
   Internal Routing (Mail Code, Etc.):
   City: Primera State: Texas ZIP Code: 78552

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: City of Primera City Hall Offices
   Address of Public Place: 22893 Stuart Place Road Primera, Texas 78552
   County of Public Place: Cameron

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

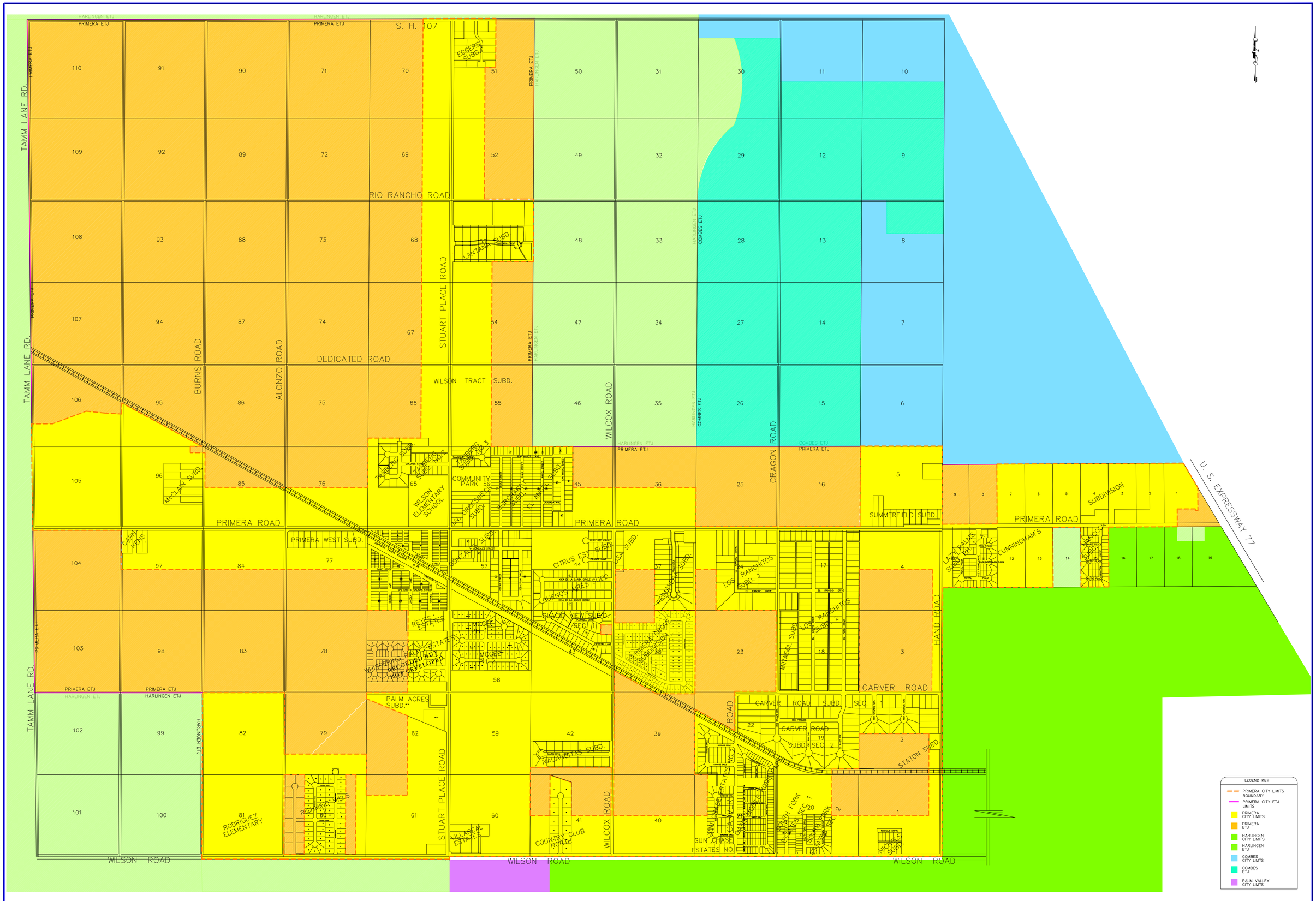
Operator Certification:

I, Pat Patterson (*Typed or printed name*) Mayor (*Title*)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: _____ (*Use blue ink*) Date: June 2, 2014



TITLE
PRIMERA

PROJECT
CITY-LIMITS
&
ETJ

DRW APRADO	APP	SHEET
SCALE 1"=500'	DATE 9/28/12	1

FILE NAME: PRIMERA-CITY-LIMITS.DWG

SAN JUAN
NOI AND LOCATION MAP

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the INSTRUCTIONS to fill out each question in this form.
- Use the CHECKLIST to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to https://www3.tceq.texas.gov/epay/index.cfm
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed ☑ Check/Money Order No.: 116252
Name Printed on Check: City of San Juan
EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?
(Note: An authorization cannot be renewed after June 11, 2014.)

☑ Yes The existing authorization number is: TXR04_____
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600247050

b. What is the Legal Name of the entity (applicant) applying for this permit?
City of San Juan, Texas
(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Juan Gonzalez Suffix:
Title: Interim City Manager Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 223-2200 Ext: Fax Number: (956) 787-5978
E-mail: chief@cityofsanjuantexas.com
Mailing Address: 709 S. Nebraska
Internal Routing (Mail Code, Etc.):
City: San Juan State: TX ZIP Code: 78589
If outside USA: Territory: Country Code: Postal Code:

e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☑ City Government ☐ Other Government

f. Number of Employees:
☐ 0-20; ☐ 21-100; ☑ 101-250; ☐ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?
☑ Yes, go to Section 3).

☐ No, complete section below

Phone Number: Ext: Fax Number:
E-mail:
Mailing Address:
Internal Routing (Mail Code, Etc.):
City: State: ZIP Code:
Mailing Information if outside USA:
Territory: Country Code: Postal Code:

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

a. TCEQ issued RE Reference Number (RN): RN 105535413

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of San Juan MS4

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

The MS4 regulated boundaries of San Juan is within the McAllen urbanized area and all areas within the city's jurisdiction including its urban extra territorial jurisdiction.

d. City where the largest residential population exists within the regulated MS4 boundaries:
San Juan, Texas

e. ZIP code where the largest residential population exists within the regulated MS4 boundaries:
78589

f. County where the largest residential population exists within the regulated MS4 boundaries:
Hidalgo County

Is the MS4 located within additional counties?
☐ Yes – If Yes, what county (or counties)?

☑ No

g. Latitude: 26`12'0" N Longitude: 98`9'2"W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?
☐ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☑ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

☐ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 09/30/14

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Xavier Cervantes
   Title: Planning Director
   Company: City of San Juan
   Phone Number: (956) 223-2220 Ext: _____ Fax Number: (956) 787-5978
   E-mail: xcervantes@cityofsanjuantexas.com
   Mailing Address: 709 S. Nebraska
   Internal Routing (Mail Code, Etc.): _____
   City: San Juan State: TX ZIP Code: 78589

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?
   - ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
     Within city limits
   - ☑ No
2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado
2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?
   Arroyo Colorado and Laguna Madre
3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado and Laguna Madre

     What are the pollutants of concern?
     Mercury, P.C.B., D.D.E., Bacteria and D.O.
   - ☐ No
4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☐ Yes - If Yes, complete certification below by checking "Yes".
- ☑ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   - ☑ Yes
   - ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Xavier Cervantes
   Title: Planning Director
   Company: City of San Juan
   Phone Number: (956) 223-2220 Ext: _____ Fax Number: (956) 787-5978
   E-mail: xcervantes@cityofsanjuantexas.com
   Mailing Address: 709 S. Nebraska
   Internal Routing (Mail Code, Etc.): _____
   City: San Juan State: TX ZIP Code: 78589

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?

   Name of Public Place:
   City Website and with the City Secretary

   Address of Public Place:
   709 S. Nebraska, San Juan, TX 78589

   County of Public Place:
   Hidalgo

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

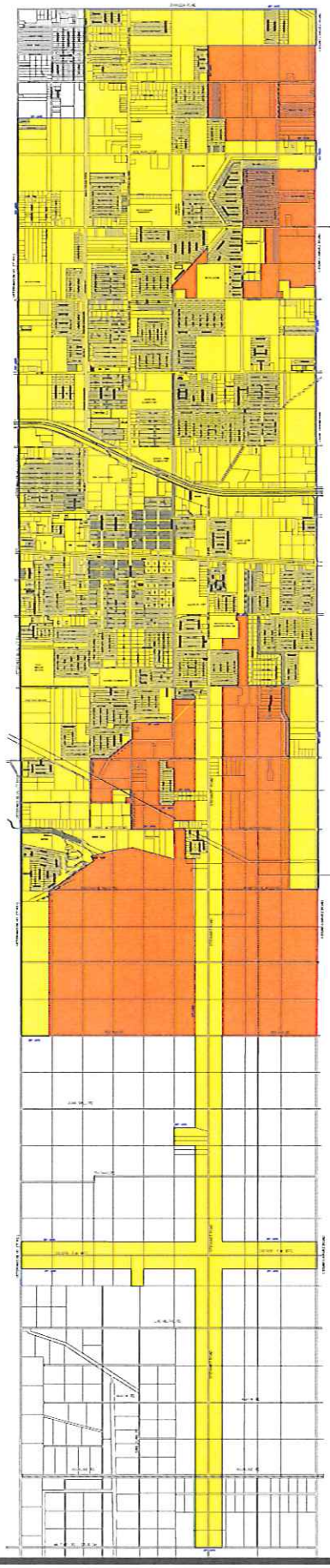
Operator Certification:

I, Juan Gonzalez (*Typed or printed name*) Interim City Manager (*Title*)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: _____ (*Use blue ink*) Date: 5-29-14



LEGEND
City Limits
San Juan ETJ

SAN JUAN CITY LIMITS AND ETJ

N

SAN BENITO
NOI AND LOCATION MAP

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the INSTRUCTIONS to fill out each question in this form.
- Use the CHECKLIST to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to https://www3.tceq.texas.gov/epay/index.cfm
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
EPAY ☑ Voucher No.: 210500
Is the Payment Voucher copy attached? ☑ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?
(Note: An authorization cannot be renewed after June 11, 2014.)

☑ Yes The existing authorization number is: TXR04 0161
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600755326

b. What is the Legal Name of the entity (applicant) applying for this permit?
City of San Benito
(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Manuel Lara Suffix:
Title: City Manager Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 361-3804 Ext: 113 Fax Number: (956) 361-3805
E-mail: mlara@cityofsanbenito.com
Mailing Address: 401 North Sam Houston
Internal Routing (Mail Code, Etc.):
City: San Benito State: Texas ZIP Code: 78586
If outside USA: Territory: Country Code: Postal Code:

e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☑ City Government ☐ Other Government

f. Number of Employees:
☐ 0-20; ☐ 21-100; ☑ 101-250; ☐ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?
☑ Yes, go to Section 3).

☐ No, complete section below

Phone Number: (956) 361-3800 Ext: 113 Fax Number: (956) 361-3805
E-mail: mlara@cityofsanbenito.com
Mailing Address: 401 Sam Houston
Internal Routing (Mail Code, Etc.):
City: San Benito State: Texas ZIP Code: 78586
Mailing Information if outside USA:
Territory: Country Code: Postal Code:

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

a. TCEQ issued RE Reference Number (RN): RN105533640

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of San Benito MS4

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

THE MS4 REGULATED BOUNDARIES OF SAN BENITO IS WITHIN THE HARLINGEN URBANIZED AREA AND ALL AREAS WITHIN CITYS JURISDICTION INCLUDING ITS URBAN EXTRA TERRITORIAL JURISDICTION.

d. City where the largest residential population exists within the regulated MS4 boundaries:
Harlingen

e. ZIP code where the largest residential population exists within the regulated MS4 boundaries:
78550

f. County where the largest residential population exists within the regulated MS4 boundaries:
Cameron

Is the MS4 located within additional counties?

☐ Yes – If Yes, what county (or counties)?

☑ No

g. Latitude: N 26° 07' 57" Longitude: W 97° 37' 51"

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?

☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?

☐ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☑ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

☐ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 09/30/14

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

   ☑ Yes

   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Juan Rodriguez Jr.
   Title: Code Enforcement Director
   Company: City of San Benito
   Phone Number: (956) 361-3800 Ext: 403 Fax Number: (956) 361-3810
   E-mail: jrodriguez@cityofsanbenito.com
   Mailing Address: 400 N. Travis
   Internal Routing (Mail Code, Etc.):
   City: San Benito State: Texas ZIP Code: 78586

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?
   - ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
   - ☑ No
2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado & Lower Laguna Madre
2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?
   2201 and 2202 & 2491
3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado & Lower Laguna Madre
     What are the pollutants of concern?
     DDE, Mercury, PCB, DO & Bacteria
   - ☐ No
4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☑ Yes – If Yes, what is the name of the MS4 Operator?
     Cameron County Drainage District # 1
   - ☐ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☐ Yes - If Yes, complete certification below by checking "Yes".
- ☑ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   - ☑ Yes
   - ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

   First/Last Name: Juan Rodriguez Jr.
   Title: Code Enforcment Director
   Company: City of San Benito
   Phone Number: (956) 361-3800 Ext: 403 Fax Number: (956) 361-3810
   E-mail: jrodriguez@cityofsanbenito.com
   Mailing Address: 400 N Travis
   Internal Routing (Mail Code, Etc.):
   City: San Benito State: Texas ZIP Code: 78586

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?

   Name of Public Place:
   City of San Benito Annex No. 2

   Address of Public Place:
   400 N Travis, San Benito, Texas

   County of Public Place:
   Cameron

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

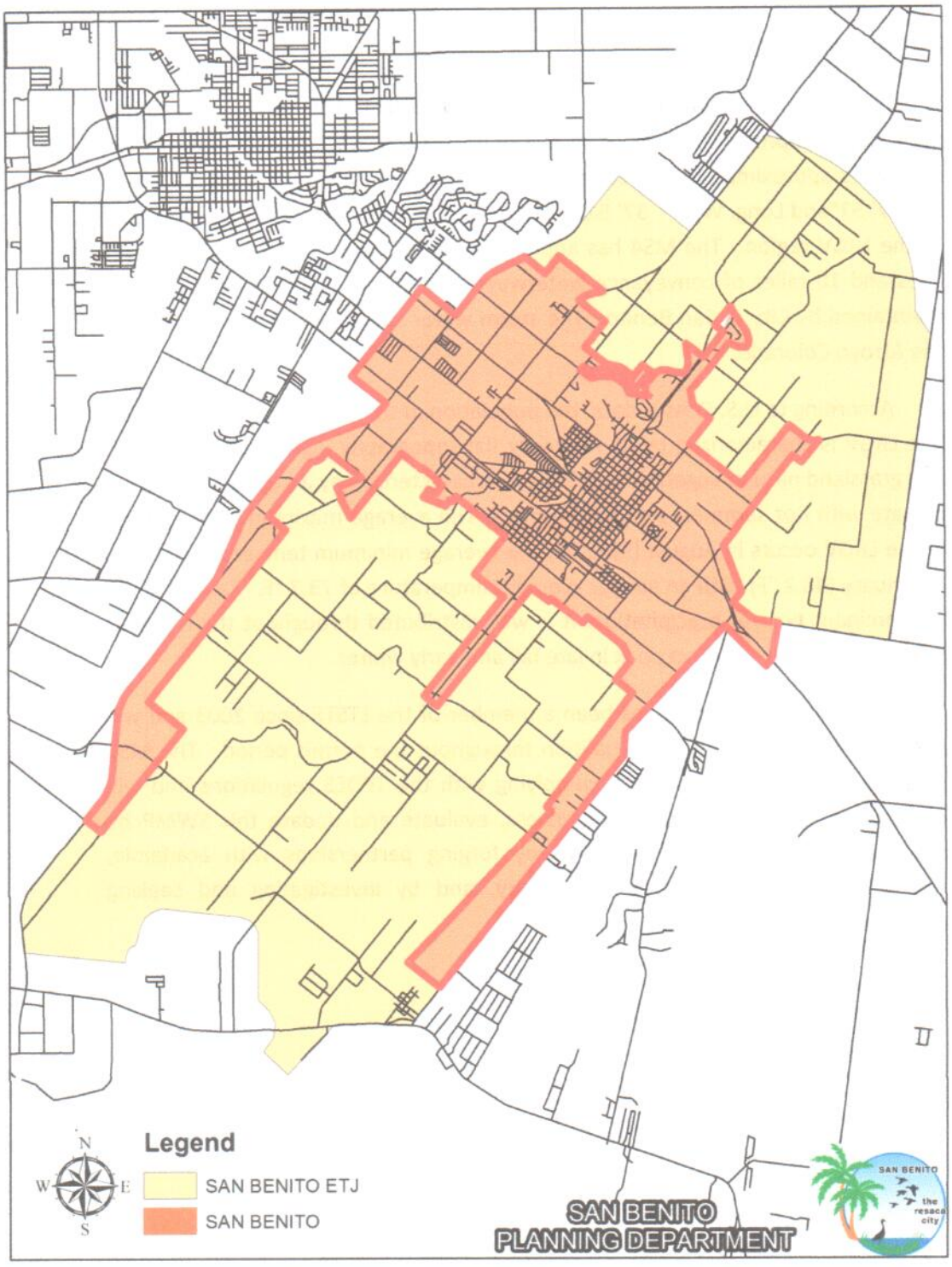
Operator Certification:

I, Manuel Lara (*Typed or printed name*) City Manager (*Title*)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: Manuel Lara (*Use blue ink*) Date: 6-4-2019


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Legend
SAN BENITO ETJ
SAN BENITO
SAN BENITO
PLANNING DEPARTMENT
SAN BENITO
the resaca city

WESLACO
NOI AND LOCATION MAP

TCEQ Office Use Only
Permit No.:
RN:
CN:
Region:

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the INSTRUCTIONS to fill out each question in this form.
- Use the CHECKLIST to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to https://www3.tceq.texas.gov/epay/index.cfm
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
EPAY ☑ Voucher No.: 210501
Is the Payment Voucher copy attached? ☑ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?
(Note: An authorization cannot be renewed after June 11, 2014.)

☑ Yes The existing authorization number is: TXR04 0262
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch
CN 600520969

b. What is the Legal Name of the entity (applicant) applying for this permit?
City of Weslaco
(The exact legal name must be provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: David Suarez Suffix:
Title: Mayor Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
https://tools.usps.com/go/ZipLookupAction!input.action
Phone Number: (956) 968-3181 Ext: 3127 Fax Number: (956) 447-3298
E-mail: dsalinas@weslacotx.gov
Mailing Address: 255 South Kansas Avenue
Internal Routing (Mail Code, Etc.): PUD
City: Weslaco State: Texas ZIP Code: 78596
If outside USA: Territory: Country Code: Postal Code:

e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☑ City Government ☐ Other Government

f. Number of Employees:
☐ 0-20; ☐ 21-100; ☐ 101-250; ☑ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?
☑ Yes, go to Section 3).

☐ No, complete section below

Phone Number: Ext: Fax Number:
E-mail:
Mailing Address:
Internal Routing (Mail Code, Etc.):
City: State: ZIP Code:
Mailing Information if outside USA:
Territory: Country Code: Postal Code:

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

a. TCEQ issued RE Reference Number (RN): RN 105573844

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Weslaco MS4

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):
Area within the City of Weslaco limits and its Urban ETJ.

d. County where the largest residential population exists within the regulated MS4 boundaries:
Hidalgo

Is the MS4 located within additional counties?
☐ Yes – If Yes, what county (or counties)?

☑ No

e. Latitude: 26.16186 Longitude: -97.9903

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.

☑ No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?

☐ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

☑ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?
☐ Yes

☐ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

☐ Calendar year

☐ MS4 general permit year

☑ Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.
   ☑ Yes
   ☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.
   ☑ Yes
   ☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)
   First/Last Name: David Salinas
   Title: Public Utilities Director Company: City of Weslaco
   Phone Number: (956) 968-3181 Ext: 3127 Fax Number: (956) 447-3298
   E-mail: dsalinas@weslacotx.gov
   Mailing Address: 255 South Kansas Avenue
   Internal Routing (Mail Code, Etc.): PUD
   City: Weslaco State: Texas ZIP Code: 78596

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?
   ☐ Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
   ☑ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
   - ☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
   - ☑ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
   Arroyo Colorado and Laguna Madre

2. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?
   2201,2202/2491

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?
   - ☑ Yes – If Yes:
     What is the name of the impaired water body (ies) receiving the discharge from the small MS4?
     Arroyo Colorado and Laguna Madre

     What are the pollutants of concern?
     DDE, Mercury, PCB, DO, Bacteria/DO Bacteria
   - ☐ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
   - ☐ Yes – If Yes, what is the name of the MS4 Operator?
   - ☑ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

- ☐ Yes - If Yes, complete certification below by checking "Yes".
- ☑ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

- ☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple

counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.
   - ☑ Yes
   - ☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)
   First/Last Name: David Salinas
   Title: Public Utilities Director Company: City of Weslaco
   Phone Number: (956) 968-3181 Ext: 3127 Fax Number: (956) 447-3298
   E-mail: dsalinas@weslacotx.gov
   Mailing Address: 255 South Kansas Avenue
   Internal Routing (Mail Code, Etc.): PUD
   City: Weslaco State: Texas ZIP Code: 78596

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?
   Name of Public Place: Weslaco City Hall
   Address of Public Place: 255 South Kansas Avenue
   County of Public Place: Hidalgo

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to ***ALL*** items may result in denial of coverage under the general permit.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. ☑ Yes

b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. ☑ Yes

c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☑ Yes

d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☑ Yes

Operator Certification:

I, David Suarez (*Typed or printed name*) Mayor (*Title*)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

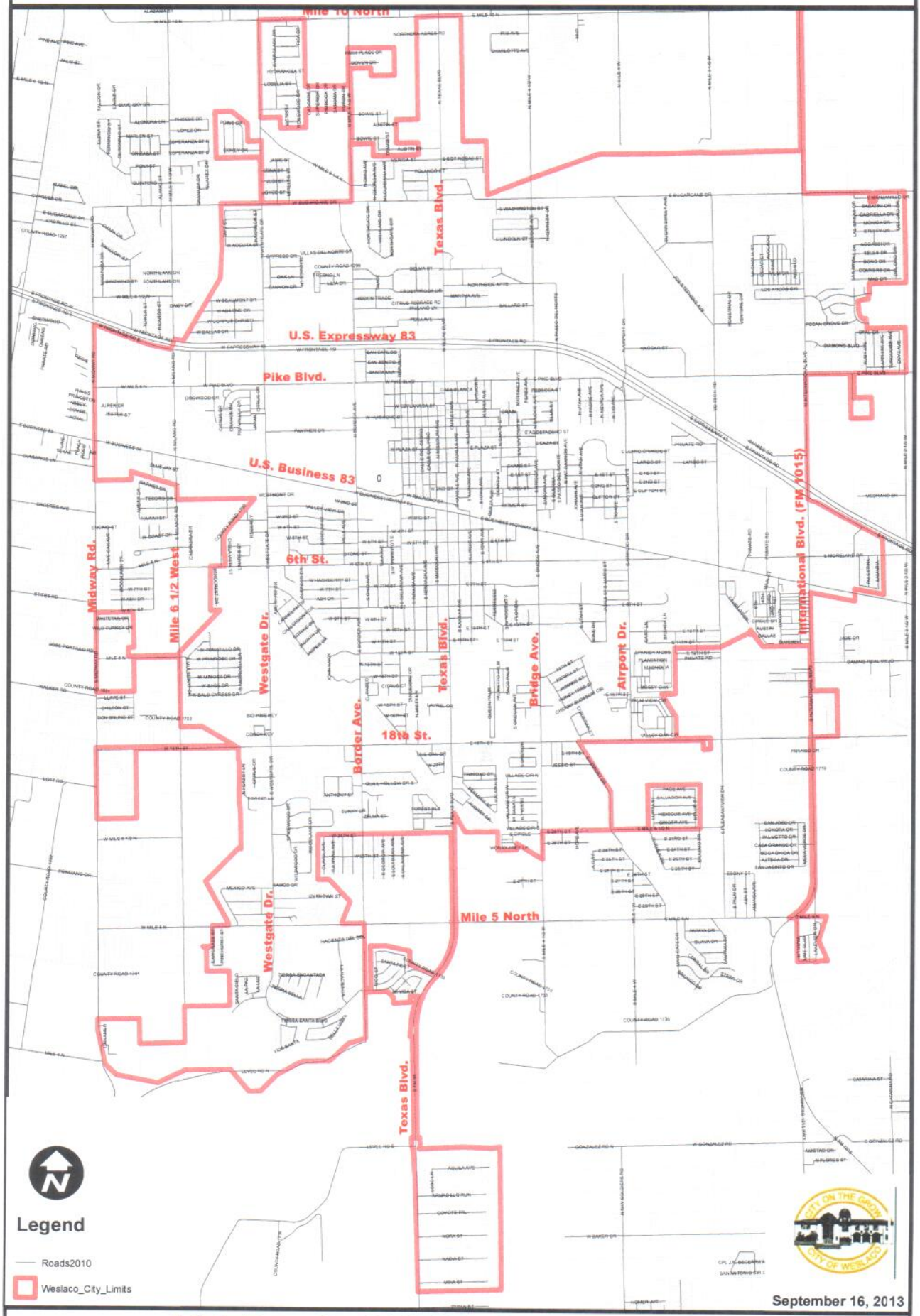
Signature: [signature] (*Use blue ink*) Date: June 3, 2014

WCC 06/03/14

PLANNING AND CODE ENFORCEMENT

CITY OF WESLACO

PLANNING AND CODE ENFORCEMENT



MAP of CITY OF WESLACO

APPENDIX D
ORDINANCES

ALAMO
ORDINANCE

ORDINANCE NO. 05-06-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALAMO, TITLE 8, PUBLIC UTILITIES, ADDING CHAPTER 7, WATER POLLUTION PREVENTION; BY ADOPTING AS SET OUT THEREIN; PROVIDING FOR EFFECTIVE DATES; PROVIDING FOR PUBLICATION PROVIDING FOR SEVERABILITY CLAUSE AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF

WHEREAS, the City of Alamo, a home-rule city of the State of Texas, may adopt and enforce ordinances necessary to protect health, life property and the general welfare of the City and its residents and visitors; and

WHEREAS, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR40289, as amended, the City of Alamo is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants into the City's streets, gutters, ditches, and storm drains, and to the Surface Water in the State, the Waters of the United States, to the maximum extent practicable; and

WHEREAS, the City's storm water management program must include six minimum control measures: (1) public education and outreach on storm water impacts; (2) public involvement and participation; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations; and

WHEREAS, implementation of best management practices consistent with the provisions of the City's storm water management program constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable"; and

WHEREAS, the City of Alamo and its planning area are located within the watershed of the Arroyo Colorado, that is, all storm water run-off from the City of Alamo and its planning area flows in to the Arroyo Colorado; and the Arroyo Colorado flows into the Laguna Madre; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has determined that the Arroyo Colorado is an impaired water body and does not meet its aquatic life use primarily due to low dissolved oxygen, but also due to high levels of nutrients and sedimentation and suspended solids; and

WHEREAS, TCEQ in 2003 estimated that ninety percent (90%) reduction in nitrogen, phosphorous, biological oxygen demanding substances and sediment will be necessary for the Arroyo Colorado to meet aquatic life water quality standards; and

WHEREAS, the City has exercised leadership in reducing the amount of point-source pollution entering the Arroyo Colorado from its wastewater plant; and

WHEREAS, other sources of pollution that may contaminate storm water include erosion of disturbed land at construction sites, the deliberate or inadvertent discharge of material or substances other than storm water directly or indirectly into storm drains, and storm water run-off from rooftops, parking lots, and yards and lawns treated with excess fertilizer and pesticides; and

WHEREAS, natural materials such as leaves and grass clippings are beneficial to gardens and soil as mulch and a soil amenity but constitute pollution when they enter waterways because the decomposition of these materials consumes oxygen in the water that is needed by fish; and

WHEREAS, improper management of storm water and control of erosion reduces capacity of the City's drainage infrastructure and causes additional maintenance needs and expenses; and

WHEREAS, the City of Alamo recognizes that protecting and improving water quality in the Arroyo Colorado will contribute to an improved quality of life and the general welfare of the residents of Alamo.

NOW, THERFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMO, TEXAS THAT:

SECTION I. The Code of Ordinances of the City of Alamo, Title 8-Utilities, Chapter 7, (Water Pollution Prevention) is hereby amended to read as follows:

8-7-1: **Purpose:** The purpose of this Ordinance is to control pollution and prevent pollute water discharge into the Municipal Separate Storm Sewer System (MS4) and/or water bodies from residential, business, and commercial establishments, and to preserve the natural flow of water and waterways within the City of Alamo. The provisions in this Ordinance are intended to provide a natural environment, to control non-storm water runoff to the MS4 at its source, to minimize the adverse effects of water pollution and to preserve our drinking water supplies. It is also the purpose of this Ordinance to prevent wash water discharges into the MS4. The resulting discharges pollute storm water flows in ditches, streams, and other waterways, and thereby create an unhealthy situation, degrade water quality, cause loss of aquatic life and pose a threat to public health and safety.

8-7-2: **Scope and intent**: This Ordinance sets forth guidelines, standard practices, rules and regulations to control polluted storm water runoff and non-storm water discharges from residential, commercial, and industrial establishments.

8-7-3: **Definitions**: For the purposes of this Ordinance only, the following terms, words and phrases; and their derivations, shall have the meanings set forth below, except where the context clearly indicates a different meaning:

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP also includes treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biological oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Chlorinated Discharge means any discharge having a quantity of chloride (free or total) that exceeds the Surface Water Quality Standard of the State of Texas.

City means the City of Alamo, Texas.

Commercial Dumpster Washing means the washing of commercial garbage or rubbish dumpsters and the immediate area around them in order to remove putrescible animal and vegetable waste material or other debris from said areas and dumpsters.

Common Plan of Development or Sale means a construction activity that is completed in separate stages or phases or in combination with other construction activities. A common plan of development or sale is identified by plats, blueprints, marketing plans, contracts, building permit applications, a public notice or hearing, zoning requests, or other similar documentation.

Construction Activity (small) means construction activities including clearing, grading, and excavating that result in land disturbance of one or more but less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the large common plan will ultimately disturb one or more but less than five acres of land.

Construction Activity (large) means construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less than five acres of land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Construction Site Operator means the person or persons associated with a small or large construction project that is either:

(1) the person or persons that have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of TXR40289; or

(2) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site.

Composite means a sample used to determine average loadings or concentrations of pollutants. A composite can be developed based on time or flow.

Conveyance means streets, curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport storm water runoff.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharge limits means any limit on discharges set by Local, State or Federal governments. These limits may apply to quantity, rate, quality of discharge, and concentrations or any combination thereof. These are also called effluent/imitations.

Discharger means any person who causes, allows, permits, or is otherwise responsible for a discharge including, without limitation, any operator of a construction site or industrial facility.

Do It Yourself (DIT) Used Oil means used oil that is generated by a person who changes the person's own automotive oil.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Excessive Water Runoff means discharges deemed by the City to be significant contributors of pollutants to the MS4 or other surface waters.

Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final Stabilization means where the following conditions are met:

(a) All soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 70% 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 either:

(i) the homebuilder completes final stabilization as specified in (a) above; or

(ii) 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 informs the homeowner of the need for , and benefits of, final stabilization.

(c) For construction activities on land and used for agricultural purposes (e.g. 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.

Fueling/Vehicle Washing Area means any commercial/public location where any type of motor vehicle or piece of heavy equipment is washed, waxed, cleaned or degreased in any manner or any location where any type of motor vehicle is fueled with petroleum products or any other type of fuel.

Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from handling, processing, storage and sale of food products and produce.

Ground Water Infiltration means groundwater that enters the MS4 (including storm sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Harmful/Hazardous Quantity means the amount of any substance that will cause pollution of water under state and federal law.

Hazardous Waste means any material, substance, byproduct, spent, obsolete or used chemical or chemical compound which meets the standards for classification of a hazardous waste or acutely hazardous waste as those terms are defined in 40 CFR Part 261 et seq. and any appendices thereto.

Household Hazardous Waste (HHW) means any material generated in a household (including but not limited to single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer such as, but not limited to batteries, paint brushes, paint containers, except for the exclusion provided in 40 Code of federal Regulations (CFR) § 261.4 (b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Illegal Dumping means the act of illegally placing any material in any location including but not limited to the MS4, waters of the State, water of the United States, or any locations other than the appropriate place of disposal whether the location is public or private.

Illicit Connection means any man made conveyance connecting an illicit discharge directly to a municipal separate storm sewer or MS4 or waters of the United States.

Illicit Discharge means any discharge to the MS4 that is not entirely composed of storm water, except discharges pursuant to TXR40289 or a separate authorization.

Industrial Activities means manufacturing, processing, material storage, and disposal areas and similar areas where storm water can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-Sector General Permit, TXR40289, or by another TCEQ or TPDES permit.

Industrial Waste means liquids or other character of wastes resulting from any commercial, manufacturing or industrial operations or process, excluding normal domestic sanitary sewage unless it exceeds three hundred fifty (350) mg/BOD or three hundred fifty (350) ml/L total suspended solids, which water borne or liquid wastes enter the sewage system, or any portion thereof, of the city.

Inlet means an entrance into a ditch, storm sewer or other waterway.

Land Disturbance (or Soil Disturbance) means any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow pits, or combination thereof. Land disturbance does not include plowing, seeding, planting, cultivating, or harvesting on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity and purpose of a ditch, channel or other similar storm water conveyance. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing right-of-ways or other similar maintenance activities.

Landfill means an area of land or excavation in which wastes are placed for permanent disposal, which is permitted or registered by the State of Texas, and which is not a land application unit, surface impoundment, injection well, or waste pile.

Maximum Extent Practicable means the technology-based discharge standard for MS4s to reduce pollutants in storm water discharges established by the Clean Water Act.

Motor Vehicle Fluid means any fluid used in any type of engine including but not limited to fuel, oil, transmission fluid, coolant, brake fluid, windshield-washing fluid, and power steering fluid.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, inlets, ditches, man-made channels, or storm drains owned and operated by the City and designed or used for collecting or conveying storm water and which is not used for collecting or conveying sewage or waste water.

MS4 Operator means for the purpose of this Ordinance, the City of Alamo.

Non-Compliance means any infraction of the revised Code of Civil and Criminal Ordinances of the City of Alamo, State regulations/laws or Federal regulations/laws.

Non-point Source Pollution means pollution contained in storm water runoff from ill defined, diffuse sources.

Notify means contacting the appropriate city official in writing in order to request permission to apply or reapply for a specified permit, or to make the official aware of an existing discharge or structure.

NPDES Permit means a permit issued by the EPA or by the State that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil sludge, oil refuse, and oil mixed with waste or any fraction thereof which is liquid at standard conditions of temperature and pressure.

Oil Filter means an integral part of an oil-flow system, the purpose of which is to remove contaminants from the flowing oil contained within the system.

Oil Water Separator/Interceptor means a device installed, usually at the entrance of an inlet drain, which removes oil and grease from water flows entering either the MS4 or sewer.

Operator means the person or persons who, either individually or in a group, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications) and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner means the person who owns a facility or part of a facility or his/her assignee.

Oxygen Demanding Substance means the chemical and/or microorganism-mediated oxidation of organic matter; and/or the bio oxidation of nitrogenous material; and/or chemical or biochemical oxidation of chemical reducing agents.

Pavement Wash Water means any water used to wash any debris, sediment, fluid, or putrescible matter from any paved area of a commercial or public facility.

Permittee means any person or entity to whom a permit is issued pursuant to this article and any authorized representative, agents or designee of such person or entity.

Person or entity means an individual, firm, co-partnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, or government, Indian tribe, agency or instrumentality of any government or Indian tribe, but such term does not include:

(1) The United States Postal Service; or
(2) For the purpose of 49 USC 5123 and 5124, any agency or instrumentality of the federal government.

Petroleum Substance means a crude oil or any refined or refined fraction or derivative of crude oil, which is liquid at standard conditions of temperature and pressure. A petroleum substance shall be limited to one or a combination of the substances or mixtures in the following list except for any listed substance regulated as a hazardous waste under the federal Solid Waste Disposal Act, Subtitle C, and (42 United States Code 56921, et seq.):

(A) basic petroleum substances- crude oils, crude oil fractions, petroleum feed stocks, and petroleum fractions;
(B) motor fuel- petroleum substance which is typically used for the operation of internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels) and which is one of the following types of fuels; leaded or unleaded gasoline, aviation gasoline, Number 1 diesel fuel, Number 2 diesel fuel, and any grades of gasohol;
(C) aviation gasoline- Grade 80, Grade100, and Grade 100-LL;
(D) aviation jet fuels- Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8;
(E) distillate fuel oils- Number 1-D, Number 1, Number 2-D, and Number 2;
(F) residual fuel oils- Number 4-D, Number 4-light, Number 4, Number 5-light, Number 5 heavy, and Number 6;
(G) gas turbine fuel oils- Grade O-CT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT;
(H) illuminating oils- kerosene, mineral seal oil, long time burning oils, 300 oil, and mineral colza oil;
(I) solvents- Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers'; and painters' naphthas, petroleum extender oils, and commercial hexane;
(J) lubricants- automotive and industrial lubricants;
(K) building materials- liquid asphalt and dust-laying oils;
(L) insulating and weatherproofing materials- transformer oils and cable oils;
(M) used oils- any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated as a result of such use by physical or chemical impurities; and including spent motor vehicle and aircraft lubricating oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear electrical, refrigerator oils, and spent industrial process oils.
(N) any other petroleum- based material having physical and chemical properties similar to the previously listed materials.

Petroleum Underground Storage Tanks (PUST) means any underground storage tanks system that contains, has contained or will contain a petroleum substance, a mixture of two or more petroleum substances or a mixture of one or more petroleum substance with very small amounts of one or more hazardous substances. In order for PUST system containing a mixture of petroleum substances with small amounts of hazardous substances to be classified as a PUST system, the hazardous substance shall be at such dilute concentration that the overall release detectability, effectiveness of corrective action, toxicity of the basic petroleum substance is not altered to any significant degree.

pH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution, expressed in standard units. The pH may range from 0 to 14, where o is the most acidic and 14 is the most basic. Examples of substances having a pH lower than 6.0 would muratic acid, sulfuric acid, and acetic acid. Examples of substances having a pH above 10.5 would be drain cleaner (sodium hydroxide), bleach and ammonia.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants, are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial municipal, and agricultural wastes discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Pollution Prevention Measures means prescribed measures to reduce pollutants in discharge through outfalls. These measures include but are not limited to treatment, pre-treatment, a best management practice or a method to reduce the pollution of projects classified as light construction and land disturbance activities.

Polychlorinated Biphenyl (PCBs) means a series of technical mixtures consisting of many isomers and compounds that vary from mobile oil liquids to white crystalline solids and hard con-crystalline resins. Technical products include but are not limited to Arochlor, Chlopen, Chlorextol, Chloro Biphenyl, Chloro-1, 1-Bipheyl, Chlorodiphenylene, Clophen, Kykanol, Fenclor, Inerteen, Kanechlor, Montar, Noflamol, PCB (DOT, USDA) Phenochlor, Pyranol, Santotherm, Sovol, and Therminol Fr-1. PCBs are confirmed carcinogens and tumorigens and are listed on the EPA Extremely Hazardous Substances List.

Public Used Oil Collection Center means a facility which accepts do-it-yourself used oil. Such centers include:

1. automotive service facilities that in the course of business accept for recycling,, small quantities of used oil from private citizens; and
2. facilities that store used oil in aboveground tanks, and that in the course of business accept, for recycling, small quantities of used oil from private citizens; and
3. publicly sponsored collection facilities that are designated and authorized by the Texas Department of State Health Services to accept for recycling, small quantities of used oil from private citizens.

Qualified Personnel means persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

Redevelopment means 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.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States. Reportable Quantity (RQ) means the quantity specified in column 3 of the appendix to 49 CFR Part 107.101 for any material identified in column 1.

Riparian Habitat means the area of the banks of any river, creek, lake, pond, or other waterway where specialized life form exist.

Rubbish means non-putrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that or which do not burn at ordinary

incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewer (or Sewer) means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which storm water, surface water, and ground water are not intentionally admitted.

Sediment means solid particular matter, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water, air, ice, or gravity and has come to rest on the earth's surface either above or below sea level.

Septic Tank Waste means any domestic sewage from holding tanks such as from vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (or Sanitary Sewage) means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement floor drains, garage floor drains, store rooms, soda fountains, cuspidors, refrigerator drips, fountain and stable floor drains, and all other similar fixtures and receptacles that discharge wastes into sewage systems.

Single Family Dwelling means a dwelling unit contained in a freestanding structure designed for occupancy by a single family.

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Site Development Permit means a permit issued by the City for the alteration of the ground for the construction or installation of utilities, streets, sidewalks, structures, designed to control erosion and run-off and other grading activities that are not a part of a project that requires a building permit.

Soil means naturally occurring superficial deposits overlaying bedrock.

Solid Waste means any garbage, rubbish, refuse, sludge from waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

State means the State of Texas.

Storm Water Runoff means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) means a comprehensive program to manage the quality of discharges into the City of Alamo's MS4.

Structure Controls means a pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State means lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico from the mean high water level out of 10.36 mile into the Gulf, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, 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 or permit, and which are created for the purpose of waste water treatment are not considered to be water in the State.

TCEQ means the Texas Commission on Environmental Quality.

Transporter means any person who transports or plans to transport over public highways of this state more than 500 gallons of used automotive oil annually.

Uncontaminated means not containing a harmful quantity of any substance under state and federal law.

Underground Storage Tank means any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

Used Oil means any oil that has been refined from crude oil or as a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and recyclable.

Utility Vault means an underground or enclosed structure installed or constructed for the purpose of enclosing utility lines including, but not limited to electrical transmission lines, telephone connection lines, natural gas conveyance lines, cable

television lines, but not water mains, storm sewer or sanitary sewer lines.

Wash Water means any water used to wash any structure, parking lot, vehicle, or piece of heavy equipment.

Water Bodies means any groundwater, percolating, or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, 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 inside the jurisdiction of the State.

Waters of the United States means:

A. water which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all water which are subject to the ebb and flow of the tide.
B. all interstate waters, including interstate wetlands.
C. all other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats sandflats, wetlands, sloughs, prairie potholes, wet meadows, play lakes or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such water:
    1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    2. From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or
    3. Which are used or could be used for industrial purpose by industries in interstate commerce;
    4. All impoundments of waters otherwise defined as waters of the United States under this definition;
    5. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
    6. The territorial sea; and
    7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment system, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to man made bodies of water which neither were originally created in waters of the United States (such as disposal areas of wetlands) nor resulted from the impoundment of waters of the United States.

Water Quality Standard means the designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses, as specified in Chapter 307 of Title

31 of the Texas Administrative Code.

Wetlands means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

8-7-4: **General Prohibition**:

A. No person shall introduce or cause to be introduced into the MS4 or water bodies any discharge that causes or contributes to causing the city to violate a water quality standard, the City's TPDES permit, or any state-issued discharge permit for discharges from its MS4 or water bodies.

B. No person shall introduce or cause to be introduced into the MS4 or water bodies any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavations or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable; for the duration of the project.

C. No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise, cause, allow, or permit to be introduced any of the following substances into the MS4 or water bodies.

D. No person shall introduce or discharge or cause or permit to be discharged into the MS4 or water bodies within the City limits of the following sections, except as authorized by a valid permit from the City, TCEQ or the EPA.

8-7-5: **Used Oil/Vehicle Fluid**:

A. Purpose: It is the purpose of this section to reduce the amount of pollutants like oil, grease, heavy metals, and oxygen demanding substances in storm water discharges.

B. No person shall:

1. introduce used oil, used oil filters, or any other motor vehicle fluids to the MS4 or water bodies;

2. apply used oil and/or vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;

3. introduce flammable or explosive liquids, solids or gases such as, but not limited to, gasoline, motor oil, benzene, naphtha, and similar substances to any water bodies and/or the MS4; or

4. introduce any wax, grease, oil, antifreeze, or any other motor vehicle fluid to any water bodies and/or to the MS4.

C. Implications: This section implies that all citizens shall recycle their used motor oil and vehicle fluids by disposing of them at appropriate recycling centers and locations, rather than disposing of them improperly. This applies only to residential do-it-yourself (DIY) motor oil and vehicle fluids. Commercial and industrial businesses should have their own vendors for proper disposal or for recycling.

8-7-6: **Household Hazardous Waste:**

A. Purpose: It is the purpose of this section to discourage the practice of disposing household hazardous waste such as paint, batteries, cleaning agents, and fertilizers, to the MS4 and/or water bodies, so as to reduce the pollutants such as heavy metals, nutrients, toxic material, oil, and grease in storm water discharges.

B. No person shall:
1. introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide bottles/cans, and used toiletries in to the MS4;
2. discharge a household hazardous waste having a pH value lower than 6.0 or higher than 10.5; or
3. place or cause, or allow to be placed, a household hazardous waste within the MS4 and/or water bodies. It shall be also unlawful for any person to place, or cause or allow to be placed, a household hazardous waste in an inlet within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4 and/or water bodies.

C. Implications: This section implies that unused portions of household hazardous products that are considered to be household hazardous waste should be disposed of properly at a household hazardous waste collection site.

8-7-7: **Discharge from Fueling/Vehicle Washing Areas**:

A. Purpose**:** It is the purpose of this section to discourage the practice of discharging contaminated water or waste such as grease trap waste, oil/water

separator waste, into the MS4 and/or water bodies and to reduce pollutants such as detergents, sediments from fueling and vehicle washing areas

B. No person shall**:**

1. introduce into the MS4 and/or water bodies any contaminated water or waste from any fund raising car wash or a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus or piece of heavy equipment, by any business or public entity;
2. introduce into the MS4 and/or water bodies any wash water from the washing, cleaning, deicing or other maintenance of aircraft; or
3. discharge into the MS4 and/or water bodies any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions.
4. introduce into the MS4 and /or water bodies any excessive water from the washing, cleaning, or other maintenance of vehicles at residential homes;

C. Implications: This section implies that any contaminated water or waste discharges from the aforementioned commercial and industrial areas are prohibited without the presence of a functional pretreatment system. Viable alternatives to washing include the use of sweeping and vacuuming, dry-wash methods and closed loop systems. Viable alternatives to residential washing include the use of commercial car wash facilities, washing vehicles on pervious surface areas, and dry-wash methods.

8-7-8: **Discharge from Oil-Water Separator/grease trap**:

A. Purpose**:** It is the purpose of this section to reduce the pollutants such as oil, grease, oxygen demanding substances, and nutrients from illicit connections of oil water separators, grease traps into the MS4 and/or water bodies.

B. No person shall:

1. discharge from an oil water separator or an oil/water interceptor or grease trap into the MS4 and/or water bodies;
2. discharge flow from an oil/water separator or an oil/water interceptor having a pH value lower than 6.0 or higher than 10.5.

C. Implications: All the oil/water separator or interceptor users who are discharging to the MS4 shall notify the Storm Water Manager or designee of the existence of such connections to the MS4 and/or water bodies. Such notification shall be completed within ninety (90) days of the approval of this Ordinance. It is the responsibility of the operator to notify the Storm Water Manager or designee. If the notification is not made during the allocated ninety (90) days, then the detected connections to MS4 and/or water bodies of an oil/water separator or interceptor shall be considered an illicit connection. The City reserves the right to terminate such connection immediately, without prior notice.

8-7-9: **Petroleum Underground Storage Tanks (PUST):**

A. Purpose**:** It is the purpose of this section to reduce the pollutants such as oil, grease, oxygen demanding substances, and heavy metals that may be introduced into the MS4 and or water bodies during the removal, replacement, or remediation of petroleum underground storage tanks and sites.

B. No person shall:
   1. release from a PUST, or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST release is prohibited unless the discharge satisfies all of the following criteria:
      a. compliance with all local, state, and federal standard requirements and regulations;
      b. no discharge contains no harmful quantity of any pollutant;
      c. and shall not have a pH value lower than 6.0 or higher than 10.5.

C. Implications: It is the responsibility of the owner of the property to notify the Storm Water Manager or designee of the removal or replacement of a PUST. Such notification shall be completed not less than three (3) working days before any activity begins on the site. If the notification is not made before the site activities commence, the owner will be considered non-compliant with this Ordinance.

8-7-10: **Utility Manhole/Vaults Discharge**:

A. Purpose**:** It is the purpose of this section to reduce the pollutants such as bacteria, nutrients, sediments, oil, grease, and any unknown substance discharges from utility manholes or vaults into the MS4 and/or water bodies.

B. No person shall**:**

1. discharge from any public or private underground utility manhole (including, but not limited to electric power, gas pipeline, cable companies, telephone companies) to discharge its collected water (due to rain or surface runoff or cross connection or illegal discharge) into the MS4 and/or water bodies or watercourse; or
2. discharge into MS4 and/or water bodies from a utility manhole a flow having a pH value lower than 6.0 or higher 10.5.2010

C. Implications**:** All the utility manhole/vault operators who are discharging potentially contaminated collected water into the MS4 and/or water bodies shall notify the Storm Water Manager or designee of the existence of such utility manholes, vaults, and discharges into the MS4 and/or water bodies. Such notification shall be completed within sixty (60) working days of the approval of this Ordinance. It is the responsibility of the operators to obtain a single use discharge permit from the Storm Water Manager or designee for every discharge and also prove with the aid of analytical testing that the discharged flow is not contaminated, if the discharged flow is not pretreated.

8-7-11: **Industrial Waste/Effluent Discharge**:

A. Purpose**:** It is the purpose of this section to reduce the pollutants such as toxic materials, heavy metals, oil, grease, and untreated sewage in storm water discharges from industrial facilities.

B. No person shall:

1. discharge or introduce any effluent including, but not limited to, a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow from a boiler into the MS4 and/or water bodies; or
2. discharge or introduce any type of industrial waste or effluent and/or any discharge having a pH value lower than 6.0 or higher than 10.5 into the MS4 and/or water bodies.

C. Implications**:** This section implies that none of the aforementioned un-permitted industrial discharges will be allowed in the MS4 and/or water bodies. The industries are asked to apply for individual TPDES permits from the TCEQ.

8-7-12: **Sewage and Waste Water Discharges**:

A. Purpose: It is the purpose of this section to reduce the pollutants such as sewage entering surface water bodies from septic systems.

B. No person shall:

1. discharge any type of waste water from residential, commercial or industrial sources into the MS4 and/or water bodies.
2. discharge or introduce any domestic sewage or septic tank waste, grease trap waste, or grit trap waste from either residential, commercial or industrial sites into the MS4 and/or water bodies;
3. discharge any runoff or wash down water from any animal pen, kennel, or fowl, or livestock containment area.

C. Implications: This section implies that no domestic sewage, septic tank waste, grease trap waste, waste from animal containment areas grit trap waste may enter into the MS4 and/or water bodies. This includes areas where the naturally occurring movement of water through the soil may cause the sewage to migrate into said water bodies and/or the MS4.

8-7-13: **Chlorinated Discharges**:

A. Purpose: It is the purpose of this section to reduce the pollutants such as excess chlorine in water discharges from swimming pools, fountains, ponds, and water line disinfection.

B. No person shall**:**

1. discharge any swimming pool water or filter backwash from swimming pool or fountain into the MS4 and/or water bodies.
2. discharge from a water line if it has been disinfected by super chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection; or
3. treat sewage overflows with harmful amounts (detrimental to aquatic life) of chlorine to the MS4 and/or water bodies.

C. Implications: This implies that discharges with hazardous amounts of chlorine, including but not limited to the aforementioned discharges, may enter water bodies and/or the MS4.

8-7-14: **Construction, Development, Redevelopment and Land Disturbance Run-off:**

A. Purpose: It is the purpose of this section to reduce the pollutants such as sediments, heavy metals, toxic material, and nutrients in the storm water discharges from construction, development, redevelopment, and land disturbance activities/sites.

B. No person shall:

1. discharge from a construction site flowing having a pH value lower than 6.0 or higher than 10.5;
2. discharge any type of industrial waste from construction sites to the MS4 and or/water bodies;
3. introduce any garbage, rubbish, or yard waste into the MS4 and/or water bodies;
4. discharge, including, but not limited to, paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination from single family dwelling or any construction;
5. leave unused construction materials or used construction materials or debris on the construction, development, redevelopment, and land disturbance sites. All on site debris shall be properly disposed of in the landfill within 10 days from the occupancy of the structures; or
6. wash any type of trucks, including but not limited to, ready mix trucks or material supply trucks near an area where it discharges directly into the MS4 and/or water bodies.

C. Implications**:** This section implies that the aforementioned discharges and/or materials associated with construction, development, redevelopment, and land disturbance activities may enter water bodies and/or MS4s.

8-7-15: **Pesticides, Herbicides, and Fertilizers**:

A. Purpose**:** It is the purpose of this section to reduce pollutants such as pesticides, fertilizers, heavy metals, oxygen demanding substance, and nutrients in the storm water discharges. Any person using such pesticides or fertilizers will be properly trained and be certified to use such chemicals.

B. No person shall**:**

1. dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that allows a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 and/or water bodies.

C. Implications: This section implies that pesticides, herbicides and fertilizers must be applied responsibly. It is recognized that excess pesticides will migrate into the MS4 even under normal and proper usage. It is the intent of this Ordinance to restrict usage of those chemicals in a manner deemed appropriate by their manufacturer and consistent with the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA).

8-7-16: **Commercial Dumpster Washing:**

A. Purpose**:** It is the purpose of this section to reduce the pollutants such as bacteria and unknown substances in waste water discharges from dumpster washing.

B. No person shall:
   1. wash a commercial dumpster, regardless of its location, in an area where it discharges directly into the MS4 and/or water bodies.

C. Implications**:** This section implies that wash water from commercial dumpster washings may not enter any water body and/or the MS4. This water must be contained and entered into the sanitary sewer according to the requirements set forth by the Storm Water Manager or designee.

8-7-17: **Ready Mix Concrete Truck Washing**:

A. Purpose: It is the purpose of this section to reduce pollutants such as sediments, concrete, altered pH, and oxygen demanding substances in the wash water discharges.

B. No person shall:
   1. wash residual ready mix concrete from concrete mixing trucks regardless of its location, in an where discharges might enter the MS4 and/or water bodies.

C. Implications: This section implies that wash water from concrete mixing or excess concrete from concrete mixing trucks may not be discharged into the MS4 and/or water bodies. The washing is permitted in the ready mix concrete plants only if collected, contained and pretreated before discharging into the sanitary sewer in accordance with the requirements set forth by the Storm Water Manager or designee. The washing is permitted within the construction site only if collected, contained and disposed of in accordance with best management practices set forth by the Storm Water Manager or designee.

8-7-18: **Illicit Connection**:

A. Purpose: It is the purpose of this section to eliminate illicit connections to the MS4 and reduce the pollutants such as nutrients, oxygen demanding substance, sewage, oil, and grease introduced by said discharges into the MS4 and/or water bodies.

B. No person shall**:**

1. connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 and/or water bodies, allow such a connection to continue.

C. Implications: The Storm Water Manager or designee has an "Illicit Discharge Detection and Elimination Program" to the MS4 and water bodies in compliance with state and federal storm water regulations. Any illicit connections detected through this program will be dealt with expeditiously in the following: It is the responsibility of the owner of the property to disconnect such illicit connection within fifteen (15) calendar days upon written notification from the City. The City will also notify the tenant about the illicit connection. If the owner fails to respond to the notification, then the City will post the illicit connection information with a legal description of the property in a local newspaper with an additional ten (10) days to respond. If no response is received from the owner, then the illicit connection will be disconnected by the City without further notification.

8-7-19: **Pavement/Parking Lot Washing/Window Washing:**

A. Purpose**:** It is the purpose of this section to reduce the pollutants such as sediments, detergents, oxygen demanding substances, heavy metals, oil, and grease in the wash water discharges from pavements or parking lots from commercial and business establishments.

B. No person shall:

1. discharge any waste water from the washing or cleaning of pavement including, but not limited to parking lots, driveways, or carports that contain soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance or any wastewater from the wash down or other cleaning of any pavements where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated; or
2. discharge any wash water from a commercial mobile power washer or from the washing or other cleaning of a pavement or building exterior, including but not necessarily limited to windows, that contain any soap, detergent, degreaser, solvent, or any other harmful cleaning substance to MS4 and/or water bodies.

C. Implications**:** This section implies that wash water from the washing of pavement including, but not limited to parking lots, driveways, building exteriors or carports may not enter any water body and/or the MS4 without proper treatment. The washing is permitted only if collected, contained and pretreated before discharging into the sanitary sewer on accordance with requirements set forth by the Storm Water Manager or designee or if collected, contained and disposed of in accordance with approved best management practices set forth by the same.

8-7-20: **Polychlorinated Biphenyls (PCB) Elimination**: polychlorinated biphenyls (PCBs; CAS number 1336-36-3) are class of organic compounds with 1 to 10 chlorine atoms attached to biphenyl, which is a molecule composed of two benzene rings. The chemical formula for PCBs is C12 H10-x C1x. PCBs were widely used for many applications, especially as dielectric fluids in transformers, capacitors, and coolants. Due to PCB's toxicity and classification as a persistent organic pollutant, PCB production was banned by the United States Congress in 1979 and by the Stockholm Convention on Persistent Organic Pollutants in 2001.

A. Purpose: It is the purpose of this section to reduce the possibility of contamination of storm water by PCBs (polychlorinated biphenyls)

B. No person shall:
   1. discharge, introduce, cause or permit any PCB or any substance known or suspected of containing PCBs, or technical products classified as PCBs, or derivatives of PCBs into MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City's jurisdictional limits.

C. Implications: This section implies that no PCBs, substance containing PCBs, or substance suspected of containing PCBs shall be introduced into any water body and/or MS4. The Public Utility Companies such as power, gas, telephone, shall notify the Strom Water Manager or designee of any such spills, leaks, overflows from sources including, but not limited to, transformers and capacitors within three (3) hours of such mishaps.

8-7-21: **Asbestos Elimination**: Asbestos is a set of six naturally occurring silicate minerals exploited commercially for their desirable physical properties. They all have in common their asbestiform habit, long, thin fibrous crystals. The inhalation of asbestos fibers can cause serious illnesses, including malignant lung cancer, mesothelioma, and asbestosis.

A. Purpose: It is the purpose of this section to reduce the possibility of contamination of storm water by asbestos.

B. No person shall:

1. discharge, introduce, cause or permit to be discharged any asbestos or any substance known or suspected of containing asbestos, or technical products classified as asbestos, derivatives of asbestos into the MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City's jurisdictional limits.

C. Implications**:** This section implies that no asbestos, substance containing asbestos, or substance suspected of containing asbestos may be introduced into any water body or MS4.

8-7-22: **Grass Trimmings, Leaves, and Limbs**:

A. Purpose: It is the purpose of this section to reduce pollutants like sediments, nutrients, floatable materials, oxygen demanding substances, pesticides, and unknowns in the storm water discharges from trimmings of grass, leaves and limbs.

B. No person shall:

1. intentionally place or cause or allow to be placed, or dropped, brush cuttings, grass clippings, grass, and/or rubbish in the inlets of any street in the City limits in such a manner that the same may be washed by water flowing into any bodies of water and/or the MS4.

C. Implications: This section implies that no brush cuttings, grass clippings, grass, and/or rubbish, shall be introduced into any water bodies and or/the MS4.

8-7-23: **Landscape Irrigation, Lawn Irrigation, and other Irrigation:**

A. Purpose: It is the purpose of this section to reduce the pollutants such as sediments, chlorine, pesticides, herbicides and fertilizers in the water runoff discharges from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation.

B. No person shall:

1. discharge any excessive water runoff from discharges resulting from normal landscape irrigation, lawn irrigation, and other

irrigation; or

2. discharge any water runoff from discharges resulting from inefficient practices, from faulty equipment, from improperly placed equipment, from use of equipment in violation of local, state and/or federal regulations, from un-permitted irrigation systems, where applicable, from leaking equipment from leaking conveyance systems, or from other leaking appurtenances.

C. Implications: This section implies that excessive water runoff discharges from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation may not enter any water body and/or the MS4. Landscape irrigation, lawn irrigation and other irrigation, including agricultural irrigation, must be conducted in accordance with approved best management practices set forth by the Storm Water Manager or designee.

8-7-24: **Acceptable Waters**: The following non-storm water sources, according to 40 CFR 122.26 and/or the City's MS4 permit, may be discharged from the small MS4 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 City or the TCEQ to be significant contributors of pollutants to the small SM4:

1. water line flushing (excluding discharges of hyper-chlorinated water, unless the water is first de-chlorinated 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, ground water, or surface water sources (excessive runoff) can be deemed to be significant contributors of pollutants to the small MS4);
3. discharges from potable water sources (excessive runoff can be deemed to be significant contributors of pollutants to the small MS4);
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. water from crawl space pumps;
10. individual residential vehicle washing (excessive runoff can be deemed to be a significant contributor of pollutants to the small MS4);
11. flows from wetlands and riparian habitats;
12. de-chlorinated swimming pool discharges;
13. street wash water (excessive runoff can be deemed to be a significant

contributor of pollutants to the small MS4;

14. discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
15. other allowable non-storm water discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1)(excessive runoff can be deemed to be a significant contributor of pollutants to the small MS4);
16. non-storm water discharges that are specifically listed in the TPDES MS4 permit or a site specific TPDES Construction General Permit (CGP); and
17. other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

8-7-25: **Release Reporting and Cleanup**:

A. The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 and/or water of the State and/or United States, shall immediately contact the Strom Water Manager or designee or the Police Department or the Fire Department concerning the incident:

1. An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
2. An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
3. An amount of oil that either
    a. violates applicable water quality standards, or
    b. causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
4. Any harmful quantity of any pollutant.

B. The immediate notification required by 8-7-23(A) shall include the following information:

1. The identity or chemical name of the substance release, and whether the substance is an extremely hazardous substance;

2. The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
3. The time and duration (thus far) of the release;
4. An estimate of the quantity and concentration (if known) of the substance released;
5. The source of the release;
6. Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
7. Any precautions that should be taken as a result of the release;
8. Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
9. The names and telephone numbers of the person or persons to be contacted for further information.

C. Within ten (10) days following such release, the responsible person in charge of the facility, vehicle, or other sources of the release shall submit, unless waived by both the Storm Water Manager and Fire Department, a written report containing each of the items of information specified in the aforementioned as well as the following additional information:

1. the ultimate duration, concentrations and quantity of the release;
2. all actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
3. any known or anticipated acute or chronic health risks associated with the release; and
4. the identity of any governmental/private sector representatives responding to the release; and
5. the measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

The notifications required by section 8-7-23(B)(C) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person to any fine, penalty, or other liability which may be imposed pursuant to this Ordinance, state or federal law.

D. Any person responsible for any release as described in section 8-7-23(A) shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

E. Any person responsible for a release described in section 8-7-23(A) shall reimburse the City for any cost incurred by the City in responding to the release.

8-7-26: **Right of Entry, Inspection and Sampling:** The City's Storm Water Manager or its designees shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) and/or to waters to the State and/or United States to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City's Storm Water Manager or its designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording and copying, and for the performance of any additional duties. Dischargers shall make available to the City's Storm Water Manager or its designees, upon request, any pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records, reports or documents related to compliance with this Ordinance and with any state or federal discharge permit.

1. Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City's Storm Water Manager or its designees will be permitted to enter without delay for the purposes of performing responsibilities.

2. The City's Storm Water Manager or its designees shall have the right to set up on the discharger' property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

3. The City's Storm Water Manager or its designees may require, at his/her reasonable discretion, the discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.

4. The City's Storm Water Manager or its designees may require, at his/her reasonable discretion, the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow, waste water and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at all the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

6. Unreasonable delays in allowing the City's Storm Water Manager or its designees access to their discharger's premises shall be a violation of this Ordinance.

8-7-27: **Violations and Non-compliance**: A penalty is hereby established whereby any person who shall violate any provision of this Ordinance shall be deemed to be guilty of a misdemeanor and shall upon conviction be fined a minimum amount of not less than five hundred dollars ($500.00) per violation and a maximum amount of not less than two thousand dollars ($2,000.00) per violation. Each day of violation and each violation of a particular section of this Ordinance shall constitute a separable, offense for purposes of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance.

Upon the written certification by the City of the violation of any section of this Ordinance, the City Attorney is authorized to petition any court of competent jurisdiction for any injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State or the United States.

No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board of Commissioners hereby declares that this Ordinance would have been enacted without such invalid provision.

If compliance is not achieved to the City's satisfaction, the City may at its discretion, report the noncompliance to the USEPA, the TCEQ, the USGS, the U.S. Wildlife and Fisheries, the U.S. Army Corp of Engineers, or any other state or federal agency for further action.

Non-Compliance Flag and Stop Work Orders: If the City's Storm Water Manager or its designees determines that activities are being carried out in violation of this chapter, a notification of noncompliance shall be issued. In addition to the notification, if the violation continues beyond five (5) days, a "Non-compliance Flag" will be posted at the site. Finally, if the violation continues after five (5) days after the "Non-compliance Flag" is posted, the City may stop all work until corrective measures have been completed. The site shall be posted with a "Stop Work" notice. No other permits may be issued by the City until corrections have made to the satisfaction of the City. It is also against this Ordinance either to move or interfere with "Noncompliance Flag" and/or Stop Work orders, and shall be considered as additional violation(s) of this Ordinance.

Notification of Violation: Any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon written notification from the City. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. use of specific pollution prevention measures and techniques;
2. use of pre-treatment procedures pollution prevention plans;
3. modification of existing plan;
4. completion of work within a specified time period; and
5. submission of pollution prevention plan or any other of its type.

Appeals: Any person denied discharge to MS4 shall have the right to appeal such to the City Manager within ten (10) days of the date of such denial.

8-7-28: **Citizen Participation**: Citizen reports of violations: All citizens are encouraged to report to the City's Storm Water Manager at 956-784-8140 any spills, releases, illicit connections, or any other instances of anyone discharging pollutants into MS4 storm sewer system or waters of the State or waters of the United States and any other violation of this Ordinance which they become aware of.

SECTION II. The City Secretary is hereby directed to cause this Ordinance to be published in the Code of the City of Alamo.

SECTION III. The City Secretary is hereby authorized to publish a notice of the official newspaper in and for the City of Alamo, Texas, according to law

SECTION IV. This Ordinance shall be effective after its passage and signature by the Mayor of the City of Alamo.

SECTION V. If any section, or part of any section, paragraph or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section, part of any section, paragraph or clause of this Ordinance.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMO, TEXAS, at a Regular Meeting called and held on this the day of December, 2011, held in accordance with the provisions of Chapter 551 of the Texas Government Code.

CITY OF ALAMO:

_____

Diana Martinez, Mayor

ATTEST:

_____
Margot Saenz, City Secretary

APPROVED AS TO FORM ONLY:

_____
Ramirez & Guerrero, LLP
City Attorney

ORDINANCE NO. 04-06-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALAMO, TITLE 8, PUBLIC UTILITIES, ADDING CHAPTER 7, ILLICIT DISCHARGE AND CONNECTION TO THE STORMWATER SYSTEM; BY ADOPTING AS SET OUT THEREIN; PROVIDING FOR EFFECTIVE DATES; PROVIDING FOR PUBLICATION PROVIDING FOR SEVERABILITY CLAUSE AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF

WHEREAS, the City of Alamo, a home-rule city of the State of Texas, may adopt and enforce ordinances necessary to protect health, safety, life property and the general welfare of the City of Alamo and its residents and visitors through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; and

WHEREAS, the City of Alamo will establish methods of controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) and the National Pollutant Discharge Elimination System (NPDES) permit process;

NOW, THERFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMO, TEXAS THAT:

SECTION I. The Code of Ordinances of the City of Alamo, Title 8-Utilities, Chapter 7, Illicit Discharge and Connection is hereby amended to read as follows:

8-7-1: **Purpose:** The objectives are to regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user; to prohibit illicit connections and discharges to the municipal separate storm sewer system; and to establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance. This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

8-7-2: **Definitions**: For the purposes of this Ordinance only, the following terms, words and phrases; and their derivations, shall have the meanings set forth below, except where the context clearly indicates a different meaning:

Authorized Enforcement Agency means employees or designees of the Director of the municipal agency, the TCEQ, and/or the EPA designated to enforce this Ordinance and/or to enforce the TPDES and/or to enforce the NPDES regulations.

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational procedures, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, storm water conveyance systems. BMPs also includes treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

Construction Activity means construction activities subject to TPDES Construction Permits. Currently these include construction projects resulting in land disturbance of one (1) acre or more, as defined by the TPDES program. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

Hazardous Materials means any material, including any substance, waste or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8-7-6 of this Ordinance.

Illicit Connections means drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non- storm water discharge including sewage, process wastewater, and wash water to enter the storm drains system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has been documented in plans, maps, or equivalent records and approved by the authorized enforcement agency, or approved by an individual NPDES or TPDES permit.

Industrial Activities means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by the Environmental Protection Agency (EPA) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge means any discharge to the storm drain system that is not composed entirely of storm water.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes, contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water means any surface flow, runoff, and drainage consisting entirely of water from any form of precipitation and resulting from such precipitation.

Storm Water Pollution Prevention Plan means a document which describes the Best Management Practices activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Texas Pollutant Discharge Elimination System (TPDES) Storm Water Discharge Permit means a permit issued by the State of Texas, namely the Texas Commission on Environmental Quality (TCEQ), under authority delegated pursuant to 33 USC 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

8-7-3: **Responsibility for administration:**
The Storm Water Department shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Solely the authorized individual under this Section designated to enforce this Ordinance shall have the authority to enforce this Ordinance in its entirety and shall be designated as a TPDES Storm Water Manager and/or designee. The Storm Water Department shall issue individual badges, identification, credentials, and provide for annual training to assure compliance with the laws of the state and federal regulators.

All municipal departments shall comply with the requirements of this Ordinance and are required to incorporate the authority of the authorized individual into its respective daily operations.

8-7-4: **Severability:**
The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

8-7-5: **Ultimate Responsibility**:
The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

8-7-6: **Discharge Prohibitions**:
Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited. This prohibition expressly includes, illicit connections made in the past, regardless of whether the connection was permissible under law applicable or prevailing at the time of connection except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable sources, landscape, irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge but requires authorization by the Storm Water Department, prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under the TPDES or NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the TCEQ or the EPA, provided that the discharger is in full compliance with all the requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitations, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

8-7-7: **Suspension of MS4 access:**

Suspension due to Illicit Discharges in Emergency Situations.

The Storm Water Department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Water of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

8-7-8: **Industrial or Construction Activity Discharges:**
Any person subject to an industrial or construction activity TPDES or NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Storm Water Department prior to the allowing of discharges to the MS4.

8-7-9: **Monitoring of Discharges**:

A. Applicability.
This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.
1. The Storm Water Department or designee shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

2. Facility operators shall allow the Storm Water Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a TPDES or NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

3. The Storm Water Department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Storm Water Department to conduct monitoring and/or sampling of the facility’s storm water discharge.

4. The Storm Water Department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Storm Water Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Storm Water Department access to a permitted facility is a violation of the storm water discharge permit and of this Ordinance. A person who is the operator of a facility with a TPDES or NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.

7. If the Storm Water Department has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with Ordinance or any issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

8-7-10: **Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices**:

The Storm Water Department will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State and U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent

the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid TPDES or NPDES permit authorizing the discharge of storm water associated with industrial activity, the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a storm water pollution prevention plan (SWP3) as necessary for compliance with requirements of the TPDES or NPDES.

8-7-11: **Watercourse Protection:**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

8-7-12: **Notification of Spills**:

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State or U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the Storm Water Department within three (3) calendar days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

8-7-13: **Enforcement**:

Notice of violation.

Whenever the Storm Water Department finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Storm Water Department may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges
3. That violating discharges, practices, or operations shall cease and desist;

4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

8-7-14: **Appeal of Notice of Violation**:

Any person receiving a Notice of Violation may appeal the determination of the Storm Water Department. The notice of appeal must be received within ten (10) calendar days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) calendar days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

8-7-15: **Enforcement Measures after Appeal**:

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within fifteen (15) calendar days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the Storm Water Department or designee shall enter upon the subject property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

8-7-16: **Cost of Abatement of the Violation:**

Within thirty (30) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) calendar days. If the amount due is not paid within fifteen (15) calendar days as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this Ordinance shall become liable to the City by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of ten (10%) per annum shall be assessed on the balance beginning on the tenth (10^{th}) calendar day following discovery of the violation.

8-7-17: **Injunctive Relief**:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the Storm Water Department may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

8-7-18: **Compensatory Action:**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Storm Water Department may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshop, creek cleanup, etc.

8-7-19: **Violations Deemed a Public Nuisance:**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

8-7-20: **Criminal Prosecution:**

Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty as per Section 1-4-1 of the City Code and/or imprisonment in accordance with V.T.C.A., Code of Criminal Procedures §26.01 et seq. The Storm Water Department may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

8-7-21: **Remedies not Exclusive:**

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

8-7-22: **Fines and Policy:**

The Storm Water Department is authorized to develop a schedule of fines and to develop policy from time to time to assure the requirements of this Ordinance are met. The schedule of fines shall adhere to applicable local, state and federal laws. The policy shall include, but will not be limited to development of a comprehensive TPDES enforcement program, staff training requirements, development of job descriptions, assignment of fines to specific violations, budget requirements, and job assignments.

SECTION II. The City Secretary is hereby directed to cause this Ordinance to be published in the Code of the City of Alamo.

SECTION III. The City Secretary is hereby authorized to publish a notice of the official newspaper in and for the City of Alamo, Texas, according to law

SECTION IV. This Ordinance shall be effective after its passage and signature by the Mayor of the City of Alamo.

SECTION V. If any section, or part of any section, paragraph or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section, part of any section, paragraph or clause of this Ordinance.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMO, TEXAS, at a Regular Meeting called and held on this the _5th day of June, 2012, held in accordance with the provisions of Chapter 551 of the Texas Government Code.

CITY OF ALAMO:

_____
Diana Martinez, Mayor

ATTEST:

_____
Margot Saenz, City Secretary

APPROVED AS TO FORM ONLY:

_____
Ramirez & Guerrero, LLP
City Attorney

ALTON
ORDINANCE

ORDINANCE 2010-16

Illicit Discharge and Connection Stormwater Ordinance

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of City of Alton through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) and the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system;

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency, the TCEQ, and/or the EPA designated to enforce this ordinance and/or to enforce the TPDES and/or to enforce the NPDES regulations.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to TPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more, as defined by the TPDES program. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which

allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the authorized enforcement agency, or approved by an individual NPDES or TPDES permit.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by Environmental Protection Agency (EPA) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Texas Pollutant Discharge Elimination System (TPDES) Storm Water Discharge Permit. means a permit issued by the State of Texas, namely the Texas Commission on Environmental Commission (TCEQ), under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The City of Alton shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Solely the authorized individual under this Section designated to enforce this Ordinance shall have the authority to enforce this Ordinance in its entirety and shall be designated as a TPDES Stormwater Manager and/or Inspector. The City of Alton shall issue these individuals identification credentials, and provide for annual training to assure compliance with the laws of the state and federal regulators.

All municipal departments shall comply with the requirements of this Ordinance and are required to incorporate the authority of the authorized individual into its respective daily operations.

SECTION 5. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7. DISCHARGE PROHIBITIONS.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited This prohibition expressly includes, illicit discharges made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of discharge except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
(c) Dye testing is an allowable discharge, but requires authorization by the authorized enforcement agency, prior to the time of the test.
(d) The prohibition shall not apply to any non-storm water discharge permitted under a TPDES or NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the TCEQ or the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.
(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations
The City of Alton may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge
Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.
Any person subject to an industrial or construction activity TPDES or NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Alton prior to the allowing of discharges to the MS4.

SECTION 10. MONITORING OF DISCHARGES.

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

(a) The City of Alton shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the City of Alton ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a TPDES or NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(c) The City of Alton shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(d) The City of Alton has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Alton and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the City of Alton access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a TPDES or NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If the City of Alton has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The City of Alton will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State and U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid TPDES or NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWP3) as necessary for compliance with requirements of the TPDES or NPDES permit.

SECTION12. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State or U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Alton within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14. ENFORCEMENT.

Notice of Violation.

Whenever the City of Alton finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;
(b) The elimination of illicit connections or discharges;
(c) That violating discharges, practices, or operations shall cease and desist;
(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.
If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15. APPEAL OF NOTICE OF VIOLATION.
Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL.
If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17. COST OF ABATEMENT OF THE VIOLATION.
Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 10 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION 18. INJUNCTIVE RELIEF.
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19. COMPENSATORY ACTION.
In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21. CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of no less than $500.00 nor more than $2000.00 dollars per violation per day and/or imprisonment for a period of time not to exceed 15 days.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 22. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 23. FINES AND POLICY

The City of Alton is authorized to develop a schedule of fines and to develop policy from time to time to assure the requirements of Section 1 are met. The schedule of fines shall adhere to all applicable local, state and federal laws. The policy shall include, but will not be limited to development of a comprehensive TPDES enforcement program, staff training requirements, development of job descriptions, assignment of fines to specific violations, budget requirements, and job assignments.

SECTION 24. ADOPTION OF ORDINANCE.

The City Commission waives 2nd and 3rd reading of this ordinance. This ordinance shall be in full force and effect 10 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

READ, APPROVED, AND PASSED BY A VOTE of 5 ayes and 0 nays on this 4th day of NOVEMBER, 2010 at a GENERAL AND DULY CALLED MEETING OF THE CITY COMMISSION OF THE CITY OF ALTON TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

EXECUTED THIS 9th DAY OF NOVEMBER, 2010.

BY: _____
HONORABLE SALVADOR VELA, MAYOR

ATTEST:

BY: Baudelia Rojas
BAUDELIA ROJAS, CITY SECRETARY

CITY OF ALTON
TEXAS

APPROVED AS TO FORM:

BY: _____
HON. RICARDO GONZALEZ, CITY ATTORNEY

ORDINANCE 2010-14

Erosion and Sediment Control Ordinance

Section I. Introduction / Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Alton. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Alton.

Section II. Definitions

Certified Contractor	A person who has received acceptable training and is authorized by its employer to inspect and maintain erosion and sediment control practices.
Construction Activity	Activities subject to TPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more, or as defined by the TPDES program. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
Clearing	Any activity that removes the vegetative surface cover.
Drainage Way	Any channel that conveys surface runoff throughout the site.
Erosion Control	A measure that prevents erosion.
Erosion and sediment Control Agency	Employees or designees of the director of the municipal agency, the TCEQ, and/or the EPA designated to enforce this ordinance and/or to enforce the TPDES and/or to enforce the NPDES regulations.
Erosion and Sediment Control Plan	A set of plans prepared by or under the direction of a licensed professional engineer or other acceptable professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
Grading	Excavation or fill of material, including the resulting conditions thereof.
Perimeter Control	A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing	Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.
Sediment Control	Measures that prevent eroded sediment from leaving the site.
Site	A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
Site Development Permit	A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.
Stabilization	The use of practices that prevent exposed soil from eroding.
Start of Construction	The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
Watercourse	Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Alton.
Waterway	A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Responsibility for administration and permits

The City of Alton shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Solely the authorized individual under this Section designated to enforce this Ordinance shall have the authority to enforce this Ordinance in its entirety and shall be designated as a TPDES Stormwater Manager and/or Inspector. The City of Alton shall issue these individuals a identification credentials, and provide for annual training to assure compliance with the laws of the state and federal regulators.

All municipal departments shall comply with the requirements of this Ordinance and are required to incorporate the authority of the authorized individual into its respective daily operations.

A) No person shall be granted a site development permit for land-disturbing construction activity without the approval of an Erosion and Sediment Control Plan by the City of Alton.

B) No site development permit is required for the following activities:
   1) Any emergency activity that is immediately necessary for the protection of life,

property, or natural resources.

2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

C) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

D) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

E) The applicant will be required to file with the City of Alton a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the City of Alton to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the City of Alton, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section IV. Review and approval

A) The City of Alton will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, The City of Alton shall, in writing:
   1) Approve the permit application;
   2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
   3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B) Failure of the City of Alton to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Alton. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Alton.

Section V. Erosion and Sediment Control Plan

A) The Erosion and Sediment Control Plan shall include the following:
   1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. This map should be at a scale no smaller than 1"=100'.
   2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and

final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B) Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by the City of Alton by written authorization to the permittee, and shall include
1) Major amendments of the erosion and sediment control plan submitted to the City of Alton
2) Field modifications of a minor nature

Section VI. Design Requirements

A) Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Alton. Cut and fill slopes shall be no greater than 2:1, except as approved by the City of Alton to meet other community or environmental objectives.

B) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the City of Alton.

C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City of Alton.

E) Erosion control requirements shall include the following:
1) Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
2) If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the City of Alton may require the site to be reseeded or a non-vegetative option employed.
3) Special techniques approved by the _City of Alton on steep slopes or in drainage ways shall be used to ensure stabilization.
4) Soil stockpiles must be stabilized using approved BMP techniques or covered at the end of each workday.

5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction.
6) Techniques approved by the City of Alton shall be employed to prevent the blowing of dust or sediment from the site.

7) Techniques approved by the City of Alton that divert upland runoff past disturbed slopes shall be employed.

F) Sediment controls requirements shall include, but are not limited to:
1) Settling basins, sediment traps, or tanks and perimeter controls.
2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the City of Alton
3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls

All sediment control techniques shall be approved by the City of Alton.

G) Waterway and watercourse protection requirements shall include, but are not limited to:
1) A temporary stream crossing installed and approved by approved by the City of Alton if a wet watercourse will be crossed regularly during construction
1) Stabilization of the watercourse channel before, during, and after any in-channel work
2) All on-site stormwater conveyance channels shall be designed as approved by the City of Alton.
3) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

All waterway and watercourse protection requirements shall be approved by the City of Alton.

H) Construction site access requirements shall include, but are not limited to:
1) a temporary access road provided at all sites
2) other measures required by City of Alton in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drain.

All construction site access requirements shall be approved by the City of Alton.

Section VII. Inspection

A) The City of Alton or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify City of Alton at least two working days before the following:
3) Start of construction

4) Installation of sediment and erosion measures
5) Completion of site clearing
6) Completion of rough grading
7) Completion of final grading
8) Close of the construction
9) Completion of final landscaping

B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to City of Alton at the time interval specified in the approved permit.

C) The City of Alton or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

Section VIII. Enforcement

A) Stop-Work Order; Revocation of Permit
In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, City of Alton may suspend or revoke the site development permit.

B) Notice of Violation.
Whenever the City of Alton finds that a person or entity has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Alton may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
(a) The performance of monitoring, analyses, and reporting;
(b) The elimination of illicit connections or discharges;
(c) That violating discharges, practices, or operations shall cease and desist;
(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
(e) Payment of a fine to cover administrative and remediation costs; and
(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

C) Appeal of Notice of Violation.
Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10

days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

D) Enforcement measures after appeal.
If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

E) Cost of abatement of the violation
Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 10 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

F) Injunctive relief.
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Alton may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

G) Compensatory action.
In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

H) Violations deemed a public nuisance
In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat

to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

I) Criminal prosecution.
No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not less than $500.00 nor more than $2000.00 for each violation par day. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty and/or imprisonment for a period of time not to exceed 15 days.
The City of Alton may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

J) Remedies no exclusive
The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Alton to seek cumulative remedies.

K) Fines and policy
The City of Alton is authorized to develop a schedule of fines and to develop policy from time to time to assure the requirements of Section I are met. The schedule of fines shall adhere to all applicable local, state and federal laws. The policy shall include, but will not be limited to development of a comprehensive TPDES enforcement program, staff training requirements, development of job descriptions, assignment of fines to specific violations, budget requirements, and job assignments.

Section IX. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section X. Adoption of Ordinance.

The City Commission waives 2nd and 3rd reading of this ordinance. This ordinance shall be in full force and effect 10 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

READ, APPROVED, AND PASSED BY A VOTE of 5 ayes and 0 nays on this 9th day of NOVEMBER, 2010 at a GENERAL AND DULY CALLED MEETING OF THE CITY COMMISSION OF THE CITY OF ALTON TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

EXECUTED THIS 9th DAY OF NOVEMBER, 2010.

BY: Salvador Vela
HONORABLE SALVADOR VELA, MAYOR

ATTEST:

BY: Baudelia Rojas
BAUDELIA ROJAS, CITY SECRETARY

CITY OF ALTON TEXAS

APPROVED AS TO FORM:

BY: _____
HON. RICARDO GONZALEZ, CITY ATTORNEY

BROWNSVILLE
ORDINANCE

Ordinance 2013 - 1576

An Ordinance to Control Pollution and Prevent Polluted Water Discharge into the Municipal Separate Storm Sewer System and Water Bodies from Residential, Business, and Commercial Establishments, to Preserve the Natural Flow of Water and Waterways within the City of Brownsville, to Establish Penalties for Violation, and related matters.

WHEREAS, the **Environmental Protection Agency (EPA)** and the **Texas Commission on Environmental Quality (TCEQ)** has mandated, **pursuant to the National Pollutant Discharge Elimination System (NPDES)** and the **Texas Pollutant Discharge Elimination System (TPDES) Permit Application Regulations**, respectively, for **Storm Water Discharges** that municipalities with a population of 1,000 per square mile or more citizens adopt adequate legal authority to prohibit the discharge of pollutants into the City's **Municipal Separate Storm Sewer System (MS4)** and any illicit connections or open discharges to such system; and

WHEREAS, the Public Works Department of the City of Brownsville has recommended that certain discharge from the residential, commercial and industrial facilities must be prohibited to prevent the introduction of pollutants to the MS4 and to comply with the City's TPDES MS4 permit; and

WHEREAS, the Public Works Department of the City of Brownsville has developed comprehensive requirements and a permitting process for non-storm water discharge, which are contained its proposed Storm Water Pollution Prevention Ordinance; and

WHEREAS, the City of Brownsville Code of Ordinances has not addressed the prohibition of pollutants in the City's municipal separate storm sewer system and now, it is necessary to create the Storm Water Pollution Prevention Ordinance to include water pollution prevention requirements; and

WHEREAS, it is in the City's best interest to enhance the water quality of the City's waterways through the prohibition of illicit discharges into the City's municipal separate storm sewer system; and

WHEREAS, the purpose of this Ordinance is to control pollution and prevent polluted water discharge into the Municipal Separate Storm Sewer System (MS4) and/or water bodies from residential, business, and commercial establishments, and to preserve the natural flow of water and waterways within the City of Brownsville. The provisions in this Ordinance are intended to provide a natural environment, to control non-storm water runoff to the MS4 at its source, to minimize the adverse effects of water pollution, prohibit unpermitted obstruction of the MS4 conveyance and to preserve our drinking water supplies. It is also the purpose of this Ordinance to prevent and eliminate the wrongful discharge of waste water and to prevent wash water discharges into the MS4. The resulting discharges pollute storm water flows in ditches, streams, and other waterways, and thereby create an unhealthy situation, degrade water quality, cause loss of aquatic life and pose a threat to public health and safety.

WHEREAS, City Commission finds that said ordinance is necessary to promote the public health, safety, and general welfare of the citizens of Brownsville,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS THAT:

Creation and amendment.

Article V of Chapter 46 of the City of Brownsville Local Code of Ordinances is hereby created to include Sections 1 through 26 titled "Storm Water Pollution Prevention Ordinance", reading as follows:

Section 1. Scope and intent.

This ordinance sets forth guidelines, standard practices, rules and regulations to control polluted storm water runoff and non-storm water discharges from residential, commercial, and industrial establishments.

Section 1.1 Definitions.

For the purpose of this Ordinance only, the following terms, words and phrases; and their derivations, shall have the meanings set forth below, except where the context clearly indicates a different meaning:

(a) Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP also includes treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(b) BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biological oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

(c) Chlorinated Discharge means any discharge having a quantity of chlorine (free or total) that exceeds the Surface Water Quality Standard of the State of Texas.

(d) City means the City of Brownsville, Texas.

(e) Commercial Dumpster Washing means the washing of commercial garbage or rubbish dumpsters and the immediate area around them in order to remove putrescible animal and vegetable waste material or other debris from said areas and dumpsters.

(f) CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

(g) Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

(h) Discharger means any person who causes, allows, permits, or is otherwise responsible for a discharge including, without limitation, any operator of a construction site or industrial facility.

(i) Do It Yourself (DIY) Used Oil means used oil that is generated by a person who changes the person's own automotive oil.

(j) Environmental Protection Agency (EPA) means the United States Environmental. Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

(k) Excessive Water Runoff means discharges deemed by the City to be significant contributors of pollutants to the MS4 or other surface waters.

(l) Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

(m) Fueling/Vehicle Washing Areas means any commercial location to include mobile washing enterprise where any type of motor vehicle or piece of heavy equipment is washed, waxed, cleaned, or degreased in any manner or any location where any type of motor vehicle is fueled with petroleum products or any other type of fuel.

(n) Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from handling, processing, storage and sale of food products and produce.

(o) Harmful/Hazardous Quantity means the amount of any substance that will cause pollution of water under state and federal law.

(p) Hazardous Waste means any material, substance, byproduct, spent, obsolete or used chemical or chemical compound which meets the standards for classification of a hazardous waste or acutely hazardous waste as those terms are defined in 40 CFR Part 261 et seq. and any appendices thereto.

(q) Household Hazardous Waste (HHW) means any material generated in a household (including but not limited to single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnics grounds, and day use recreational areas) by a consumer such as, but not limited to batteries, oils, paint brushes, paint containers, except for the exclusion provided in 40 Code of Federal Regulations (CFR) § 261.4(b)(l), would be classified as a hazardous waste under 40 CFR Part 261.

(r) Illegal Dumping means the act of illegally placing any material in any location including but not limited to the MS4, waters of the State, waters of the United States, or any location other than the appropriate place of disposal whether the location is public or private.

(s) Illicit Connection means any man made conveyance connecting an illicit discharge directly to a municipal separate storm sewer or waters of the United States.

(t) Industrial Waste means liquids or other character of wastes resulting from any commercial, manufacturing or industrial operations or process, excluding normal domestic sanitary sewage unless it exceeds three hundred fifty (350) mg/l BOD or three hundred fifty (350) ml/L total suspended solids, which waterborne or liquid wastes enter the sewage system, or any portion thereof, of the city.

(u) Inlet means an entrance into a ditch, storm sewer, or other waterway.

(v) Landfill means an area of land or excavation in which wastes are placed for permanent disposal, which is permitted or registered by the State of Texas, and which is not a land application unit, surface impoundment, injection well, or waste pile.

(w) Motor Vehicle Fluid means any fluid used in any type of engine including but not limited to fuel, oil, transmission fluid, coolant, brake fluid, windshield washing fluid, and power steering fluid.

(x) Municipal Separate Storm Sewer System (MS4) means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, inlets, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water and which is not used for collecting or conveying sewage or waste water.

(y) Non-Compliance means any infraction of the revised Code of Civil and Criminal Ordinances of the City of Brownsville, State regulations/laws or Federal regulations/laws.

(z) Nonpoint Source Pollution shall mean pollution contained in storm water runoff from ill-defined, diffuse sources.

(aa) Notify means contacting the appropriate city official in writing in order to request permission to apply or reapply for a specified permit, or to make the official aware of an existing discharge or structure.

(bb) NPDES Permit shall mean a permit issued by the EPA or by the State that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

(cc) Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil sludge, oil refuse, and oil mixed with waste or any fraction thereof which is liquid at standard conditions of temperature and pressure.

(dd) Oil Filter means an integral part of an oil-flow system, the purpose of which is to remove contaminants from the flowing oil contained within the system.

(ee) Oil Water Separator/Interceptor means a device installed, usually at the entrance of an inlet drain, which removes oil and grease from water flows entering either the MS4 or sewer.

(ff) Operator means the person or persons who, either individually or in a group, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications) and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

(gg) Owner means the person who owns a facility or part of a facility or his/her assignee.

(hh) Oxygen Demanding Substance means the chemical and/or mircroogranism-mediated oxidation of organic matter; and/or the biooxidation of nitrogenous material; and/or chemical or biochemical oxidation of chemical reducing agents.

(ii) Pavement Wash Water means any water used to wash any debris, sediment, fluid, or putrescible matter from any paved area of a commercial or public facility.

(jj) Permittee means any person or entity to whom a permit is issued pursuant to this ordinance and any authorized representative, agents or designee of such person or entity.

(kk) Person or entity means an individual, firm, co-partnership, limited liability company, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, or government, Indian tribe, agency or instrumentality of any government or Indian tribe, but such term does not include:
(1) The United States Postal Service; or
(2) For the purpose of 49 USC 5123 and 5124, any agency or instrumentality of the federal government.

(ll) Petroleum Substance means a crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure. A petroleum substance shall be limited to one or a combination of the substances or mixtures in the following list except for any listed substance regulated as a hazardous waste under the federal Solid Waste Disposal Act, Subtitle C, (42 United States Code 56921, et seq.):

(mm) Petroleum Underground Storage Tanks (PUST) means any underground storage tank system that contains, has contained or will contain a petroleum substance, a mixture of two or more petroleum substances or a mixture of one or more petroleum substances with very small amounts of one or more hazardous substances.

(nn) pH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution, expressed in standard units. The pH may range from 0 to 14, where 0 is the most acidic and 14 is the most basic.

(oo) Point Source means any discernible, confined, and discrete conveyance including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

(pp) Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial municipal, and agricultural wastes discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

(qq) Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(rr) Pollution Prevention Measures means prescribed measures to reduce pollutants in discharge through outfalls. These measures include but are not limited to treatment, pretreatment, a best management practice or a method to reduce the pollution of projects classified as light construction and land disturbance activities.

(ss) Polychlorinated Biphenyl (PCBs) mean a series of technical mixtures consisting of many isomers and compounds that vary from mobile oil liquids to white crystalline solids and hard noncrystalline resins.

(tt) PUB Public Utilities Board of Brownsville.

(uu) Public Used Oil Collection Center means a facility which accepts do-it-yourself used oil. Such centers include:
1. automotive service facilities that in the course of business accept for recycling, small quantities of used oil from private citizens; and
2. facilities that store used oil in aboveground tanks, and that in the course of business accept, for recycling, small quantities of used oil from private citizens; and
3. publicly sponsored collection facilities that are designated and authorized by the Texas Department of State Health Services to accept for recycling, small quantities of used oil from private citizens.

(vv) Qualified Personnel means persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

(ww) Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States. Reportable Quantity (RQ) means the quantity specified in column 3 of the appendix to 49 CFR part 107.101 for any material identified in column 1.

(xx) Riparian Habitat means the area of the banks of any river, creek, lake, pond, or other waterway where specialized life forms exist.

(yy) Rubbish means nonputrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

(zz) Sanitary Sewer (or Sewer) means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which storm water, surface water, and ground water are not intentionally admitted).

(aaa) Sediment shall mean solid particulate matter, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water, air, ice, or gravity and has come to rest on the earth's surface either above or below sea level. Septic Tank Waste means any domestic sewage from holding tanks such as from vessels, chemical toilets, campers, trailers, and septic tanks.

(bbb) Sewage (or Sanitary Sewage) means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement floor drains, garage floor drains, store rooms, soda fountains, cuspidors, refrigerator drips, fountain and stable floor drains an all other similar fixtures and receptacles that discharge wastes into sewage system. Single Family Dwelling means a dwelling unit contained in a freestanding structure designed for occupancy by a single family.

(ccc) Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

(ddd) Small MS4 means a small to medium Municipal Separate Storm Sewer System serving an urbanized area (UA), or municipality not covered by the Phase I NPDES Program but instead is a Phase II permitted community as designated by the 2000 census for communities with a population of 10,000 or more, and/or a population density of 1000 people per square mile.

(eee) Soil means naturally occurring superficial deposits overlaying bedrock.

(fff) Solid Waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

(ggg) State means the State of Texas.

(hhh) Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

(iii) TCEQ means the Texas Commission on Environmental Quality or its successors.

(jjj) Transporter means any person who transports or plans to transport over public highways of this state more than 500 gallons of used automotive oil annually.

(kkk) Uncontaminated means not containing a harmful quantity of any substance under state and federal law.

(lll) Underground Storage Tank means any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

(mmm) Used Oil means any oil that has been refined from crude oil or as a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable.

(nnn) Wash Water means any water used to wash any structure, parking lot, vehicle, or piece of heavy equipment.

(ooo) Water Bodies mean any groundwater, percolating, or otherwise, resacas, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, 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 inside the jurisdiction of the State.

(ppp) Waters of the State (or Water) means any groundwater, percolating, or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, 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 inside the jurisdiction of the State.

(qqq) Water Quality Standard means the designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses, as specified in Chapter 307 of Title 31 of the Texas Administrative Code.

(rrr) Wetlands means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances
does support, a prevalence of vegetation typically adapted for life in saturated soil
conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 2. General Prohibition.

(a) No person shall introduce or cause to be introduced into the MS4 or water bodies any discharge that causes c contributes to causing the City to violate a water quality standard, the City's TPDES permit, or any state-issue discharge permit for discharges from its MS4 or water bodies. New sources or new discharges to the City's MS of the oxygen-demanding substances, nutrients and sediments constituents of concern are not authorized by th ordinance unless otherwise allowable under 30 Texas Administrative Code Chapter 305.

(b) No person shall introduce or cause to be introduced into the MS4 or water bodies any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavations or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable; for the duration of the project.

(c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise, cause, allow, or permit to be introduced any of the following substances into the MS4 or water bodies.

(d) No person shall introduce or discharge or cause or permit to be discharged into the MS4 or water bodies within the City limits any of the following except as authorized by a valid permit from the City or the TCEQ or the EPA.

Sec. 3. Used Oil/Vehicle Fluid.

No person shall:

(a) introduce used oil, used oil filters, or any other motor vehicle fluids to the MS4 or water bodies;

(b) apply used oil and/or vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;

(c) introduce flammable or explosive liquids, solids or gases such as, but not limited to, gasoline, motor oil, benzene, naphtha and similar substances to any water bodies and/or the MS4; or

(d) introduce any wax, grease, oil, antifreeze, or any other motor vehicle fluid to any water bodies and/or to the MS4.

Sec. 4. Household Hazardous Waste.

No person shall:

(a) introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide bottles/cans, and used toiletries in to the MS4;

(b) discharge a household hazardous waste having a pH value lower than 6.0 or higher than 10.5; or

(c) place, or cause, or allow to be placed, a household hazardous waste within the MS4 and/or water bodies. It shall be also unlawful for any person to place, or cause or allow to be placed, a household hazardous waste in a inlet within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4 and/or water bodies.

Sec. 5. Discharge from Fueling/Vehicle Washing Areas

No person shall:

(a) introduce into the MS4 and/or water bodies any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealer-ship, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

(b) introduce into the MS4 and/or water bodies any wash water from the washing, cleaning, deicing or other maintenance of aircraft; or

(c) discharge into the MS4 and/or water bodies any contaminated water or waste from commercial establishments including but not limited to gas stations, service

stations, and auto repair shops with areas exposed to weather conditions

(d) introduce into the MS4 and/or water bodies any excessive water from the washing, cleaning, or other maintenance of vehicles at residential homes;

Sec. 6. Discharge from Oil-Water Separator/grease trap

No person shall:

(a) discharge from an oil water separator or an oil/water interceptor or grease trap into the MS4 and/or water bodies;
(b) discharge flow from an oil/water separator or an oil/water interceptor having a pH value lower than 6.0 or higher than 10.5.

Sec. 7. Petroleum Underground Storage Tanks (PUST)

No person shall:

(a) Release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST release is prohibited unless the discharge satisfies all of the following criteria:

(1) compliance with all local, state, and federal standard requirements and regulations;
(2) no discharge contains a harmful quantity of any pollutant; and

(3) shall not have a pH value lower than 6.0 or higher than 10.5.

Sec. 8. Utility Manhole/Vaults Discharge

No person shall:

(a) discharge from any public or private underground utility manhole (including, but not limited to electric power, gas pipeline, cable companies, telephone companies) to discharge its collected water (due to rain or surface runoff or cross connection or illegal discharge) into the MS4 and/or water bodies or watercourse; or

(b) discharge into MS4 and/or water bodies from a utility manhole a flow having pH value lower than 6.0 or higher than 10.5.

Sec. 9. Industrial Waste/Effluent Discharge

No person shall:

(a) discharge or introduce any effluent including, but not limited to, a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler into the MS4 and/or water bodies; or

(b) discharge or introduce any type of industrial waste or effluent and/or any discharge having a pH value lower than 6.0 or higher than 10.5 into the MS4 and/or water bodies;

Sec.10. Sewage and Waste Water Discharges

No person shall:

(a) discharge any type of waste water from residential, commercial or industrial sources into the MS4 and/or water bodies;

(b) discharge or introduce any domestic sewage or septic tank waste, grease trap waste, or grit trap waste from either residential, commercial or industrial sites into the MS4 and/or water bodies; or

(c) discharge any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area.

Sec. 11. Chlorinated Discharge

No person shall:

(a) discharge any swimming pool water or filter backwash from a swimming pool or fountain into the MS4 and/or water bodies;

(b) discharge from a water line if it has been disinfected by superchlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection; or

(c) treat sewage overflows with harmful amounts (detrimental to aquatic life) of chlorine to the MS4 and/or water bodies.

Sec. 12. Construction, Development, Redevelopment and Land Disturbance Run-off

No person shall:

(a) discharge from a construction site flow having a pH value lower than 6.0 or higher than 10.5;

(b) discharge any type of industrial waste from construction sites to the MS4 and/or water bodies;

(c) introduce any garbage, rubbish, or yard waste into the MS4 and/or water bodies;

(d) discharge, including, but not limited to, paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination from single family dwelling or any construction;

(e) leave unused construction materials or used construction materials or debris on the construction, development, redevelopment, and land disturbance sites. All on site debris shall be properly disposed of in the landfill within 30 days from the occupancy of the structures; or

(f) wash any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction that has not been designated and approved as a wash out area at the site review and/or by the City permitting official.

Sec. 13. Pesticides, Herbicides, and Fertilizers

No person shall:

(a) dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that allows a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 and/or water bodies.

(b) use, apply or dispose of a pesticide, herbicide or fertilizer in a manner contrary to the manufacturers (label) instructions and/or in violation of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA).

Sec. 14. Commercial Dumpster Washing

No person shall wash a commercial dumpster, regardless of its location, in an area where it discharges directly or indirectly into the MS4 and/or water bodies.

Sec. 15. Ready Mix Concrete Truck Washing

No person shall wash residual ready mix concrete from concrete mixing trucks regardless of its location, in an area where discharges might enter the MS4 and/or water bodies.

Sec. 16. Illicit Connection

No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 and/or water bodies, or allow such a connection to continue.

Sec. 17. Pavement /Parking Lot Washing/Window Washing

No person shall:

(a) discharge any waste water from the washing or cleaning of pavement including, but not limited to parking lots, driveways, or carports that contain soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated; or

(b) discharge any wash water from a commercial mobile power washer or from the washing or other cleaning of a pavement or building exterior, including but not necessarily limited to windows, that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance to MS4 and/or water bodies;

Sec. 18. Polychlorinated Biphenyls (PCB) Elimination

No person shall discharge, introduce, cause or permit any PCB or any substance known or suspected of containing PCBs , or technical products classified as PCBs, or derivatives of PCBs into the MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City's jurisdictional limits.

Sec. 19. Asbestos Elimination

No Person Shall discharge, introduce, cause or permit to be discharged any asbestos or any substance known or suspected of containing asbestos, or technical products classified as asbestos, or derivatives of asbestos into the MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City's jurisdictional limits.

Sec. 20. Grass Trimmings, Leaves, and Limbs

No person shall intentionally place or cause or allow to be placed, or dropped, brush cuttings, grass clippings, grass, and/or rubbish in the inlets, curbs, gutters, drain ditches of any street in the City limits in such a manner that the same may be washed by water flowing into the MS4 and/or any bodies of water, nor shall material described in Sec. 20 or any other obstruction impede or block the programmed flow of storm water unless temporarily authorized by City Engineer, Public Works Director, Storm Water Manger or their designee to conduct infrastructure improvements.

Sec. 21. Landscape Irrigation, Lawn Irrigation, and other Irrigation

No person shall:

(a) discharge any excessive water runoff resulting from normal landscape irrigation, lawn irrigation, and other irrigation; or

(b) discharge any water runoff resulting from inefficient practices, from faulty equipment, from improperly placed equipment, from use of equipment in violation of local, state and/or federal regulations, from unpermitted irrigation systems, where applicable, from leaking equipment from leaking conveyance systems, or from other leaking appurtenances.

Sec. 22. Acceptable Waters.

The following non-storm water sources, according to 40 CFR 122.26 and/or the City's MS4 permit, 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 City or the TCEQ to be significant contributors of pollutants to the small MS4:

1. water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

2. runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources

3. discharges from potable water sources

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 (excessive runoff can be deemed to be significant contributor of pollutants to the small MS4);

12. flows from wetlands and riparian habitats;

13. dechlorinated swimming pool discharges;

14. street wash water (excessive runoff can be deemed to be significant contributor of pollutants to the small MS4);

15. discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

16. other allowable non-storm water discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1) (excessive runoff can be deemed to be significant contributor of pollutants to the small MS4);;

17. non-storm water discharges that are specifically listed in the TPDES MS4 permit or a site specific TPDES Construction General permit (CGP); and

18. other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

19. excessive runoff of any substance including the non-storm water sources listed in Sec. 22, Acceptable Waters, may be deemed a significant contributor of pollutants to the small MS4.

Sec. 23. Release Reporting and Cleanup.

(a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 and/or waters of the State and/or United States, shall immediately telephone and notify either the City of Brownsville Public Works Department, Fire Department or the Police Department concerning the incident:

(1) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;

(2) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;

(3) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or

(4) Any harmful quantity of any pollutant.

(b) The immediate notification required by 23 (a) shall include the following information:

(1) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;

(2) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;

(3) The time and duration (thus far) of the release;

(4) An estimate of the quantity and concentration (if known) of the substance released;

(5) The source of the release;

(6) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;

(7) Any precautions that should be taken as a result of the release;

(8) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and

(9) The names and telephone numbers of the person or persons to be contacted for further information.

(c) Within fifteen (15) days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by both the City Brownsville Public Works Department and Fire Department, a written report containing each of the items of information specified above in subsection 19 (b) parts 1-8 as well as the following additional information:

(1) the ultimate duration, concentrations, and quantity of the release;

(2) all actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts:

(3) any known or anticipated acute or chronic health risks associated with the release;

(4) the identity of any governmental/private sector representatives responding to the release; and

(5) the measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

(d) The notifications required by subsections 23 (b) and 23 (c) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this Ordinance, state, or federal law.

(e) Any person responsible for any release as described in subsection 23(a) shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release and shall reimburse the City for any cost incurred by the City in responding to the release.

Sec. 24. Right of Entry, Inspection and Sampling.

(a) The City shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) and/or to waters of the State and/or United States to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording and copying, and for the performance of any additional duties. Dischargers shall make available to the City, upon request, any pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records, reports, or documents related to compliance with this Ordinance and with any state or federal discharge permit.

(b) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing responsibilities.

(c) The City may set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

(d) The City may require, at its reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.

(e) The City may require, at its reasonable discretion, the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow, waste water and quality shall be calibrated to ensure their accuracy.

(f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

Sec. 25. Violations and Non-compliance.

(a) Each day of violation and each violation of a particular section of this Ordinance shall constitute a separable, offense for purposes of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance. Each violation of this ordinance is punishable by a fine under Sec. 1-13 of the Code of Ordinances

(b) Upon the written certification by the City of the violation of any section of this Ordinance, the City Attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State or the United States.

Sec. 26. Miscellaneous Provisions

(a) No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

(b) If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

(c) The City may, at its discretion, report any noncompliance to the USEPA, the TCEQ, the USGS, the U.S. Wildlife and Fisheries, the U.S. Army Corps of Engineers, and/or any other state or federal agency for further action.

(d) Non-Compliance Flag and Stop Work Orders: If the City determines that activities are being carried out in violation of this chapter, a notification of non compliance shall be issued. In addition to the notification, if the violation continues beyond five (5) days, a "Non-compliance Flag" will be posted at the site. Finally, if the violation continues after the five (5) days after the "Non-compliance Flag" is posted, the City may stop all work until corrective measures have been completed. The site shall be posted with a "stop work" notice. No other permits may be issued by the City until corrections have been made to the satisfaction of the City. It is also against this Ordinance either to move or interfere with "Non- compliance Flag" and/or stop work orders, and shall be considered as additional violation(s) of this Ordinance.

(e) Notification of Violation: In addition to any penalty provided for by Sec. 25 of this ordinance, any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon written notification from the City. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. use of specific pollution prevention measures and techniques;
2. use of pre treatment procedures pollution prevention plans;
3. modification of existing plan;
4. completion of work within a specified time period;
5. installation and maintenance of monitoring/sampling equipment; and
6. submission of pollution prevention plan or any other of its type.

(f) Appeals: Any person denied discharge to MS4 shall have the right to appeal such to the City Manager's Office within forty-five (45) days of the date of such denial.

PASSED on **FIRST READING** on the 2ND day of April , 2013 and on SECOND AND FINAL READING on the 16TH day of April , 2013.

Antonio "Tony" Martinez
Mayor

Attest:

Estela Von Hatten
City Secretary

CITY OF BROWNSVILLE, TEXAS INCORPORATED FEBRUARY 7 1853

Approved as to Form and Legality
On this 12th day of April, 2013

John E. Chosy
Assistant City Attorney

CAMERON COUNTY
ORDINANCE

Order No. 201105032

CAMERON COUNTY
STORMWATER MANAGEMENT PLAN

EROSION AND SEDIMENT CONTROL ORDER

Section I. Introduction / Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of ponds/lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in **Cameron County**. This order will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in **Cameron County.**

Section II. Definitions

Certified Contractor - A person who has received acceptable training and is authorized by its employer to inspect and maintain erosion and sediment control.

Construction Activity - Activities subject to TPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more, or as defined by the TPDES program. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Clearing - Any activity that removes the vegetative surface cover.

Drainage Way - Any channel that conveys surface runoff throughout the site.

Erosion Control - A measure that prevents erosion.

Erosion and sediment control agency - Employees of the Cameron County Department of Transportation, TCEQ, and/or the EPA designated to enforce this ordinance and/or to enforce the TPDES and/or to enforce the NPDES regulations.

Erosion and Sediment Control Plan - A set of plans prepared by or under the direction of a licensed professional engineer or other acceptable professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit - A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse - Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by **Cameron County.**

Waterway - A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Responsibility for administration and permits

The **Cameron County Department of Transportation** shall administer, implement, and enforce the provisions of this order. Any powers granted or duties imposed upon the **Cameron County Department of Transportation** may be delegated in writing by the Director of the **Cameron County Department of Transportation** to persons or entities acting in the beneficial interest of or in the employ of the County.

Solely the authorized individual under this Section designated to enforce this Order shall have the authority to enforce this Order in its entirety and shall be designated as a Certified TPDES Stormwater Manager and/or Inspector. The **Cameron County Department of Transportation** shall issue these individuals a badge, identification credentials, and provide for annual training to assure compliance with the laws of the state and federal regulators.

All **Cameron County** Departments shall comply with the requirements of this Order and are required to incorporate the authority of the authorized individual into its respective daily operations.

A) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of a minimum of ***one (1) acre*** without the approval of an Erosion and Sediment Control Plan by the **Cameron County Department of Transportation / Stormwater Manager.**

B) No site development permit is required for the following activities:
   1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

   2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

C) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

D) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when construction or grading activity takes place.

E) The applicant will be required to file with the **Cameron County Department of Transportation** a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by **Cameron County Commissioner's Court** to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by **Cameron County Department of Transportation**, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section IV. Review and approval

A) **The Cameron County Department of Transportation** will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the **Cameron County Department of Transportation** shall, in writing:
   1) Approve the permit application;
   2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
   3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B) Failure of the **Cameron County Department of Transportation** to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the **Cameron County Department of Transportation.** Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the **Cameron County Department of Transportation.**

Section V. Erosion and Sediment Control Plan

A) The Erosion and Sediment Control Plan shall include the following:
   1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. This map should be at a scale no smaller than 1"=100'.
   2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
   3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
   4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
   5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B) Modifications to the plan shall be processed and approved or disapproved in the same manner as **Section IV** of this regulation, may be authorized by the **Cameron County Department of Transportation** by written authorization to the permittee, and shall include;
   1) Major amendments of the erosion and sediment control plan submitted to _the **Cameron County Department of Transportation.**
   2) Field modifications of a minor nature.

Section VI. Design Requirements

A) Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of the **Cameron County Department of Transportation.** Cut and fill slopes shall be no greater than 2:1, except as approved by the **Cameron County Department of Transportation** to meet other community or environmental objectives.

B) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this order. Clearing

techniques that retain natural vegetation and drainage patterns, and shall be used to the satisfaction of the **Cameron County Department of Transportation.**

C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the **Cameron County Department of Transportation.**

E) Erosion control requirements shall include the following:
   1) Soil stabilization shall be completed within *five(5) days* of clearing or inactivity in construction.
   2) If seeding or another vegetative erosion control method is used, it shall become established within *two (2) weeks* or the **Cameron County Department of Transportation** may require the site to be reseeded or a nonvegetative option employed.
   3) Special techniques approved by the **Cameron County Department of Transportation** on steep slopes or in drainage ways shall be used to ensure stabilization.
   4) Soil stockpiles must be stabilized using approved BMP techniques or covered at the end of each workday.
   5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction.
   6) Techniques approved by the **Cameron County Department of Transportation** shall be employed to prevent the blowing of dust or sediment from the site.
   7) Techniques approved by the **Cameron County Department of Transportation** that divert upland runoff past disturbed slopes shall be employed.

F) Sediment controls requirements shall include, but are not limited to:
   1) Settling basins, sediment traps, or tanks and perimeter controls.
   2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the **Cameron County Department of Transportation.**
   3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls

   All sediment control techniques shall be approved by the **Cameron County Department of Transportation.**

G) Waterway and watercourse protection requirements shall include, but are not limited to:
   1) A temporary stream crossing installed and approved by the **Cameron County Department of Transportation** if a wet watercourse will be crossed regularly during construction.
   1) Stabilization of the watercourse channel before, during, and after any in-channel work.
   2) All on-site stormwater conveyance channels shall be designed as approved by the **Cameron County Department of Transportation.**
   3) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

All waterway and watercourse protection requirements shall be approved by the **Cameron County Department of Transportation.**

H) Construction site access requirements shall include, but are not limited to:
   1) A temporary access road provided at all sites
   2) Other measures required by the **Cameron County Department of Transportation** in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drain.

All construction site access requirements shall be approved by the **Cameron County Department of Transportation.**

Section VII. Inspection

A) **The Cameron County Department of Transportation** or designated Stormwater Manager/Inspector shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the **Cameron County Department of Transportation / Stormwater Manager** shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the **Cameron County Department of Transportation / Stormwater Manager** at least two (2) working days before the following:
   1) Start of construction
   2) Installation of sediment and erosion measures
   3) Completion of site clearing
   4) Completion of rough grading
   5) Completion of final grading
   6) Close of the construction
   7) Completion of the final landscaping

B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the **Cameron County Department of Transportation / Stormwater Manager** at the time interval specified in the approved permit.

C) **The Cameron County Department of Transportation / Stormwater Manager / Stormwater Inspector** shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

Section VIII. Enforcement

A) Stop-Work Order; Revocation of Permit
In the event that any person holding a site development permit pursuant to this **Order** violates the terms of the permit or implements site development in such a manner as to

materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the **Cameron County Department of Transportation** may suspend or revoke the site development permit.

B) Notice of Violation.
Whenever the **Cameron County Department of Transportation** finds that a person or entity has violated a prohibition or failed to meet a requirement of this **Order**, the **Cameron County Department of Transportation** may order compliance by written notice of violation to the responsible person or entity. Such notice may require without limitation:
(a) The performance of monitoring, analyses, and reporting;
(b) The elimination of illicit connections or discharges;
(c) That violating discharges, practices, or operations shall cease and desist;
(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
(e) Payment of a fine to cover administrative and remediation costs; and
(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the **Cameron County Department of Transportation / Public Works** or a contractor and the expense thereof shall be charged to the violator.

C) Appeal of Notice of Violation.
Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within **five (5)** working days from the date of the Notice of Violation. Hearing on the appeal before the **Cameron County Commissioner's Court** shall take place within **fifteen 15** working days from the date of receipt of the notice of appeal. The decision of **Cameron County Commissioner's Court** shall be final.

D) Enforcement measures after appeal.
If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within **fifteen (15)** working days of the decision of the **Cameron County Commissioner's Court** upholding its decision , then representatives of the **Cameron County Department of Transportation** shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow **Cameron County** or designated contractor to enter upon the premises for the purposes set forth above.

E) Cost of abatment of the violation

Within **fifteen (15)** working days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within **fifteen (15)** working days. If the amount due is not paid within a timely manner as determined by the decision of the **Cameron County Commissioner's Court** or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to **Cameron County** by reason of such violation.

F) Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this **Order.** If a person has violated or continues to violate the provisions of this **Order,** the **Cameron County Department of Transportation** may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

G) Compensatory action

In lieu of enforcement proceedings, penalties, and remedies authorized by this **Order,** the **Cameron County Commissioner's Court** may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, drainage cleanup, etc.

H) Violations deemed a public nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this **Order** is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

I) Criminal prosecution.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this **Order.** Any person violating any of the provisions of this **Order** shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this **Order** is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than **$ 500.00** for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Any person that has violated or continues to violate this **Order** shall be liable to criminal prosecution to the fullest extent of the law. **Cameron County** may recover all attorney's fees, court costs and other expenses associated with enforcement of this **Order,** including sampling and monitoring expenses.

J) Remedies no exclusive
The remedies listed in this **Order** are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of **Cameron County** to seek cumulative remedies.

K) Fines and policy
The **County Department of Transportation** is authorized to develop a schedule of fines and to develop policy from time to time to assure the requirements of **Section I** are met. The schedule of fines shall adhere to all applicable local, state and federal laws. The policy shall include, but will not be limited to development of a comprehensive TPDES enforcement program, staff training requirements, development of job descriptions, assignment of fines to specific violations, budget requirements, and job assignments.

Section IX. Separability

The provisions and sections of this **Order** shall be deemed to be separable, and the invalidity of any portion of this **Order** shall not affect the validity of the remainder.

Section X. Adoption of Order

This **Order** shall be in full force and effect after its final passage and adoption. All prior **Orders** in conflict with this **Order** are hereby repealed.

Passed and Adopted this 26 **day of** May **, 2011.**

BY: _____
CARLOS H. CASCOS, CPA
COUNTY JUDGE

BY: _____
SOFIA C. BENAVIDES
COUNTY COMMISSIONER, PCT. 1

BY: _____
ERNIE HERNANDEZ
COUNTY COMMISSIONER, PCT. 2

BY: _____
DAVID A. GARZA
COUNTY COMMISSIONER, PCT. 3

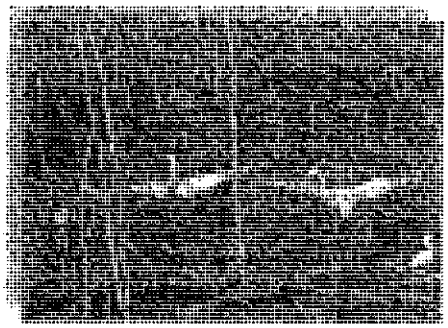
BY: _____
DAN SANCHEZ
COUNTY COMMISSIONER, PCT. 4

ATTEST: _____
JOE G. RIVERA
COUNTY CLERK

COMMISSIONERS COURT
CAMERON COUNTY, TEXAS

Storm Water Management Plan (SWMP)

Cameron County, Texas



February 2008

This document was developed with the requirements of the Texas Pollutant Discharge Elimination Systems General Permit No. TXR040000

Prepared By:
TEDSI Infrastructure Group, Inc.
1201 E. Expressway 83
Mission, TX 78572
Phone: 956/424-7898
Fax: 956/424-7022

7.7 CONSTRUCTION SITE STORM WATER CONTROLS

7.7.1 REGULATORY REQUIREMENTS

40 CFR 122.34 (b) (4) -Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Program must include: the development and implementation of (at a minimum) an ordinance or other regulatory mechanism to require erosion and sediment controls as well as sanctions to ensure compliance, requirements for construction site operators to control waste at the construction site, procedures for site plan review which incorporate consideration of potential water quality impacts, procedures for receipt and consideration of information submitted by the public. Procedures for site inspection and enforcement of control measures.

The Texas General Permit states the MS4 operator must develop, implement and enforce a program to reduce pollutants in any storm water runoff from construction activities that results in a land disturbance of greater than or equal to one acre or if the construction activities is part of a larger common plan of development. At a minimum an ordinance to require erosion and sediment control as well as sanctions to ensure compliance to the extent allowable under state and local law. The construction site contractor at a minimum must implement erosion and sediment control BMPs, control waste, such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. The MS4 must develop procedures for site plan review receipt and consideration of information submitted by the public and site inspection and enforcement of control measures.

7.7.2 CURRENT PROGRAMS

The county presently has building code procedures for subdivision development. The county is to review all subdivision plans to ensure developers obtain a drainage permit. The Cameron County Planning Department is the regulatory agency, for the subdivision codes as they employee the building inspectors.

7.8 SELECTED CONSTRUCTION SITE STORM WATER CONTROLS (CSSWC) BMPS:

7.8.1 CSSWC -BMP 1 EVALUATE AND UPDATE REGULATORY AUTHORITY AND PROCEDURES

Cameron County will review all existing regulated authority and procedures, ensure they meet existing federal and state regulations in regards to Storm water and update the procedures, if necessary. The procedures will require construction operations to comply with EPA/TCEQ rules and regulations. The procedures will include the construction site operators to control waste (discarded building materials, litter, chemicals, concrete truck washout, and sanitary waste), allow the county review of site plans, (that incorporates potential water quality impacts), procedures for receipt of information submitted by the public, procedures for site inspection and enforcement of control measures.

7.8.1.1 Measurable Goals

Review existing regulatory authority and procedures and ensure they are updated with current Federal and State regulations.

7.8.1.2 Schedule: Evaluate and Update Regulatory Authority and Procedures

Activity	Date Due
1. Review of code	Year One
2. Draft modification	Year Two
3. Public comment to changes	Year Two
4. Approval by Commissioner's Court	Year Three

7.8.1.3 Responsible Persons

To be determined.

7.8.2 CSSWC -BMP 2 Develop an Erosion and Sediment Control Ordinance

Develop and implement a construction site ordinance, which meet EPA's requirements and TCEQ's storm water general permit requirements.

7.8.2.1 Measurable Goals

The measurable goals include development of an erosion and sediment control ordinance.

7.8.2.2 Schedule: Erosion & Sediment Control Ordinance

Activity	Date Due
1. Develop and draft ordinance	Year Two
2. Obtain public input	Year Two
3. Approval by Commissioners Court	Year Three
4. Implement ordinance	Year Three
5. Enforce ordinance	Year Three - Five

7.8.2.3 Responsible Persons

To be determined.

7.8.3 CSSWC -BMP 3 Inspection of Construction Sites

Shall establish an inspection program for construction sites within Cameron County, to ensure they are complying with federal, state, and local storm water requirements.

7.8.3.1 Measurable Goals

The measurable goals include developing procedures for construction site inspections and conducting Inspections of 20 % of construction site within the second year.

Cameron County Commissioners' Court
Agenda Request Form

No. 47

Date: MAY 18, 2011 Meeting Date Request: MAY 26, 2011

Dateline for Action:_____ Contact Person: Ernesto Hinojosa, P.E.

Department: Transportation/Engineering Phone: 956-247-3533 Fax No. 956-361-8278

Dept. Head/Official Signature: Ernesto Hinojosa

Caption: CONSIDERATION AND APPROVAL TO ADOPT AN EROSION AND SEDIMENT CONTROL ORDER AS REQUIRED BY THE CAMERON COUNTY STORM WATER MANAGEMENT PLAN, SECTION 7.7 – CONSTRUCTION SITE STORM WATER CONTROLS.

Background: *(Briefly summarize your request, if needed use separate sheet(s) or attach supporting documentation)*

SECTION 7.7.1 REGULATORY REQUIREMENT:
40 CFR 122.34 (B) (4) – DEVELOP, IMPLEMENT AND ENFORCE A PROGRAM TO REDUCE POLLUTANTS IN ANY STORM WATER RUNOFF TO YOUR SMALL MS4 FROM CONSTRUCTION ACTIVITIES THAT RESULT IN A LAND DISTURBANCE OF GREATER THAN OR EQUAL TO ONE (1) ACRE.
(SEE ATTACHMENT)

Please fill in all blanks by initial or place N/A if approval is not applicable:

Approval:
County Judge_____ Auditor_____ Legal_____ Budget_____ Personnel_____ Purchasing_____

Fiscal Data:
Dept. /Fund No.:_____ Amt Expended: $_____ Funds/Staffing Budgeted: Yes_____ No_____
Account Code:_____ Impact on Future Budget: Yes_____ No_____

Comments:

Action taken by Commissioner's Court:
Approved_____ Tabled_____ Denied_____ Motion made by_____ Seconded_____ Vote_____

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDER

SECTION 1 PURPOSE/INTENT

The purpose of this **Order** is to provide for the health, safety, and general welfare of the citizens of **Cameron County** through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This **Order** establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) and the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system;

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this **Order.**

SECTION 2 DEFINITIONS

For the purposes of this **Order**, the following shall mean:

Authorized Enforcement Agency: Employees or designees of the director of the **Cameron County Department of Transportation,** the TCEQ, and/or the EPA designated to enforce this **Order** and/or to enforce the TPDES and/or to enforce the NPDES regulations.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to TPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more, as defined by the TPDES program. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this **Order.**

Illicit Connections: An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal

discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the authorized enforcement agency, or approved by an individual NPDES or TPDES permit.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: Means a permit issued by Environmental Protection Agency (EPA) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Texas Pollutant Discharge Elimination System (TPDES) Storm Water Discharge Permit:. Means a permit issued by the State of Texas, namely the Texas Commission on Environmental Commission (TCEQ), under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Wastewater: Means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3 APPLICABILITY

This **Order** shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4 RESPONSIBILITY FOR ADMINISTRATION

The **Cameron County Department of Transportation** shall administer, implement, and enforce the provisions of this order. Any powers granted or duties imposed upon the Department may be delegated in writing by the Director of the Department to persons or entities acting in the beneficial interest of or in the employ of **Cameron County.**

Solely the authorized individuals under this Section designated to enforce this **Order** shall have the authority to enforce this **Order** in its entirety and shall be designated as a **Certified TPDES Stormwater Manager and / or Inspector.** The **Cameron County Department of Transportation** shall issue these individuals a badge, identification credentials, and provide for annual training to assure compliance with the laws of the state and federal regulators.

All County Departments shall comply with the requirements of this **Order** and are required to incorporate the authority of the authorized individual into its respective daily operations.

SECTION 5 SEVERABILITY

The provisions of this **Order** are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this **Order** or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this **Order.**

SECTION 6 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this **Order** are minimum standards; therefore this **Order** does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7 DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges:

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited. This prohibition expressly includes, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this **Order**: Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning

condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires authorization by the authorized enforcement agency, prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under a TPDES or NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the TCEQ or the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or **Order** and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections:

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this **Order** if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8 SUSPENSION OF MS4 ACCESS

Suspension due to Illicit Discharges in Emergency Situations:

The **Cameron County Department of Transportation** may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension **Order** issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge:

Any person discharging to the MS4 in violation of this **Order** may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the **Cameron County Department of Transportation** for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the **Cameron County Department of Transportation.**

SECTION 9 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity TPDES or NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the **Cameron County Department of Transportation** prior to the allowing of discharges to the MS4.

SECTION 10 MONITORING OF DISCHARGES

A. Applicability.
This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

(a) **The Cameron County Department of Transportation** shall be permitted to enter and inspect facilities subject to regulation under this **Order** as often as may be necessary to determine compliance with this **Order**. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the **Cameron County Department of Transportation** ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a TPDES or NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(c) The **Cameron County Department of Transportation** shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(d) The **Cameron County Department of Transportation** has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the **Cameron County Department of Transportation** and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the **Cameron County Department of Transportation** access to a permitted facility is a violation of a storm water discharge permit and of this **Order**. A person who is the operator of a facility with a TPDES or NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this **Order**.

(g) If the **Cameron County Department of Transportation** has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this **Order**, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this **Order** or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The **Cameron County Department of Transportation** will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State and U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid TPDES or NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWP3) as necessary for compliance with requirements of the TPDES or NPDES permit.

SECTION 12 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State or U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the **Cameron County Department of Transportation** within two (2) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or

industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

SECTION 14 ENFORCEMENT

Notice of Violation:
Whenever the **Cameron County Department of Transportation** finds that a person has violated a prohibition or failed to meet a requirement of this **Order**, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
(a) The performance of monitoring, analyses, and reporting;
(b) The elimination of illicit connections or discharges;
(c) That violating discharges, practices, or operations shall cease and desist;
(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
(e) Payment of a fine to cover administrative and remediation costs; and
(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the **Cameron County Department of Transportation**. The notice of appeal must be received within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the **Cameron County Department of Transportation** or their designee shall be final.

SECTION 16 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within fifteen (15) days of the decision of the **Cameron County Department of Transportation** upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take the necessary action to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the **Cameron County** to enter upon the premises for the purposes set forth above.

SECTION 17 COST OF ABATEMENT OF THE VIOLATION

Within fifteen (15) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a

written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the **Cameron County Department of Transportation** or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to **Cameron County** by reason of such violation.

SECTION 18 INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this **Order.** If a person has violated or continues to violate the provisions of this order, the **Cameron County Department of Transportation** may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19 COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this **Order,** the **Cameron County Department of Transportation** may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, drainage cleanup, etc.

SECTION 20 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this **Order** is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21 CRIMINAL PROSECUTION

Any person that has violated or continues to violate this **Order** shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of not more than **$ 500.00** dollars per violation. The **Cameron County Department of Transportation** may recover all attorney's fees court costs and other expenses associated with enforcement of this **Order,** including sampling and monitoring expenses.

SECTION 22 REMEDIES NOT EXCLUSIVE

The remedies listed in this **Order** are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the **Cameron County** to seek cumulative remedies.

SECTION 23 FINES AND POLICY

The **Cameron County Department of Transportation** is authorized to develop a schedule of fines and to develop policy from time to time to assure the requirements of Section 1 are met. The schedule of fines shall adhere to all applicable local, state and federal laws. The policy shall include, but will not be limited to development of a comprehensive TPDES enforcement program, staff training requirements, development of job descriptions, assignment of fines to specific violations, budget requirements, and job assignments.

SECTION 24 SEPARABILITY

The provisions and sections of this **Order** shall be deemed to be separable, and the invalidity of any portion of this **Order** shall not affect the validity of the remainder.

SECTION 25 ADOPTION OF ORDER

This **Order** shall be in full force and effect after its final passage and adoption. All prior **Orders** in conflict with this **Order** are hereby repealed.

PASSED AND ADOPTED this 26 **day of** May **, 2011**

BY: _____
CARLOS H. CASCOS, CPA
COUNTY JUDGE

BY: _____
SOFIA C. BENAVIDES
COUNTY COMMISSIONER, PCT. 1

BY: _____
ERNIE HERNANDEZ
COUNTY COMMISSIONER, PCT. 2

BY: _____
DAVID A. GARZA
COUNTY COMMISSIONER, PCT. 3

BY: _____
DAN SANCHEZ
COUNTY COMMISSIONER, PCT 4

ATTEST:

_____
JOE G. RIVERA
COUNTY CLERK

COMMISSIONERS COURT
CAMERON COUNTY, TEXAS

EDINBURG
ORDINANCE

ORDINANCE NO. 2010-3464

AN ORDINANCE AMENDING THE CODE OR ORDINANCES OF THE CITY OF EDINBURG, TEXAS, TITLE IX. GENERAL REGULATIONS, CHAPTER 98. STREETS AND SIDEWALKS IS HEREBY AMENDED BY ADDING SECTION 98.30 ILLICIT DISCHARGE AND STORMWATER CONNECTION BY PROVIDING FOR REGULATION OF NON-STORM WATER DISCHARGES TO THE STORM DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW AND ESTABLISHING METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) IN ORDER TO COMPLY WITH REQUIREMENTS OF THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) PERMIT PROCESS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 PER VIOLATION IN ACCORDANCE WITH SECTION 10.99 OF THE CODE OF ORDINANCES; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and,

WHEREAS, the City of Edinburg is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, Texas Health & Safety Code Section 217.042(a) provides that a home-rule municipality may define and prohibit any nuisance within the limits of the municipality; and,

WHEREAS, Texas Health & Safety Code Section 217.042(b) provides that a home-rule municipality may enforce all ordinances necessary to prevent and summarily abate and remove a nuisance; and,

WHEREAS, Texas Code of Criminal Procedure Article 4.14 and Texas Government Code Section 29.003 provide for a fine of up to $2,000 in cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, including dumping of refuse.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS:

SECTION I: AUTHORITY OF LAW. All requirements of the law have been met in

the passing of this Ordinance.

SECTION II: The Code of Ordinances of the City of Edinburg, Texas, **Title IX. GENERAL REGULATIONS, CHAPTER 98. STREETS AND SIDEWALKS**, is hereby amended by adding §98.30. **ILLICIT DISCHARGE AND STORMWATER CONNECTION**, which shall read in its entirety as follows:

ILLICIT DISCHARGE AND STORM WATER CONNECTION

§98.30 ILLICIT DISCHARGE AND STORMWATER CONNECTION

(A) Purpose/Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Edinburg through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.

2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

3. To establish legal authority to carry out all inspection, surveillance and monitoring and all other procedures necessary to ensure compliance with this ordinance.

(B) Definitions.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), and any subsequent amendments thereto.

Construction. Any activity on the property following a building permit. These activities may be subject to requirements of TPDES General Permit No. TXR150000. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:
Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City Manager or his designee or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City Manager or his designee.

Industrial Activity. Activities subject to TPDES General Permits as defined in Part II, Section A, Paragraph 1 of TPDES General Permit No. TXR050000.

Texas Pollutant Discharge Elimination System (NPDES) 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 § 26.040, Texas Water Code.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. An individual, proprietorship, partnership, corporation, association or other legal entity.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. A lot, together with all buildings and structures.

Storm Drainage System. Publicly-owned facilities by which storm water is collected

and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater Runoff. Flow on the surface of the ground resulting from precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(C) Applicability.

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City Manager or his designee.

(D) Responsibility for Administration

The City Manager or his designee shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the City of Edinburg may be delegated in writing by the City Manager or designee to persons or entities acting in the beneficial interest of or in the employ of the City of Edinburg.

(E) Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(F) Discharge Prohibitions.

1. **Prohibition of Illegal Discharges**. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

   Prohibited discharges include, but are not limited to the following:

   a. Trash or debris;
   b. Construction materials;

c. Petroleum products including, but not limited to oil, gasoline, grease, fuel oil, heating oil;
d. Antifreeze and other automotive products;
e. Metals in excess of naturally occurring amounts, in either particulate or dissolved form;
f. Flammable or explosive materials;
g. Chemicals not normally found in uncontaminated water;
h. Acids, alkalis, or bases;
i. Painting products;
j. Degreasers and/or solvents;
k. Drain cleaners;
l. Commercial and household cleaning products;
m. Pesticides, herbicides, or fertilizers;
n. Steam cleaning wastes;
o. Pressure washing wastes;
p. Soaps, detergents, or ammonia;
q. Chlorinated spa or swimming pool water;
r. Domestic or sanitary sewage;
s. Animal carcasses;
t. Food wastes;
u. Yard wastes, including grass clippings;
v. Silt, soil, mud, sediment, or gravel;
w. Any hazardous material or waste;
x. Wastewater or process wastewater (including filtered or purified wastewaters).

2. Legal discharges. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

a. The following discharges are exempt from discharge prohibitions established by this ordinance:

i. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;
ii. Runoff or return flow from landscape irrigation, lawn irrigation and other irrigation utilizing groundwater, or surface water sources;
iii. Discharges from dechlorinated potable water sources;
iv. Diverted stream flows;
v. Rising ground waters and springs;
vi. Uncontaminated ground water infiltration;
vii. Uncontaminated pumped ground water;
viii. Foundation and footing drains;
ix. Air conditioning condensation;
x. Water from crawl space pumps;
xi. Individual residential vehicle washing;
xii. Flows from wetlands and riparian habitats;

xiii. Dechlorinated swimming pool discharges;
xiv. Street wash water;
xv. Discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression system, and similar activities.
xvi. Other allowable non-storm water discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
xvii. Non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and
xviii. Other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

b. Discharges specified in writing by the City Manger or his designee as being necessary to protect public health and safety.

c. Dye testing is an allowable discharge, but requires a written notification to the City Manager or his designee prior to the time of the test.

d. The prohibition shall not apply to any non-storm water discharge permitted under a TPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Texas Commission on Environmental Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

3. Prohibition of Illicit Connections.

a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c. A person is considered to be in violation of this ordinance if the person connects a line conveying materials prohibited by this ordinance to the MS4, or allows such a connection to continue.

(G) Waste Disposal

No person shall throw, deposit, leave, maintain, or keep in or upon any public or private property, the MS4, or Water of the State, any refuse, rubbish, garbage, litter, dirt, dust or debris or other discarded or abandoned objects, articles, or accumulations that may cause or contribute to pollution.

(H) Suspension of MS4 Access.

1. **Suspension due to Illicit Discharges in Emergency Situations.** The City Manager or his designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City Manager or his designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

2. **Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City Manager or his designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Manager or his designee for a reconsideration and hearing.

3. **Offense.** A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City Manager or his designee.

(I) Industrial or construction activity discharges.

Any person subject to an industrial or construction activity TPDES general permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Manager or his designee prior to the allowing of discharges to the MS4.

(J) Monitoring of discharges.

1. **Applicability.** This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2. **Access to Facilities.**

   a.. The City Manager or his designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Edinburg.

   b. Facility operators shall allow the City Manager or his designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a TPDES permit to discharge storm water, and the performance of any additional duties as defined by

state and federal law.

c. The City Manager or his designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City Manager or his designee to conduct monitoring and/or sampling of the facility's storm water discharge.

d. The City Manager or his designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City Manager or his designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

f. Unreasonable delays in allowing the City Manager or his designee access to a permitted facility are a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a TPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the City Manager or his designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

g. If the City Manager or his designee has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Manager or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

(K) Requirement to prevent, control, and reduce stormwater pollutants by best management practices.

The City of Edinburg will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit

discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid TPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the TPDES permit.

(L) Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(M) Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City Manager or his designee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Manager or his designee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(N) Enforcement.

1. **Notice of Violation.** Whenever the City of Edinburg finds that a person has violated a prohibition or failed to meet a requirement of this Article, the City Manager or his designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

    a. The performance of monitoring, analyses, and reporting;
    b. The elimination of illicit connections or discharges;
    c. That violating discharges, practices, or operations shall cease and desist;
    d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

e. Payment of a fine to cover administrative and remediation costs; and
f. The implementation of source control or treatment BMPs.

2. **Abatement.** If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by designated City personnel or a contractor and the expense thereof shall be charged to the violator.

(O) Appeal of Notice of violation.

Any person receiving a Notice of Violation that believes that the true intent of this Article or any of the regulations thereunder have been misconstrued or incorrectly interpreted or applied, may appeal the determination of the City Manager or his designee. The notice of appeal and request for administrative hearing must be received within 10 days from the date of the Notice of Violation.

(P) Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the City Manager or his designee, then representatives of the City of Edinburg may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Q) Abatement.

1. **Authority to abate dangerous conditions.** The City may abate, without notice, dangerous conditions that are an immediate danger to the health, life or safety of any person.

2. **Notice.** Not later than the tenth day after the date the city abates an illicit connection or other condition under this division , the city shall give notice to the property owner in the manner required by the Tex. Health & Safety Code § 342.006.

3. **Notice description.** The notice shall contain:
   a. An identification, which is not required to be the legal description of the property;
   b. A description of the violation of the ordinance that occurred on the property;
   c. A statement that the city has abated the dangerous condition; and
   d. An explanation of the property owner's right to request an administrative hearing about the city's abatement of the illicit connection or other dangerous condition.

(R) Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property may be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days of receipt of notice pursuant and request an administrative hearing conducted under this division. If the amount due is not paid within 30 days, the City Manager or his designee may file a statement of such bill and the reasons therefore with the County Clerk. Said statement of bill of costs shall only include the City's actual expenses for correcting violations of the Article, as well as any interest thereon as authorized by this section and State law. From the date of such filing, City shall have a lien on the lot or parcel upon which such expenses are incurred. The amount of debt on liens for correction of violations under this Article shall accumulate interest at the rate of ten percent (10%) per annum from the date on which payment was due. For any debt and interest, suit may be instituted and recovery and foreclosure had in the name of the City. In such suits the aforementioned statement, or certified copy thereof, shall be deemed prima facie evidence of the debt and interest thereon.

(S) Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the City Manager or his designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(T) Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the City Manager or his designee may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, ditch cleanup, etc.

(U) Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(V) Criminal Prosecution.

Any person who shall violate any of the provisions of this ordinance for which no penalty has been provided shall be guilty of a misdemeanor and upon conviction shall be fined as provided in § 10.99.

(W) Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available

under any applicable federal, state or local law and it is within the discretion of the City Manager or his designee to seek cumulative remedies.

SECTION III: PENALTY CLAUSE: Each violation of any of the provisions of this Ordinance shall constitute a separate offense and shall, upon conviction thereof, be punishable by a fine not to exceed $2,000 in accordance with section 10.99 of the Code of Ordinances of the City of Edinburg.

SECTION IV: REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION V: SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION VI: PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VII: CODIFICATION: The provisions of Section II of this Ordinance shall be published in the appropriate section of **TITLE 1. GENERAL PROVISIONS** of the Code of Ordinances of the City of Edinburg, Texas, as soon as practicable.

SECTION VIII. WAIVER CLAUSE: The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551-041, on the 16th day of November, 2010.

CITY OF EDINBURG

By: _____
Richard H. Garcia, Mayor

ATTEST:

By: _____
Myra L. Ayala Garza, City Secretary

CITY OF EDINBURG, TEXAS

APPROVED AS TO FORM:
Gonzalez Palacios, LLP
Attorneys at Law

By: _____
City Attorney

LA FERIA
ORDINANCE

ORDINANCE 2011-11

AN ORDINANCE OF THE CITY OF LA FERIA TO REGULATE AND REDUCE POLLUTION THAT ENTERS THE SURFACE WATER IN THE STATE OF TEXAS AND WATERS OF THE UNITED STATES FROM DISCHARGES INTO THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM, BY PROVIDING FOR THE DETECTION AND ELIMINATION OF ILLICIT CONNECTIONS TO THE STORM SEWER SYSTEM AND REQUIRING EROSION CONTROL AND POLLUTION PREVENTION AT CONSTRUCTION SITES, AND TO ESTABLISH PENALTIES AND AN EFFECTIVE DATE

WHEREAS, the City of La Feria, a home-rule city of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of the City and its residents and visitors; and

WHEREAS, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040000, as it may be amended, the City of La Feria is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants into the City's streets, gutters, ditches, and storm drains, and to the Surface Water in the State, and the Waters of the United States, to the maximum extent practicable; and,

WHEREAS, the City's stormwater management program must include six minimum control measures: (1) public education and outreach on storm water impacts; (2) public involvement and participation; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations; and,

WHEREAS, implementation of best management practices consistent with the provisions of the City's storm water management program constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable;" and ,

WHEREAS, the City of La Feria and its planning area are located within the watershed of the Arroyo Colorado, that is, all stormwater run-off from the City of La Feria and its planning area flows into the Arroyo Colorado; and the Arroyo Colorado flows into Laguna Madre; and,

WHEREAS, Texas Commission on Environmental Quality (TCEQ) has determined that the Arroyo Colorado is an impaired water body that does not meet its aquatic life use primarily due to low dissolved oxygen, but also due to high levels of nutrients and sedimentation and suspended solids; and,

WHEREAS, TCEQ in 2003 estimated that a ninety percent (90%) reduction in nitrogen, phosphorous, biological oxygen demanding substances and sediment will be necessary for the Arroyo Colorado to meet aquatic life water quality standards; and

WHEREAS, the City has exercised leadership in reducing the amount of point-source pollution entering the Arroyo Colorado from its wastewater plant by constructing a new state-of-the-art wastewater treatment plant; and,

WHEREAS, the City has also demonstrated leadership in reducing non-point source pollution the Arroyo Colorado from on-site sewer facilities by providing first-time public wastewater collection and treatment services to households in ten colonias; and,

WHEREAS, other sources of pollution that may contaminate storm water include erosion of disturbed land at construction sites, the deliberate or inadvertent discharge of material or substances other than storm water directly or indirectly into storm drains, and stormwater run-off from roof tops, parking lots, and yards and lawns treated with excess fertilizer and pesticides; and,

WHEREAS, natural materials such as leaves and grass clippings are beneficial to gardens and soil as mulch and a soil amenity but constitute pollution when they enter waterways because the decomposition of these materials consumes oxygen in the water that is needed by fish; and,

WHEREAS, improper management of stormwater and control of erosion reduces capacity of the City's drainage infrastructure and causes additional maintenance needs and expenses, and,

WHEREAS, the City of La Feria recognizes that protecting and improving water quality in the Arroyo Colorado will contribute to an improved quality of life and the general welfare of the residents of La Feria;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, THAT:

The City of La Feria Code of Ordinances is amended to add Chapter 15, which shall be titled Pollution Prevention in Stormwater, as follows.

Sec. 15.01.001 – General Provisions

It is the policy of the City of La Feria, and the intent of this ordinance, to reduce pollution and contamination entering the City's separate stormwater sewer system (MS4) to the greatest extent practicable. Discharges to the City's MS4 that cause or contribute to a violation of water quality standards or that fail to protect and maintain the aquatic life use of the Arroyo Colorado are hereby prohibited. New sources or new discharges to the City's MS4 of the oxygen-demanding substances, nutrients and sediments are not authorized by this ordinance unless otherwise allowable under NPDES, TPDES, and the Texas Administrative Code.

Sec. 15.01.002 – Definitions

Best Management Practices - activities, prohibitions, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants.

Clean Water Act - The Federal Water Pollution Control Act, as codified at 33 U.S.C. 1251 – 1376.

Common Plan of Development or Sale - A construction activity that is completed in separate stages or phases or in combination with other construction activities. A common plan of development or sale is identified by plats, blueprints, marketing plans, contracts, building permit applications, a public notice or hearing, zoning requests, or other similar documentation.

Construction Activity (Small) - Construction activities including clearing, grading, and excavating that result in land disturbance of one or more but less than five acres of land. Small construction activity also includes the disturbance of less than one 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 one or more but less than five acres of land.

Construction Activity (Large) - Construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less than five acres of land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Construction Site Operator - The person or persons associated with a small or large construction project that is either:

(1) the person or persons that have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of state and federal law, including TPDES or NPDES

permits allowing stormwater discharge; or

(2) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site.

Conveyance – Streets, curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport storm water runoff.

Discharge – the drainage, release, or disposal of pollutants in storm water and certain non-storm water from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities are located.

Final Stabilization - where the following conditions are met:

(a) All soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 70% 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 either:

(i) the homebuilder completes final stabilization as specified in (a) above; or

(ii) 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 informs the homeowner of the need for, and benefits of, final stabilization.

(c) For construction activities on land used for agricultural purposes (e.g. 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.

Ground Water Infiltration - Groundwater that enters the MS4 (including storm sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Illicit Connection - Any human-made conveyance connecting an illicit discharge directly to the MS4.

Illicit Discharge - Any discharge to the MS4 that is not entirely composed of storm water,

except discharges allowed pursuant to state or federal law, including TPDES or NPDES permits allowing stormwater discharge or a separate authorization.

Industrial Activities - manufacturing, processing, material storage and disposal areas, and similar areas where storm water can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-Sector General Permit, TXR050000, as it may be amended, or by another TPDES or NPDES permit.

Land Disturbance (or Soil Disturbance) – Any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow pits, or combination thereof. Land disturbance does not include plowing, seeding, planting, cultivating, or harvesting on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity and purpose of a ditch, channel or other similar storm water conveyance. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing right-of-ways or other similar maintenance activities.

Maximum Extent Practicable - The technology-based discharge standard for MS4s to reduce pollutants in storm water discharges established by the Clean Water Act.

Municipal separate storm sewer system (MS4) – The conveyance or system of conveyances including roads, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the City of La Feria, the La Feria Irrigation District, Cameron County or the Texas Department of Transportation and that are designed or used for collecting or conveying stormwater; but which are not a combined sewer (sanitary sewer and stormwater) and are not part of the City's sanitary sewer collection system.

MS4 Operator – For the purpose of this ordinance, the City of La Feria.

NPDES – National Pollution Discharge Elimination System

Point Source - any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutants of Concern – those pollutants identified as a cause of impairment of the Arroyo Colorado and including biochemical oxygen demand (BOD), and sediment or parameters that address sediment such as total suspended solids, turbidity or siltation.

Release - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils,

the MS4, the Surface Water of the State, or the Waters of the United States.

Site Development Permit – A permit issued by the City for the alteration of the ground for the construction or installation of utilities, streets, sidewalks, structures designed to control erosion and run-off and other grading activities that are not a part of a project that requires a building permit.

Storm Water Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) - A comprehensive program to manage the quality of discharges into and from La Feria's MS4.

Structural Controls - A pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico from the mean high water level 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 non-navigable, 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 or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

TPDES – Texas Pollution Discharge Elimination System

Waters of the United States -

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:

    (i) which are or could be used by interstate or foreign travelers for recreational or

other purposes;

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) 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 U.S.;

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.

h) Waste treatment systems, including man made treatment ponds, lagoons or wetlands designed to meet the requirements of CWA are not waters of the United States.

Wetland – an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 15.01.003 – Pollution prevention and erosion control at construction sites

Sec. 15.01.003A – General provisions

The intent of this section is to implement and enforce a program to reduce pollutants in storm water runoff from construction activities. To that end, all construction site operators, at a minimum, must:

1. As a pre-condition to receiving a building permit for a small construction site, prepare and submit a stormwater pollution prevention plan (SWP3).

2. For projects that do not require a building permit, but will require excavation, fill or grading or more than one acre of land, such as the construction or installation of utilities, new drainage ways, streets, or sidewalks, apply for a site development permit and prepare and submit a SWP3.

3. Except, no SWP3 is required to perform emergency work needed to protect life or property.

4. For construction sites that will disturb less than one acre of land, the following provisions apply:

   a) No SWP3 need be prepared or submitted.
   b) Construction site operators are responsible for retaining all soil and sediment on-site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off-site.
   c) Soil and sediment that leaves the construction site must be cleaned-up daily.
   d) Proper provision for solid waste, construction debris and sanitary waste must be made and maintained.

5. The operator of a construction site, required to have a TPDES permit to discharge stormwater shall submit a copy of the Notice of Intent to the City at the same time the operator submits the original Notice of Intent (NOI) to the TCEQ. The copy of the NOI may be delivered to the City either in person or by mailing it to: Public Works Director, City of La Feria, 115 East Commercial Avenue, La Feria, TX 78559-5002.

Sec. 15.01.003B – Storm Water Pollution Prevention Plan (SWP3)

1. Prior to commencing any construction activity and prior to receiving a building or site development permit from the City, construction site operators that are required by the NPDES or the TPDES to obtain a permit to discharge stormwater must:

   a) develop and submit for review and approval a SWP3 that covers the entire site;

   b) post a signed copy of the notice (Attachment 1 or 2) at the construction site where it can be readily viewed;

   c) ensure the project specifications allow or provide that adequate BMPs will be developed and modified as necessary to meet the requirements of the SWP3; and,

   d) ensure all contractors and sub-contractors are aware of the requirements of the SWP3, that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and who to contact concerning SWP3 compliance; and

2. The SWP3 must:

   a) be completed and initially implemented prior to commencing activities that result in land disturbance;

   b) provide for compliance with the terms and conditions of this ordinance and the NPDES and TPDES for stormwater;

   c) be available at the construction site or readily available at the time of an on-site

inspection to TCEQ; the EPA, or City personnel;

d) be amended whenever there is a change in design, construction, operation, or maintenance that may have a significant effect on the discharge of pollutants or that was not been previously addressed in the SWP3; or because inspections by the site operator, TCEQ, EPA or City indicate the SWP3 is ineffective in eliminating or minimizing pollutants in discharges.

e) identify the person or persons responsible for implementation of the plan.

§15.01.003C Issuance of a building permit or site development permit

Before authorizing the issuance of a building permit or a site development permit, the City will review the proposed site plan and SWP3, as well as construction documents, for compliance with this ordinance and the NPDES and TPDES for stormwater;

§15.01.003D City Inspection of Construction Sites

City building inspection, code enforcement and public works staff and the city engineer are hereby authorized to inspect construction sites for the purpose of ensuring compliance and enforcement of control measures contained in the SWP3s and this ordinance.

§15.01.003E Contents of Stormwater Pollution Prevention Plan

The Stormwater Pollution Prevention Plan (SWP3) required pursuant to this ordinance, the Clean Water Act, NPDES, and TPDES must include the following information.

(1) The SWPS must include a project description which includes the following:

(a) the nature of the construction activity, potential pollutants and sources;

(b) the intended schedule or sequence of major activities that will disturb soils;

(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) the soil type and the quality of any existing 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:

i. drainage patterns and approximate slopes anticipated after major grading

activities;

ii. areas where soil disturbance will occur;

iii. areas which will not be disturbed;

iv. locations of all major structural controls either planned or in place;

v. locations where stabilization practices are expected to be used;

vi. locations of off-site material, waste, borrow or equipment storage areas;

vii. surface waters (including wetlands) either adjacent or in close proximity; and

viii. locations where storm water discharges from the site directly to a surface water body.

(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 the General Permit TXR 150000, as it may be amended, and,

(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.

(2) The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of La Feria, TCEQ or the EPA:

a) the dates when major grading activities occur;

b) the dates when construction activities temporarily or permanently cease on a portion of the site; and,

c) the dates when stabilization measures are initiated.

(3) The SWP3s must identify and describe the best management practices (BMPs) that will be used, the general timing or sequence for implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on-site to the maximum extent practicable with due consideration for local topography and rainfall.

a) Control measures must be selected, installed, and maintained according to the manufacturer's or designer's specifications.

b) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

c) 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.

d) Controls must be specified that limit offsite transport of litter, construction debris and construction materials.

(4) The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is 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, and protection of existing trees and vegetation.

b) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (i) and (ii) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

i. Where the initiation of stabilization measures is precluded by seasonably arid conditions, drought, excessive rainfall, or other weather or climatic conditions, stabilization measures must be initiated as soon as practicable.

ii. Where construction activity on a portion of the site is temporarily ceased but earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

(5) The SWP3 must include a description of any structural controls that will be 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) Sediment basins are required, where feasible, for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either the calculated volume of runoff from a 2-year, 24-hour storm, or designed to provide 3,600 cubic feet of storage per 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 offsite areas and flow from onsite 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. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on-site, and public safety. Where sediment basins are not feasible, equivalent control measures, which may include a series of smaller sediment basins, must be

used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries and for those side slope boundaries as dictated by individual site conditions of the construction area.

(b) Sediment traps and sediment basins may be used to control solids in storm water runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, hay bales, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24- hour storm or 3,600 cubic feet of storage per acre drained may be provided.

(6) Other Controls

(a) The SWP3 must describe how off-site vehicle tracking of sediment and the generation of dust will 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 storm water 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.

(6) The SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures identified in the SWP3 in effective operating condition.

(7) Site Inspections

(a) The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, all structural control measures, and locations where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.5 inches or greater.

(b) As an alternative, the SWP3 may require that inspections will occur at least once every seven calendar days; in which case additional inspections are not required following each qualifying storm event. 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.

(c) The construction site operator must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The frequency for these inspections must be established in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.

(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 calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in an amendment to 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, names and qualifications of personnel making the inspection, the dates 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

i. the locations of discharges of sediment or other pollutants from the site;
ii. locations of BMPs that need to be maintained;
iii. locations of BMPs that failed to operate as designed or proved inadequate for a particular location;
iv. locations where additional BMPs are needed; and,
v. identification and location of the BMPs that are working effectively.

(f) Actions taken as a result of inspections must be described within, and retained as an amendment to 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.

(8) The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible non-storm water components of the discharge. This ordinance prohibits, and all SWP3s will be presumed to prohibit:

a) The discharge from a construction site of any water or other liquid having a pH value lower than 6.0 or higher than 10.5;

b) The discharge of any type of industrial waste from construction sites;

c) The deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris.

d) The discharge of paint or paint brush cleaning water or solvents, thinners or turpentine or any combination thereof;

e) Unused construction materials or used construction materials or debris remaining on the site after construction is completed. All on-site debris shall be properly disposed of in the landfill within thirty (30) days from the occupancy of the structures; and

f) The washing of any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

Sec. 15.01.003F Effective Date of Coverage

Operators of construction activities eligible for coverage under TXR150000, as it may be amended, are authorized to discharge storm water associated with construction activity upon issuance by the City of the building permit or site development permit.

Sec. 15.01.003G Retention of Records

The construction site operator must retain a copy of the SWP3 and all reports and actions required by this ordinance and state and federal law, including NPDES, TPDES and General Permit No.150000, for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site.

Sec. 15.01.004 Illicit Discharges

Sec. 15.01.004A - The intent of this section of the ordinance is to prohibit, detect, and eliminate illicit discharges to La Feria's MS4.

Sec. 15.01.004B - Allowable Non-Storm Water Discharges

The following non-storm water sources are not considered illicit discharges to the MS4:

1) discharges from fire fighting activities (but excluding washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

2) uncontaminated fire hydrant flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);

3) 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;

4) uncontaminated water used to control dust;

5) potable water including waterline flushings (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

6) uncontaminated air conditioning condensate;

7) uncontaminated ground water or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents; and

8) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

9) diverted stream flows;

10) uncontaminated ground water infiltration;

11) uncontaminated pumped ground water;

12) individual residential vehicle washing;

13) flows from wetlands and riparian habitats;

14) dechlorinated swimming pool discharges;

15) street wash water.

Sec. 15.01.004C Prohibited Discharges

(1) No person shall deposit, release, throw, drain, cause or allow to be deposited, released thrown, drained or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MS4, any of the following described materials or substances:

(a) Any acidic waste materials (having a pH value lower than 6);
(b) Any alkaline waste materials (having a pH value higher than 10.5);
(c) Any water or waste containing free-floating, or insoluble oil;

(d) gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
(e) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or property; or
(f) Any domestic wastewater or industrial wastewater .

(2) It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the US EPA, which would otherwise constitute a violation at the time of commission.

(3) No person shall place or drop or cause or allow to be placed or dropped, brush cuttings, clippings, or rubbish within the MS4 or on any street in the City in such a manner that the same may be washed by the flow of water into the MS4.

(4) No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.

(5) No person shall discharge or release, or allow or permit the discharge or release of any of the following substances in a manner or location by which such substance may enter the City's MS4:

i. any wash water or wastewater from the washing or cleaning of pavement, including but not limited to parking lots, driveways or carports, that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance other than water.

ii. any wash water or wastewater from cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated.

iii. any wash water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;.

iv. gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;

v. any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

vi. any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions;

vii. Material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4 within sixty (60) days of the effective date of this ordinance. If such notification is not made during the allocated sixty (60) days, then the detected connections to MS4 of a oil/water separator or interceptor shall be considered an illicit connection and the city reserves the right to terminate such connection immediately, without prior notice;

viii. any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST unless release satisfies all of the following criteria: (a) is in compliance with all municipal, state, and federal laws; (b) no discharge contains any harmful quantity of any pollutant; and (c) the discharge shall not have a pH value lower than 6.0 or higher than 10.5;

ix. any public or private underground utility manhole, including but not limited to electric power, gas pipeline, cable companies, telephone companies, the collected water, due to rain, surface runoff, cross connection, or illegal discharge ;

x. any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler ;

xi. any type of wastewater from residential, commercial or industrial sources, any domestic sewage or septic tank waste,

xii. any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area.

xiii. any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection.

(6) No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;

(7) No person shall introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide, and used toiletries into the MS4;

(8) No person shall use, dispose of, discard, store, or transport an insecticide, herbicide, or fertilizer, in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.

(9) No person shall wash a commercial dumpster, or residual ready mix concrete from concrete mixing trucks, in an area where it discharges into MS4.

Sec. 15.01.004D – Mandatory Reporting and Clean-up of Any Discharge or Release

(1) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, disposing, or any other release of any of the following quantities of any of the following substances that may enter the MS4, Surface Water of the State or Waters of the U.S., shall immediately notify by telephone the La Feria police department concerning the incident:

(a) An amount equal to or in excess of a reportable quantity of any hazardous or extremely hazardous substance, as established under 40 CFR Parts 302 and 355, respectively;

(b) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or

(c) Any harmful quantity of any pollutant.

(2) The immediate notification required shall include the following information:

(a) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
(b) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
(c) The time and duration (thus far) of the release;
(d) An estimate of the quantity and concentration (if known) of the substance released;
(e) The source of the release;

(f) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;

(g) Any precautions that should be taken as a result of the release;

(h) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and

(i) The names and telephone numbers of the person or persons to be contacted for further information.

(3) Within fifteen (15) days following such reportable release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by the city, a written report containing the information specified above in (2)(a) through (i) as well as the following additional information:

(a) The ultimate duration, concentrations, and quantity of the release;

(b) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;

(c) Any known or anticipated acute or chronic health risks associated with the release;

(d) The identity of any governmental/private sector representatives responding to the release; and

(e) The measures taken or to be taken by the responsible persons to prevent similar future occurrences.

(4) The notifications required by subsections (2) and (3) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to city ordinance, or state or federal law.

(5) Any person responsible for any release as described in this subsection shall comply with all state, federal, and local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

(6) Any person responsible for a release described in this subsection shall reimburse the city for any cost incurred by the city in responding to the release.

Sec. 15.01.004E Abatement of Illicit Conditions and Assessment and Collection of Expenses

The City may abate illicit discharges in the same manner and according to the same

procedures provided for by §6.02.003 of the City Code of Ordinances and assess and collect any expenses incurred in the manner and procedure provided by §6.02.004.

Sec. 15.01.005 – Right of Entry, Inspection, and Sampling

(1) City code enforcement, public works, building inspection staff and the city engineer are authorized to enter and inspect sites and facilities subject to regulation under this chapter or discharging stormwater to the City's MS4 to determine if the discharger is complying with all requirements of this chapter and any state or federal discharge permit, limitation, or requirement.

(2) Facility operators shall allow such city staff access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording, and copying of records that must be kept under this ordinance, NPDES, TPDES or TXR 150000, as it may be amended, permit to discharge stormwater, including pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, or documents related to compliance with this chapter and with any state or federal stormwater discharge permit.

(3) City staff shall have the right to set-up on any permitted facility such devices as are necessary in the opinion of the staff to monitor and/or sample the facility's or the site's stormwater discharge.

(4) Any temporary or permanent obstruction to safe and easy access to the facility or site to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City staff and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(5) The city may require, at its reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.

(6) The city may require, at its reasonable discretion, the discharger to install monitoring equipment at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow, wastewater and quality shall be calibrated to ensure their accuracy.

Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements so that, upon presentation of suitable identification, the city staff will be permitted to enter without delay for the purposes of implementing and enforcing this ordinance.

Sec. 15.01.006 Enforcement and Penalties

Sec. 15.01.006A - Penalty for Violation

(1) Any person, firm, corporation or business entity that violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, fined as provided in §1.01.009 of the City of La Feria Code of Ordinances. Each day that the violation continues shall constitute a separate offense. A culpable mental state is not required to prove an offense under this chapter.

(2) The penal provisions imposed by this chapter shall not preclude the City from filing a suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law. The city may, at its discretion, report alleged noncompliance to the EPA, the TCEQ, US Fish and Wildlife Service, Texas Parks and Wildlife, the US Army Corps of Engineers, or any other state or federal agency.

Sec. 15.01.006B – Violations

(1) It is a violation of this chapter to engage in construction activity without complying with this Chapter.

(2) It is a violation of this Chapter to discharge any substance, other than stormwater or the those discharges listed in §15.01.004B, to the City's MS4 in violation of any provision in this Chapter.

(3) The operator of a facility or site with a TPDES permit to discharge stormwater associated with industrial or construction activity commits an offense if the person denies city staff reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter. Unreasonable delays in allowing the city access to a permitted facility or site is a violation of this ordinance.

(4) A person commits an offense if the person operates a facility or site that is discharging stormwater associated with industrial or construction activity without having submitted a copy of the notice of intent to do so to the City.

(5) A facility shall be operated in strict compliance with the requirements of its TPDES permit to discharge stormwater associated with industrial or construction activity. A person commits an offense if the person operates a facility or construction activity in violation of a requirement of the facility's TPDES permit to discharge stormwater.

(6) The City may require any operator of a facility to modify the facility's or the site's SWP3 if in the best professional judgment of the City staff, the SWP3 does not comply with the requirements of the facility's or the site's TPDES permit to discharge

stormwater.

Sec. 15.01.006C – Notices of Violations and Stop Work Orders

(1) Notice of the deficiencies in a facility's or a site's SWP3 will be made in writing, and the City will give the facility or construction site operator a reasonable amount of time, not to exceed thirty (30) days, to make the necessary changes in the SWP3.

(2) Noncompliance flag and stop work orders. If the city staff determines that activities are being carried out in violation of this chapter, a notification of noncompliance shall be issued. In addition to the notification, if the violation continues beyond five days, a "noncompliance flag" will be posted at the site. Finally, if the violation continues after three days after the "noncompliance flag" is posted, the city may stop all work until corrective measures have been completed. The site shall be posted with a "stop work order." No other permits may be issued or inspections conducted by the city until corrections have been made to the satisfaction of the city. To move or interfere with a "noncompliance flag" or a stop work order shall constitute a violation of this article.

(3) Any person alleged to be in violation of the provisions of this chapter shall be required to correct the problem upon written notification from the city. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

a. Use of specific pollution prevention measures and techniques;

b. Use of pretreatment procedures;

c. Modification of existing SWP3 ;

d. Completion of work within a specified time period; and

e. Submission of SWP3.

(11) Appeals. Any person denied permission to discharge to MS4 shall have the right to appeal such to the board of adjustment or other board established by the city within forty-five (45) days of the date of such denial.

Sec. 15.01.007 Severability

If any provision of this article or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this article and the application of such provision to other persons and circumstances shall nevertheless be valid, and the city commission hereby declares that this chapter would have been enacted without such invalid provision.

Sec. 15.01.008 Effective Date

This ordinance shall take full force and effect on October 1, 2011

PASSED AND APPROVED THIS 26th DAY OF JULY, 2011.

APPROVED:

Steve Brewer

Steve Brewer, Mayor

ATTEST:

Olga Oberwetter

Olga Oberwetter, City Secretary

APPROVED AS TO FORM:

Richard S. Talbert

Richard S. Talbert, City Attorney

CONSTRUCTION SITE NOTICE
TCEQ Storm Water Program
TPDES GENERAL PERMIT TXR040000

This information is posted in compliance the TCEQ TPDES General Permit #TXR040000 for discharges of storm water runoff from construction sites into small municipal separate storm sewer system. Additional information regarding the TCEQ storm water permit program may be found at: **www.tceq.state.tx.us**

Permit Number:	**TXR04** _____
Contact Name and Phone Number:	
Project Description: (Including start date and end date or date that disturbed soils will be finally stabilized)	
Location of Storm Water Pollution Prevention Plan (SWP3):	

I,_____ *(Printed Name)*, certify under penalty of law that I have read and understand the eligibility requirements for claiming authorization under Part II of TPDES General Permit TXR040000. A storm water pollution prevention plan has been developed and will be implemented according to permit requirements. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

_____

Signature Date

LOS FRESNOS
ORDINANCE

ORDINANCE NO. 456

AN ORDINANCE OF THE CITY OF LOS FRESNOS TO REGULATE AND REDUCE POLLUTION THAT ENTERS THE SURFACE WATER IN THE STATE OF TEXAS AND WATERS OF THE UNITED STATES FROM DISCHARGES INTO THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM, BY PROVIDING FOR THE DETECTION AND ELIMINATION OF ILLICIT CONNECTIONS TO THE STORM SEWER SYSTEM AND REQUIRING EROSION CONTROL AND POLLUTION PREVENTION AT CONSTRUCTION SITES, AND TO ESTABLISH PENALTIES AND AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following vote:

Mayor Polo Narvaez	___ For	___ Against	___ Abstained
Mayor Pro-tem Yolanda H. Cruz	___ For	___ Against	___ Abstained
Councilmember Swain Real	___ For	___ Against	___ Abstained
Councilmember Javier Mendez	___ For	___ Against	___ Abstained
Councilmember Tom Jones	___ For	___ Against	___ Abstained
Councilmember Gary Minton	___ For	___ Against	___ Abstained

WHEREAS, THE City of Los Fresnos, a home-rule city of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of the City and its residents and visitors; and

WHEREAS, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040000, as it may be amended, the City of Los Fresnos is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants into the City's streets, gutters, ditches, and storm drains, and to the Surface Water in the State, and the Waters of the United States, to the maximum extent practicable; and,

WHEREAS, the City's storm water management program must include six minimum control measures: (1) public education and outreach on storm water impacts; (2) public involvement and participation; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations; and,

WHEREAS, implementation of best management practices consistent with the provision of the City's storm water management program constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable;" and,

WHEREAS, the City of Los Fresnos storm water runoff flows to San Martin Lake and then to the Brownsville Navigation District System (ship channel); and

WHEREAS, other sources of pollution that may contaminate storm water include erosion of disturbed land at construction sites, the deliberate, or inadvertent discharge of material or substances other than storm water directly or indirectly into storm drains, and storm water runoff from roof tops, parking lots, and yards and lawns treated with excess fertilizer and pesticides; and,

WHEREAS, natural materials such as leaves and grass clippings are beneficial to gardens and soil as mulch and a soil amenity but constitute pollution when they enter waterways because the decomposition of these materials consumes oxygen in the water that is needed by fish; and

WHEREAS, improper management of storm water and control of erosion reduces capacity of the City's drainage infrastructure and causes additional maintenance needs and expenses; and,

WHEREAS, the City of Los Fresnos recognizes that protecting and improving water quality will contribute to an improved quality of life and the general welfare of the residents of Los Fresnos.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:

SECTION 1. – GENERAL PROVISIONS

It is the policy of the City of Los Fresnos, and the intent of this ordinance, to reduce pollution and contamination entering the City's separate storm water sewer system (MS4) to the greatest extent practicable. Discharges to the City's MS4 that cause or contribute to a violation of water quality standards are hereby prohibited. New sources or new discharges to the city's MS4 of the oxygen-demanding substances, nutrients and sediments are not authorized by this ordinance unless otherwise allowable under NPDES, TPDES, and the Texas Administrative Code.

SECTION 2. – DEFINITIONS

Best Management Practices – Activities, prohibitions, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants.

Clean Water Act – The Federal Water Pollution Control Act, as codified at 33 U.S.C. 1251-1376.

Common Plan of Development or Sale – A construction activity that is completed in separate stages or phases or in combination with other construction activities. A common plan of development or sale is identified by plats, blueprints, marketing plans, contracts, building permit applications, a public notice or hearing, zoning requests, or other similar documentation.

Construction Activity (Small) – Construction activities including clearing, grading, and excavating that result in land disturbance of one or more but less than five acres of land. Small

construction activity also includes the disturbance of less than one 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 one or more but less than five acres of land.

Construction Activity (Large) – Construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less than five acres of land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Construction Site Operator – The person or persons associated with a small or large construction project that is either:

(1) The person or persons that have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of state and federal law, including TPDES or NPDES permits allowing storm water discharge; or

(2) The person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site.

Conveyance – Streets, curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport storm water runoff.

Discharge – The drainage, release, or disposal of pollutants in storm water and certain non-storm water from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities are located.

Final Stabilization – Where the following conditions are met:

(a) All soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 70% 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 either:

(1) The homebuilder completes final stabilization as specified in (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 informs the homeowner of the need for, and benefits of, final stabilization.

(c) For construction activities on land used for agricultural purposes (e.g. 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.

Ground Water Infiltration – Groundwater that enters the MS4 (including storm sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Illicit Connection – Any human-made conveyance connecting al illicit discharge directly to the MS4.

Illicit Discharge – Any discharge to the MS4 that is not entirely composed of storm water, except discharges allowed pursuant to state or federal law, including TPDES or NPDES permits allowing storm water discharge or a separate authorization.

Industrial Activities – Manufacturing, processing, material storage and disposal areas, and similar areas where storm waters can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-Sector General Permit, TXR050000, as it may be amended, or by another TPDES or NPDES permit.

Land Disturbance (or Soil Disturbance) – Any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow pits, or combination thereof. Land disturbance does not include plowing, seeding, planting, cultivating, or harvesting on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity and purpose of a ditch, channel or other similar storm water conveyance. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing right-of-ways or other similar maintenance activities.

Maximum Extent Practicable – The technology-based discharge standard for MS4s to reduce pollutants in storm water discharges established by the Clean Water Act.

Municipal Separate Storm Water System (MS4) – The conveyance or system of conveyances including roads, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the City of Los Fresnos, Cameron County Irrigation District #1, Cameron County, or the Texas Department of Transportation and that are designed or used for collecting or conveying storm water; but which are not a combined sewer (sanitary sewer and storm water) and are not part of the City's sanitary sewer collection system.

MS4 Operator – For the purpose of this ordinance, the City of Los Fresnos.

NPDES – National Pollution Discharge Elimination System.

Point Source – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutants of Concern – Those pollutants identified as a cause of impairment of the San Martin Lake and Brownsville Navigation District System (ship channel) and including biochemical oxygen demand (BOD), and sediment or parameters that address sediment such as total suspended solids, turbidity or siltation.

Release – Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the MS4, the Surface Water of the State, or the Waters of the United States.

Site Development Permit – A permit issued by the City for the alteration of the ground for the construction or installation of utilities, streets, sidewalks, structures designed to control erosion and run-off and other grading activities that are not a part of a project that requires a building permit.

Storm Water Runoff – Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) – A comprehensive program to manage the quality of discharges into and from Los Fresnos' MS4.

Structural Controls – A pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetation lines ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining system, gabions, and temporary or permanent sediment basins.

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetland, marches, inlets, canals, the Gulf of Mexico from the mean high water level 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 non-navigable, 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 of federal law or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

TPDES – Texas Pollution Discharge Elimination System

Waters of the United States –

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate of foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate water, 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 U.S.;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this ordinance

(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.

(h) Waste treatment systems, including man-made treatment ponds, lagoons or wetlands designed to meet the requirements of CWA are not waters of the United States.

Wetlands – An area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SECTION 3. – POLLUTION PREVENTION AND EROSION CONTROL AT CONSTRUCTION SITES

A. GENERAL PROVISIONS:

The intent of this section is to implement and enforce a program to reduce pollutants in storm water runoff from construction activities. To that end, all construction site operators, at a minimum, must:

1. As a pre-condition to receiving a building permit for a small construction site, prepare and submit a storm water pollution prevention plan (SWP3).

2. For projects that do not require a building permit, but will require excavation, fill or grading on more than one acre of land, such as the construction or installation of utilities, new drainage ways, streets, or sidewalks, apply for a site development permit and prepare and submit a SWP3.

3. Except, no SWP3 is required to perform emergency work needed to protect life or property.

4. For construction sites that will disturb less than one acre of land, the following provisions apply:

   (a) No SWP3 need be prepared or submitted.

   (b) Construction site operators are responsible for retaining all soil and sediment on-site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off-site.

   (c) Soil and sediment that leaves the construction site must be cleaned up daily.

   (d) Proper provisions for solid waste, construction debris and sanitary waste must be made and maintained.

5. The operator of a construction site, required to have a TPDES permit to discharge storm water shall submit a copy of the Notice of Intent to the City at the same time the operator submits the original Notice of Intent (NOI) to TCEQ. The copy of the NOI may be delivered to the City either in person or by mailing it to: Public Works Director, City of Los Fresnos, 200 N. Brazil Street, Los Fresnos, TX 78566.

B. Storm Water Pollution Prevention Plan (SWP3)

1. Prior to commencing any construction activity and prior to receiving a building or site development permit from the City, construction site operators that are required by the NPDES or the TPDES to obtain a permit to discharge storm water must:

   (a) Develop and submit for review and approval a SWP3 that covers the entire site;

(b) Post a signed copy of the notice (Attachment 1 or 2) at the construction site where it can be readily viewed;

(c) Ensure the project specifications allow or provide that adequate BMPs will be developed and modified as necessary to meet the requirements of the SWP3; and

(d) Ensure all contractors and sub-contractors are aware of the requirements of the SWP3, that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and who to contact concerning SWP3 compliance; and

2. The SWP3 must:

(a) Be completed and initially implemented prior to commencing activities that result in land disturbance;

(b) Provide for compliance with the terms and conditions of this ordinance and the NPDES and TPDES for storm water.

(c) Be available at the construction site or readily available at the time of an on-site inspection to TCEQ; the EPA, or City personnel;

(d) Be amended whenever there is a change in design, construction, operation, or maintenance that may have a significant effect on the discharge of pollutants or that was not previously addressed in the SWP3; or because inspections by the site operator, TCEQ, EPA or City indicate the SWP3 is ineffective in eliminating or minimizing pollutants in discharges.

(e) Identify the person or persons responsible for implementation of the plan.

C. Issuance of a Building Permit or Site Development Permit

Before authorizing the issuance of a building permit or a site development permit, the City will review the proposed site plan and SWP3, as well as construction documents, for compliance with this ordinance and the NPDES and TPDES for storm water.

D. City Inspection of Construction Sites

City building inspection, code enforcement, public works staff, the city engineer, or designated by the City Manager are hereby authorized to inspect construction sites for the purpose of ensuring compliance and enforcement of control measures contained in the SWP3 and this ordinance.

E. Contents of Stormwater Pollution Prevention Plan

The Stormwater Pollution Prevention Plan (SWP3) required pursuant to this ordinance, the Clean Water Act, NPDES, and TPDES must include the following information/

1. The SWP3 must include a project description which includes the following:

   (a) The nature of the construction activity, potential pollutants and sources;

   (b) The intended schedule or sequence of major activities that will disturb soils;

   (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) The soil type and the quality of any existing 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) Areas which will not be disturbed;

      (4) Locations of all major structural controls either planned or in place;

      (5) Locations where stabilization practices are expected to be used;

      (6) Locations of off-site material, waste, borrow or equipment storage areas;

      (7) Surface water (including wetlands) either adjacent or in close proximity; and

      (8) Locations where storm water discharges from the site directly to a surface water body.

   (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 the General Permit TXR 150000, as it may be amended, and,

   (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.

2. The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of Los Fresnos, TCEQ or the EPA:

(a) The dates when major grading activities occur;

(b) The dates when construction activities temporarily or permanently cease on a portion of the site; and,

(c) The dates when stabilization measures are initiated.

3. The SWP3 must identify and describe the best management practices (BMPs) that will be used, the general timing or sequence of implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on-site to the maximum extent practicable with due consideration for local topography and rainfall.

   (a) Control measures must be selected, installed, and maintained according to the manufacturer's or designer's specifications.

   (b) Sediment must be removed from sediment taps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

   (c) 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.

   (d) Controls must be specified that limit offsite transport of litter, construction debris and construction materials.

4. The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is 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, and protection of existing trees and vegetation.

   (b) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (i) and (ii) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the side has temporarily or permanently ceased.

      i) Where the initiation of stabilization measures is precluded by seasonably arid conditions, drought, excessive rainfall, or other weather or climatic conditions, stabilization measures must be initiated as soon as practicable.

      ii) Where construction activity on a portion of the site is temporarily ceased by earth disturbing activities will be resumed within twenty-one (21) days,

temporary stabilization measures do not have to be initiated on that portion of site.

5. The SWP3 must include a description of any structural controls that will be 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) Sediment basins are required, where feasible, for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either the calculated volume of runoff from a 2-year, 24-hour storm, or designed to provide 3,600 cubic feet of storage per acre drained. When calculating the volume of runoff from a 2-year, 24-hours storm event, it is not required to include the flows from offsite areas and flow from onsite 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. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on-site, and public safety. Where sediment basins are not feasible, equivalent control measures, which may include a series of small sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries and for those side slope boundaries as dictated by individual site conditions of the construction area.

   (b) Sediment traps and sediment basins may be used to control solids in storm water runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, hay bales, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained may be provided.

6. Other Controls

   (a) The SWP3 must describe how off-site vehicle tracking of sediment and the generation of dust will 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 storm water 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.

(d) The SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures identified in the SWP3 in effective operating condition.

7. Site Inspections

(a) The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, all structural control measures, and locations where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.5 inches or greater.

(b) As an alternative, the SWP3 may require that inspections will occur at least once every seven (7) calendar days; in which case additional inspections are not required following each qualifying storm event. 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.

(c) The construction site operator must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The frequency for these inspections must be established in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.

(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 calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in an amendment to 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, names and qualifications of personnel making the inspection, the dates 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:

i. The location of discharges of sediment or other pollutants from the site;
ii. Locations of BMPs that need to be maintained
iii. Locations of BMPs that failed to operate as designed or proved inadequate for a particular location;

iv. Locations where additional BMPs are needed; and
v. Identification and location of the BMPs that are working effectively.

(f) Actions taken as a result of inspections must be described within, and retained as an amendment to 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.

8. The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible non-storm water components of the discharge. This ordinance prohibits, and all SWP3 will be presumed to prohibit:

(a) The discharge from a construction site of any water or other liquid having a pH value lower than 6.0 or higher than 10.5;

(b) The discharge of any type of industrial waste from construction sites;

(c) The deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris;

(d) The discharge of paint or paint brush cleaning eater or solvents, thinners or turpentine or any combination thereof;

(e) Unused construction materials or used construction materials or debris remaining on the site after construction is completed. All on-site debris shall be properly disposed of in the landfill within thirty (30) days from the occupancy of the structure; and

(f) The washing of any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

F. Effective Date of Coverage

Operators of construction activities eligible for coverage under TXR150000, as it may be amended, are authorized to discharge storm water associated with construction activity upon issuance by the City of the building permit or site development permit.

G. Retention of Records

The construction site operator must retain a copy of the SWP3 and all reports and actions required by this ordinance and state and federal law, including NPDES, TPDES and General Permit No. 150000, for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site.

SECTION 4. – ILLICIT DISCHARGES

The intent of this section of the ordinance is to prohibit, detect, and eliminate illicit discharges to Los Fresnos MS4.

A. Allowable Non-Storm Water Discharges

The following non-storm water sources are not considered illicit discharges to the MS4:

1. Discharges from fire fighting activities (but excluding washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

2. Uncontaminated fire hydrant flushing's from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);

3. 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;

4. Uncontaminated water used to control dust;

5. Potable water including waterline flushing's (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

6. Uncontaminated air conditioning condensate;

7. Uncontaminated ground water or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents;

8. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

9. Diverted stream flows;

10. Uncontaminated ground water infiltration;

11. Uncontaminated pumped ground water;

12. Individual residential vehicle washing;

13. Flows from wetland and riparian habitants;

14. Dechlorinated swimming pool discharges; and

15. Street wash water.

B. Prohibited Discharges

1. No person shall deposit, release, throw, drain, cause or allow to be deposited, released, thrown, drained or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MD4, any of the following described materials or substance:

   (a) Any acidic waste materials (having a pH value lower than 6);

   (b) Any alkaline waste materials (having a pH value higher than 10.5);

   (c) Any water or waste containing free-floating, or insoluble oil;

   (d) Gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;

   (e) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or property, or

   (f) Any domestic wastewater or industrial wastewater.

2. It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the Us EPA, which would otherwise constitute a violation at the time of commission.

3. No person shall place or drop or cause or allow to be placed or dropped, brush or grass cuttings, clippings, or rubbish within the MS4 or on any street in the City in such a manner that the same may be washed by the flow of water into the MS4.

4. No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.

5. No person shall discharge or release, or allow or permit the discharge or release of any of the following substances in a manner or location by which such substance may enter the City's MS4:

(a) Any wash water or wastewater from the washing or cleaning of pavement, including but not limited to parking lots, driveways, or carports, that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance other than water;

(b) Any wash water or wastewater from cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such release material have been previously removed or pretreated;

(c) Any wash water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

(d) Gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;

(e) Any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity.

(f) Any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions;

(g) Material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4 within sixty (60) days of the effective date of this ordinance. If such notification is not made during the allocated sixty (60) days, then the detected connections to MS4 of a oil/water separator or interceptor shall be considered an illicit connection and the city reserves the right to terminate such connection immediately, without prior notice;

(h) Any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST unless release satisfies all of the following criteria: (1) is in compliance with all municipal, state, and federal laws; (2) no discharge contains any harmful quantity of any pollutant; and (3) the discharge shall not have a pH value lower than 6.0 or higher than 10.5;

(i) Any public or private underground utility manhole, including but not limited to electric power, gas pipeline, cable companies, telephone companies, the collected water, due to rain, surface runoff, cross connection, or illegal discharge;

(j) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;

(k) Any type of wastewater from residential, commercial or industrial sources, any domestic sewage or septic tank waste;

(l) Any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area; and

(m) Any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection.

6. No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment.

7. No person shall introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide, and used toiletries into the MS4.

8. No person shall use, dispose of, discard, store, or transport an insecticide, herbicide, or fertilizer, in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.

9. No person shall wash a commercial dumpster, or residual ready mix concrete from concrete missing trucks, in an area where it discharges into MS4.

C. Mandatory Reporting and Clean-Up of any Discharge or Release

1. The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, disposing, or any other release of any of the following quantities of any of the following substances that may enter the MS4, Surface Water of the State or Waters of the U.S., shall immediately notify by telephone the Los Fresnos Police Department concerning the incident:

   (a) An amount equal to or in excess of a reportable quantity of any hazardous or extremely hazardous substance, as established under 40 CFR Pats 302 and 355, respectively;

(b) An amount of oil that either (1) violates applicable water quality standards, or (2) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or

(c) Any harmful quantity of any pollutant.

2. The immediate notification required shall include the following information:

(a) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;

(b) The exact location of the release, including any known name of the water involved or threatened and any other environmental media affected;

(c) The time and duration (thus far) of the release;

(d) An estimate of the quantity and concentration (if known) of the substance released;

(e) The source of the release;

(f) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;

(g) Any precautions that should be taken as a result of the release;

(h) Any steps that have been taken to contain and/or clean up the release material and minimize its impacts; and

(i) The names and telephone numbers of the person or persons to be contacted for further information.

3. Within fifteen (15) days following such reportable release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by the city, a written report containing the information specified above in (2)(a) through (i) as well as the following additional information:

(a) The ultimate duration, concentrations, and quantity of the release;

(b) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;

(c) Any known or anticipated acute or chronic health risks associated with the release;

(d) The identity of any governmental/private sector representatives responding to the release; and

(e) The measures taken or to be taken by the responsible persons to prevent similar future occurrences.

4. The notifications required by subsections (2) and (3) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; not shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to city ordinance, or state or federal law.

5. Any person responsible for any release as described in this subsection shall comply with all state, federal, and local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

6. Any person responsible for a release described in this subsection shall reimburse the city for any cost incurred by the city in responding to the release.

D. Abatement of Illicit Conditions and Assessment and Collection of Expenses

The City may abate illicit discharges in the same manner and according to the same procedures provided for by Ordinance 123A and assess and collect and expenses incurred in the manner and procedure provided by Ordinance 123A.

SECTION 5 – RIGHT OF ENTRY, INSPECTION, AND SAMPLING

1. City code enforcement, public works, building inspection staff, city engineer or so designated by City Manager are authorized to enter and inspect sites and facilities subject to regulation under this chapter or discharging storm water to the City's MS4 to determine if the discharger is complying with all requirements of this chapter and any state or federal discharge permit, limitation, or requirement.

2. Facility operators shall allow such city staff access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording, and copying of records that must be kept under this ordinance, NPDES, TPDES or TXR 150000, as it may be amended, permit to discharge storm water, including pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, or documents related to compliance with this chapter and with any state or federal storm water discharge permit.

3. City staff shall have the right to set-up on any permitted facility such devices as are necessary in the opinion of the staff to monitor and/or sample the facilities or the site's storm water discharge.

4. Any temporary or permanent obstruction to safe and easy access to the facility or site to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City staff and shall not be replaced. The costs of clearing such access shall be borne by the operator.

5. The city may require, at its reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.

6. The city may require, at its reasonable discretion, the discharger to install monitoring equipment at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow; wastewater and quality shall be calibrated to ensure their accuracy.

Where a discharger has security measures tin force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements so that, upon presentation of suitable identification, the city staff will be permitted to enter without delay for the purposes of implementing and enforcing this ordinance.

SECTION 6 – ENFORCEMENT AND PENALTIES

A.Penalty for Violation

1. Any person, firm, corporation or business entity that violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, fined up to $2,000.00. Each day that the violation continues shall constitute a separate offense. A culpable mental state is not required to prove an offense under this chapter.

2. The penal provisions imposed by this chapter shall not preclude the City from filing a suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law. The city may, at its discretion, report alleged noncompliance to the EPA, the TCEQ, US Fish and Wildlife Service, Texas Parks and Wildlife, the US Army Corps of Engineers, or any other state of federal agency.

B. Violations

1. It is a violation of this chapter to engage in construction activity without complying with this Chapter.

2. It is a violation of this Chapter to discharge any substance, other than storm water or those discharges listed in Section 4 under Allowable Non-Storm Water Discharges, to the City's MS4 in violation of any provision in this Chapter.

3. The operator of a facility or site with a TPDES permit to discharge storm water associated with industrial or construction activity commits an offense if the person denies

city staff reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter. Unreasonable delays in allowing the city access to a permitted facility or site is a violation of this ordinance.

4. A person commits an offense if the person operates a facility or site that is discharging storm water associated with industrial or construction activity without having submitted a copy of the notice of intent to do so to the City.

5. A facility shall be operated in strict compliance with the requirements of its TPDES permit to discharge storm water associated with industrial or construction activity. A person commits an offense if the person operates a facility or construction activity in violation of a requirement of the facility's TPDES permit to discharge storm water.

6. The City may require an operator of a facility to modify the facility's or the site's SWP3 if in the best professional judgment of the City staff, the SWP3 does not comply with the requirements of the facility's or the site's TPDES permit to discharge storm water.

C. Notices of Violations and Stop Work Orders

1. Notice of the deficiencies in a facility's or site's SWP3 will be made in writing, and the City will give the facility or construction site operator a reasonable amount of time, not to exceed thirty (30) days, to make the necessary changes in the SWP3.

2. Noncompliance flag and stop work orders. If the city staff determines that activities are being carried out in violation of this chapter, a notification of noncompliance shall be issued. In addition to the notification, if the violation continues beyond five (5) days, a "noncompliance flag" will be posted at the site. Finally, if the violation continues after three (3) days after the "noncompliance flag" is posted, the city map stop all work until corrective measures have been completed. The site shall be posted with a "stop work order". No other permits may be issued or inspections conducted by the city until corrections have been made to the satisfaction of the City. To move or interfere with a "noncompliance flag" or a"stop work Order" shall constitute a violation of this ordinance.

3. Any person alleged to be in violation of the provisions of this chapter shall be required to correct the problem upon written notification from the city. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

   (a) Use of specific pollution prevention measures and techniques;

   (b) Use of pretreatment procedures;

   (c) Modification of existing SWP3;

(d) Completion of work within a specified time period; and

(e) Submission of SWP3.

4. Appeals. Any person denied permission to discharge to MS4 shall have the right to appeal such to the City Manager within forty-five (45) days of the date of such denial.

SECTION 6 - SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other person and circumstances shall nevertheless be valid, and the city council hereby declares that this chapter would have been enacted without such invalid provision.

SECTION 7 – EFFECTIVE DATE

This ordinance shall take full force and effect after caption has been published in the official newspaper.

INTRODUCED and APPROVED on the first reading this _____ day of _____, 2014.

APPROVED and PASSED on the second and final reading this ____ day of _____, 2014.

_____
Polo Narvaez, Mayor

ATTEST:

_____
Pam Denny, City Secretary

SAN JUAN
ORDINANCE

ORDINANCE NO. 12-15

AN ORDINANCE OF THE CITY OF SAN JUAN TO REGULATE AND REDUCE POLLUTION THAT ENTERS THE SURFACE WATER IN THE STATE OF TEXAS AND WATERS OF THE UNITED STATES FROM DISCHARGES INTO THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM, BY PROVIDING FOR THE DETECTION AND ELIMINATION OF ILLICIT CONNECTIONS TO THE STORM SEWER SYSTEM AND REQUIRING EROSION CONTROL AND POLLUTION PREVENTION AT CONSTRUCTION SITES, AND TO ESTABLISH PENALTIES AND AN EFFECTIVE DATE.

WHEREAS, the City of San Juan, a home-rule city of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of the City and its residents and visitors; and

WHEREAS, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040000, as it may be amended, the City of San Juan is required to develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants into the City's streets, gutters, ditches, and storm drains, and to the Surface Water in the State, and the Waters of the United States, to the maximum extent practicable; and,

WHEREAS, the City's stormwater management program must include six minimum control measures: (1) public education and outreach on storm water impacts; (2) public involvement and participation; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations; and,

WHEREAS, implementation of best management practices consistent with the provisions of the City's storm water management program constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable," and,

WHEREAS, the City of San Juan and its planning area are located within the watershed of the Arroyo Colorado, that is, all stromwater run-off from the City of San Juan and its planning area flows into the Arroyo Colorado; and the Arroyo Colorado flows into Laguna Madre; and,

WHEREAS, Texas Commission of Environmental Quality (TCEQ) has determined that the Arroyo Colorado is an impaired water body that does not meet its aquatic life use primarily due to low dissolved oxygen, but also due to high levels of nutrients and sedimentation and suspended solids; and,

WHEREAS, TCEQ in 2003 estimated that a ninety percent (90%) reduction in nitrogen, phosphorous, biological oxygen demanding substances and sediment will be necessary for the Arroyo Colorado to meet aquatic life water quality standards; and

WHEREAS, the City has exercised leadership in reducing the amount of point-source pollution entering the Arroyo Colorado from its wastewater plant by construction a new state-of-the-art wastewater treatment plant; and,

WHEREAS, the City has also demonstrate leadership in reducing non-point source pollution the Arroyo Colorado from on-site sewer facilities by providing first-time public wasteware collection and treatment services to households in numerous colonias; and,

WHEREAS, other sources of pollution that may contaminate storm water include erosion of disturbed land at construction sites, the deliberate or inadvertent discharge of material or substances other than storm water directly or indirectly into storm drains, and stromwater run-off-from roof tops, parking lots, and yard and lawns treated with excess fertilizer and pesticides; and,

WHEREAS, natural materials such a leaves and grass clippings are beneficial to gardens and soil as mulch and a soil amenity but constitute pollution when they enter waterways because the decomposition of these materials consumes oxygen in the water that is needed by fish; and,

WHEREAS, improper management of stromwater and control of erosion deuces capacity of the City's drainage infrastructure and causes additional maintenance needs and expenses, and,

WHEREAS, the City of San Juan recognizes that protecting and improving water quality in the Arroyo Colorado will contribute to an improved quality of life and the general welfare of the residents of San Juan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN JUAN, THAT:

The City of San Juan Code of Ordinances is amended to add Chapter 6, which shall be titled Pollution Prevention in Stormwater, as follows.

Section 6.01.001 – General Provisions

It is the policy of the City of San Juan, and the intent of this ordinance, to reduce pollution and contamination entering the City's separate stormwater sewer system (MS4) to the greatest extent practicable. Discharge to the City's MS4 that cause or contribute to a violation of water quality standards or that fail to protect and maintain the aquatic life use of the Arroyo Colorado are hereby prohibited. New sources or new discharges to the City's MS4 of the oxygen-demanding substances, nutrients and sediments are not authorized by this ordinance unless otherwise allowable under NPDES, TPDES, and the Texas Administrative Code.

Section 6.01.002 Definitions

Best Management Practices – activities, prohibitions, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants.

Clean Water Act – The Federal Water Pollution Control Act, as codified at 33 U.S.C. 1251 – 1376.

Common Plan of Development or Sale – A construction activity that is completed in separate stages or phases or in combination with other construction activities. A common plan of development or sale is identified by plats, blueprints, marketing plans, contracts, building permit applications, a public notice or hearing, zoning requests, or other similar documentation.

Construction Activity (Small) – Construction activities including clearing, grading, and excavating that result in land disturbance of one or more but less than five acres of land. Small construction activity also includes the disturbance of less than one 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 one or more but less than five acres of land.

Construction Activity (Large) – Construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less than five acres of land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Construction Site Operator – The person or persons associated with a small or large construction project that is either:

1) the person or persons that have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of state and federal law, including TPDES or NPDES permits allowing stormwater discharge; or

2) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with storm water pollution prevention plan for the site.

Conveyance – Streets, curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control of to otherwise transport storm water runoff.

Discharge – the drainage, release, or disposal of pollutants in storm water and certain non-storm water from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities are located.

Final Stabilization – where the following conditions are met:

a) All soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 70% 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 either:

    i. The homebuilder completes final stabilization as specified in (a) above; or

ii. 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 informs the homeowner of the need for, and benefits of, final stabilization.

c) For construction activities on land used for agricultural purposes (e.g. 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 conditions (a) above.

Ground Water Infiltration – Groundwater that enters the MS4 (including storm sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Illicit Connections – Any human-made conveyance connecting an illicit discharge directly to the MS4.

Illicit Discharge – Any discharge to the MS4 that is not entirely composed of storm water, except discharges allowed pursuant to state or federal law, including TPDES or NPDES permits allowing stormwater discharge or a separate authorization.

Industrial Activities – manufacturing, processing, material storage and disposal areas, and similar areas where storm water can contract industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-Sector General Permit, TXR050000, as it may be amended, or by another TPDES or NPDES permit.

Land Disturbance (or Soil Disturbance) – any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow pits, or combination thereof. Land disturbance does not include plowing, seeding, planting, cultivation, or harvesting on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity and purpose of a ditch, channel or other similar storm water conveyance. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing right-of-ways or other similar maintenance activities.

Maximum Extent Practicable – The technology-based discharge standard for MS4s to reduce pollutants in storm water discharges established by the Clean Water Act.

Municipal separate storm sewer system (MS4) – The conveyance or system of conveyances including roads, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the City of San Juan, the Hidalgo County Irrigation District #2, Hidalgo County of the Texas Department of Transportation and that are designed or used for collecting or conveying stormwater; but which are not a combined sewer (sanitary sewer and stormwater) and are not part of the City's sanitary sewer collection system.

MS4 Operator – for the purpose of this ordinance, the City of San Juan.

NPDES – National Pollution Discharge Elimination System.

Point Source – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutants of Concern – those pollutants identified as a cause of impairment of the Arroyo Colorado and including biochemical oxygen demand (BOD), and sediment or parameters that address sediment such as total suspended solids, turbity or siltation.

Release – any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the MS4, the Surface Water of the State, or the Waters of the United States.

Site Development Permit – A permit issued by the City for the alteration of the ground for the construction or installation of utilities, streets, sidewalks, structures designed to control erosion and run-off and other grading activities that are not a part of a project that requires a building permit.

Storm Water Runoff – Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) – A comprehensive program to manage the quality of discharges into and from City of San Juan's MS4.

Structural Controls – A pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico from the mean high water level 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 non-navigable, 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 of federal law or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.
TPDES - Texas Pollution Discharge Elimination System.

Waters of the United States –

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 interest waters, including interstate wetlands;

c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, we 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:

   i. which are or could be used by interstate or foreign travelers for recreational or other purposes;

   ii. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

   iii. 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 U.S.;

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.

h) Waste treatment systems, including man made treatment ponds, lagoons or wetlands designed to meet the requirements of CWA are not waters of the United States.

Wetland – an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 6.01.003 – Pollution prevention and erosion control at construction sites

Sec. 6.01.003A – General provisions

The intent of this section is to implement and enforce a program to reduce pollutants in storm water runoff from construction activities. To that end, all construction site operators, at a minimum, must:

1. As a pre-condition to receiving a building permit for a small construction site, prepare and submit a stormwater pollution prevention plans (SWP3).

2. For projects that do not require a building permit, but will require excavation, fill or grading or more than one acre of land, such as the construction or installation of utilities, new drainage ways streets, or sidewalks, apply for a site development permit and prepare and submit a SWP3.

3. Expert, no SWP3 is required to perform emergency work needed to protect life or property.

4. For construction sites that will disturb less than one acre of land, the following provisions apply:

    a) No SWP3 need be prepared or submitted.

    b) Construction site operators are responsible for retaining all soil and sediments on-site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off-site.

    c) Soil and sediment that leaves the construction site must be cleaned-up daily.

    d) Proper provision for solid waste, construction debris and sanitary waste must be made and maintained.

5. The operator of construction site, required to have a TPDES permit to discharge stormwater shall submit a copy of the Notice of Intent to the City at the same time the operator submits the original Notice of Intent (NOI) to the TCEQ. The copy of the NOI may be delivered to the City either in person or by mailing it to: Planning Director, City of San Juan, 709 S. Nebraska Avenue, San Juan, TX 78589.

Sec. 6.01.003B – Storm Water Pollution Prevention Plan (SWP3)

1. Prior to commencing any construction activity and prior to receiving a building or site development permit from the City, construction site operators that are required by the NPDES or the TPDES to obtain a permit to discharge stormwater must:

    a) develop and submit for review and approval a SWP3 that covers the entire site;

    b) post a signed copy of the notice (Attachment 1 or 2) at the construction site where it can be readily viewed;

    c) ensure the project specifications allow or provide that adequate BMPs will be developed and modified as necessary to meet the requirement of the SWP3; and,

    d) ensure all contractors and sub-contractors are aware of the requirements of the SWP3, that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and who to contact concerning SWP3 compliance; and

2. The SWP3 must:

    a) be completed and initially implemented prior to commencing activities that result in land disturbance;

b) provide for compliance with the terms and conditions of this ordinance and the NPDES and TPDES for stormwater;

c) be available at the construction site or readily available at the time of an on-site inspection to TCEQ; the EPA, or City personnel;

d) be amended whenever there is a change in design, construction, operation, or maintenance that may have a significant effect on the discharge of pollutants or that was not been previously addressed in the SWP3; or because inspections by the site operator, TCEQ, EPA or City indicate the SWP# is ineffective in eliminating or minimizing pollutants in discharges.

e) Identify the person or persons responsible for implantation of the plan.

§6.01.003C – Issuance of a building permit or site development permit

Before authorizing the issuance or a building permit or a site development permit, the City will review the proposed site plan and SWP3, as well as construction documents, for compliance with this ordinance and the NPDES and TPDES for stormwater;

§6.01.003D – City Inspection of Construction Sites

City building inspection, code enforcement and public works staff and the city engineer are hereby authorized to inspect construction sites for the purpose of ensuring compliance and enforcement of control measures contained in the SWP3 and this ordinance.

§6.01.003E – Contents of Stormwater Pollution Prevention Plan

The Stormwater Pollution Prevention Plan (SWP3) required pursuant to this ordinance, the Clean Water Act, NPDES, and TPDES must include the following information.

1. The SWPS must include a project description which includes the following:
   a) the nature of the construction activity, potential pollutants and sources;

   b) the intended schedule or sequence of major activities that will disturb soils;

   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) the soil type and the quality of any existing 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:

i. drainage patters and approximately slopes anticipated after major grading activities;

ii. areas where soil disturbance will occur,

iii. areas which will not be disturbed;

iv. location of all major structural controls either planned or in place;

v. location where stabilization practices are expected to be used;

vi. locations of off-site material, waste, borrow or equipment storage areas;

vii. surface waters (including wetlands) either adjacent or in close proximity; and;

viii. locations where storm water discharges from the site directly to a surface water body.

g) the location and description of asphalt plants and concrete plans (if any) providing support to the construction site and that are also authorized under the General Permit TXR 150000, as it may be amended, and,

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.

2. The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of San Juan, TCEQ or the EPA:

a) the dates when major grading activities occur;

b) the dates when construction activities temporarily or permanently cease on a portion of the site; and,

c) the dates when stabilization measures are initiated.

3. The SWP3s must identify and described the best management practices (BMPs) that will be used, the general timing or sequence for implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on-site to the maximum extent practicable with due consideration for local topography and rainfall.

a) Control measures must be selected, installed and maintained according to the manufacturer's or designer's specifications.

b) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

c) 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.

d) Controls must be specified that limit offsite transport of litter, construction debris and construction materials.

4. The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is 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, and protection of existing trees and vegetation.

    b) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (i) and (ii) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

        i. Where the initiation of stabilization measures is precluded by seasonably arid conditions, drought, excessive rainfall, or other weather or climatic conditions, stabilization measures must be initiated as soon as practicable.

        ii. Where construction activity on a portion of the site is temporarily ceased but earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

5. The SWP3 must include a description of any structural controls that will be used to divert flows away from exposed soils, to limit the contract of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

    a) Sediment basins are required, where feasible, for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediments basins may be either temporary or permanent, but must be designed to store either the calculated volume of runoff form a 2-year, 24-hour storm, designed to provide 3,600 cubic feet of storage per 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 offsite areas and flow from onsite 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. In determining whether installing a sediment basin is feasible, the permittee may consider factors such s site soils, slope, available area on-site, and public safety. Where sediment basins are not feasible, equivalent control measures, which may include a series of smaller sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope

boundaries and for those side slope boundaries as dictated by individual site conditions of the construction areas.

b) Sediment traps and sediment basins may be used to control solids in storm water runoff for drainage location serving less than ten (10) acres. At a minimum, silt fences, hay bales, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basins providing storage for a calculate volume of runoff from these areas for a 2-years, 24-hour storm or 3,600 cubic feet of storage per acre drained may be provided.

6. Other Controls

a) The SWP3 must describe how off-site vehicle tracking of sediment and the generation of dust will 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 area other than construction (including storm water 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 pollutants discharges.

6) The SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures indentified in the SWP3 in effective operating condition.

7. Site Inspections

a) The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas that have not been finally stabilized, area used for storage of materials that are exposed to precipitation, all structural control measures, and location where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.5 inches or greater.

b) As an alternative, the SWP3 may require that inspections will occur at least once every seven calendar days; in which case additional inspections are not required following each qualifying storm event. 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.

c) The construction site operator must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. Where discharge locations are inaccessible,

nearby downstream locations must be inspected to the extent that such inspections are 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 calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, and implementation schedule must be described in an amendment to 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, names and qualifications of personnel making the inspection, the dates 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

i. the locations of discharges of sediment or other pollutants from the site;
ii. locations of BMPs that needed to be maintained;
iii. locations of BMPs that failed to operate as designed or proved inadequate for a particular location;
iv. location where additional BMPs are need; and,
v. identification and location of the MBPs that are working effectively.

f) Actions taken as a result of inspections must be described within, and retained as an amendment to 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.

8. The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible non-storm water components of the discharge. This ordinance prohibits, and all SWP3s will be presumed to prohibit:

a) The discharge from a construction site of any water or other liquid having a pH value lower than 6.0 or higher than 10.5;

b) The discharge of any type of industrial waste from construction sites;

c) The deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris.

d) The discharge of paint of paint brush cleaning water or solvents, thinners or turpentine or any combination thereof;

e) Unused construction materials or used construction materials or debris remaining on the site after construction is completed. All on-site debris shall be properly disposed of in the landfill within thirty (30) days from the occupancy of the structures; and

f) The washing of any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

§6.01.003F – Effective Date of Coverage

Operators of construction activities eligible for coverage under TXR150000, as it may be amended, are authorized to discharge storm water associated with construction activity upon issuance by the City of the building permit or site development permit.

§6.01.003G – Retention of Records

The construction site operator must retain a copy of the SWP3 and all reports and actins required by this ordinance and state and federal law, including NPDES, TPDES and General Permit No. 150000, for a minimum period of three years from the date that final stabilization has been achieved on all portions of the street.

Sec. 6.01.004 - Illicit Discharges

Sec. 6.01.004A – the intent of this section of the ordinance is to prohibit, detect, and eliminate illicit discharges to San Juan's MS4.

Sec. 6.01.004B – Allowable Non-Storm Water Discharges

The following non-storm water sources are not considered illicit discharges to the MS4:

1) discharges from fire fighting activities (but excluding washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

2) uncontaminated fire hydrant flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);

3) water from the routine external washing of vehicles, the external portion of building 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;

4) uncontaminated water used to control dust;

5) portable water including waterline flushings (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

6) uncontaminated air conditioning condensate;

7) uncontaminated ground water or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents; and

8) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

9) diverted stream flows;

10) uncontaminated ground water infiltration;

11) uncontaminated pumped ground water;

12) individual residential vehicle washing;

13) flows from wetlands and riparian habitats;

14) dechlorinated swimming pool discharges;

15) streets wash water.

Sec. 6.01.004C – Prohibited Discharges

1) No person shall deposit, release, throw, drain, cause or allow to be deposited, released thrown, drained or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MS4, any of the following described materials or substances:

   a) Any acidic waste materials (having a pH value lower than 6);
   b) Any alkaline waste materials (having a pH value higher than 10.5);
   c) Any water or waste containing free-floating, or insoluble oil;
   d) Gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
   e) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or property; or
   f) Any domestic wastewater or industrial wastewater.

2) It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the US EPA, which would otherwise constitute a violation at the time of commission.

3) No person shall place or drop or cause or allow to be placed or dropped, brush cuttings, clippings, or rubbish within the MS4 or on any street in the City in such a manner that the same may be washed by the flow of water into the MS4.

4) No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.

5) No person shall discharge or release, or allow or permit the discharge or release or any of the following substances in a manner or location by which such substance may enter the City's MS4:

i. any wash water or wastewater from the washing or cleaning of pavement, including but not limited to parking lots, driveways or carports, that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance other than water.

ii. any wash water or wastewater from cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated.

iii. any wash water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soup, detergent, degreaser, solvent, or any other harmful cleaning substance;.

iv. gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;

v. any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

vi. any contaminated water or waste from commercial establishment including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions;

vii. material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4wihin sixty (60) days of the effective date of this ordinance. If such notification is not made during the allocated sixty (60) days, then the detected connections to MS4 of a oil/water separator or interceptor shall be considered an illicit connection and the city reserves the right to determinate such connection immediately, without prior notice;

viii. any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge or pumped, confined, or partially treated wastewater from the remediation of any such PUST unless release satisfies all of the following criteria: (a) is in compliance with all municipal, state, and federal laws; (b) no discharge contains any harmful quantity of any pollutant; and (c) the discharge shall not have a pH value lower than 6.0 or higher than 10.5;

ix. any public or private underground utility manhole, including but not limited to electric power, gas pipeline, cable companies, telephone companies, the collected water, due to rain, surface runoff, cross connection, or illegal discharge;

x. any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;

xi. any type of wastewater from residential, commercial or industrial sources, any domestic sewage or septic tank waste,

xii. any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area.

xiii. Any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection.

6) No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;

7) No person shall introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide, and used toiletries into the MS4;

8) No person shall use, dispose of, discard, store, or transport an insecticide, herbidice, or fertilizer, in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.

9) No person shall wash a commercial dumpster, or residual ready mix concrete from concrete mixing trucks, in an area where it discharges into MS4.

Sec. 6.01.004D – Mandatory Reporting and Clean-up of Any Discharge of Release

1) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, disposing, or any other release of any of the following quantities of any of the following substances that may enter the MS4, Surface Water of the State of Waters of the U.S., shall immediately notify by telephone the San Juan Police Department concerning the incident:

   a) An amount equal to or in excess of a reportable quantity of any hazardous or extremely hazardous substance, as established under 40 CFR Parts 302 and 355, respectively;

   b) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or

causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or

c) Any harmful quantity of any pollutant.

2) The immediate notification required shall include the following information:

a) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;

b) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;

c) The time and duration (thus far) of the release;
d) An estimate of the quantity and concentration (if known) of the substance released;

e) The source of the release;

f) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;

g) Any precautions that should be taken as a result of the release;

h) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and

i) The names and telephone numbers of the person or persons to be contacted for further information.

3) With fifteen (15) days following such reportable release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by the city, a written report containing the information specified above in (2)(a) through (i) as well as the following additional information:

a) The ultimate duration, concentrations, and quantity of the release;
b) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
c) Any known or anticipated acute or chronic health risks associated with the release;
d) The identity of any governmental/private sector representatives responding to the release; and
e) The measures taken or to be taken by the responsible person to prevent similar future occurrences.

4) The notifications required by subsections (2) and (3) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine,

penalty, or other liability which may be imposed pursuant to city ordinance, or state or federal law.

5) Any person responsible for any release as described in this subsection shall comply with all state, federal, and local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

6) Any person responsible for a release described in this subsection shall reimburse the city for any cost incurred by the city in responding to the release.

Sec. 6.01.004E – Abatement of Illicit Conditions and Assessment and Collection of Expenses

The City may abate illicit discharges in the same manner and according to the same procedures provided for by the City Code of Ordinances and assess and collect any expenses incurred in the manner and procedure provided.

Sec. 6.01.004E – Right of Entry, Inspection, and Sampling

1) City code enforcement, public works, building inspection staff and the city engineer are authorized to enter and inspect sites and facilities subject to regulation under this chapter or discharging stormwater to the City's MS4 to determine if the discharger is complying with all requirements of this chapter and any state or federal discharge permit, limitation, or requirement.

2) Facility operators shall allow such city staff access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording, and copying of records that must be kept under this ordinance, NPDES, TPDES or TXR 150000, as it may be amended, permit to discharge stormwater, including pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, report, or documents related to compliance with this chapter and with any state or federal stormwater discharge permit.

3) City staff shall have the right to set-up on any permitted facility such devices as are necessary in the opinion of the staff to monitor and/or sample the facility's or the site's stormwater discharge.

4) Any temporary or permanent obstruction to safe and easy access to the facility or site to be inspected and /or sampled shall be promptly removed by the operator and the written or oral request of the City staff and shall not be replaced. The cost of cleaning such access shall be borne by the operator.

5) The City may require, at its reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.

6) The City may require, at its reasonable discretion, the discharger to install monitoring equipment at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow, wastewater and quality shall be calibrated to ensure their accuracy.

Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements so that, upon presentation of suitable identification, the city staff will be permitted to enter without delay for the purpose of implementing and enforcing this ordinance.

Sec. 6.01.006 – Enforcement and Penalties

Sec. 6.01.006A – Penalty for Violation

1) Any person, firm, corporation or business entity that violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, fined as provided in the City of San Juan Code of Ordinances. Each day that the violation continues shall constitute a separate offense. A culpable mental state is not required to prove an offense under this chapter.

2) The penal provisions imposed by this chapter shall not preclude the City from filing a suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law. The city may, at its discretion, report alleged noncompliance to the EPA, the TCEQ, US Fish and Wildlife Service, Texas Parks and Wildlife, the US Army Corps of Engineers, or any other state or federal agency.

Sec. 6.01.006B – Violations

1) It is a violation of this chapter to engage in construction activity without complying with this Chapter.

2) It is a violation of this Chapter to discharge any substance, other than stormwater or those discharges listed in §6.01.004B, to the City's MS4 in violation of any provision in this Chapter.

3) The operator of a facility or site with a TPDES permit to discharge stormwater associated with industrial or construction activity commits an offense if the person denies city staff reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter. Unreasonable delays in allowing the city access to a permitted facility or site is a violation of this ordinance.

4) A person commits an offence if the person operates a facility or site that is discharging stormwater associated with industrial or construction activity without having submitted a copy of the notice of intent to do so to the City.

5) A facility shall be operated in strict compliance with the requirements of its TPDES permit to discharge stormwater associated with industrial or construction activity. A person commits an

offense if the person operates a facility or construction activity in violation of a requirement of the facility's TPDES permit to discharge stormwater.

6) The City may require any operator of a facility to modify the facility's or the site's SWP3 if in the best professional judgment of the City staff, the SWP3 does not comply with the requirements of the facility's or the site's TPDES permit to discharge stormwater.

Sec. 6.01.006C – Notices of Violations and Stop Work Orders

1) Notice of the deficiencies in a facility's or a sit's SWP3 will be made in writing, and the City will five the facility or construction site operator a reasonable amount of time, not to exceed thirty (30) days, to make the necessary changes in the SWP3.

2) Noncompliance flag and stop work orders. If the city staff determines that activities are being carried out in violation for this chapter, a notification of noncompliance shall be issued. In addition to the notification, if the violation continues beyond five days, a "noncompliance flag" will be posted at the site. Finally, if the violation continues after three days after the "noncompliance flag" is posted, the city may stop all work until corrective measures have been completed. The site shall be posted with a "stop work order." No other permits may be issued or inspections conducted by the city until corrections have been made to the satisfaction of the city. To move or interfere with a "noncompliance flag" or stop work order shall constitute a violation of this article.

3) Any person alleged to be in violation of the provisions of this chapter shall be required to correct the problem upon written notification for the city. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

    a. Use of specific pollution prevention measures and techniques;

    b. Use of pretreated procedures;

    c. Modification of existing SWP3;

    d. Completion of work within a specified time period; and

    e. Submission of SWP3.

10) Appeals. Any person denied permission to discharge to MS4 shall have the right to appeal such to the board of adjustment or other board established by the city within forty-five (45) days of the date of such denial.

Sec. 6.01.007 – Severability

If any provision of this article or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this article and the application of such provision to other persons and

circumstances shall nevertheless be valid, and the city commission hereby declares that this chapter would have been enacted without such invalid provision.

Sec. 6.01.008 – Effective Date

This ordinance shall take full force and effect on November 12, 2012.

PASSED and **APPROVED** on first reading on the 9th day of October, 2012.

PASSED and **APPROVED** on second and final reading on the 25th day of October, 2012.

CITY OF SAN JUAN

SAN JUANITA SANCHEZ, MAYOR

ATTEST:

HUMBERTO RODRIGUEZ,
CITY SECRETARY

APPROVE AS TO FORM:
City of San Juan

JAIME JERRY MUNOZ
CITY ATTORNEY

SAN BENITO
ORDINANCE

ORDINANCE 2492

AN ORDINANCE OF THE CITY OF SAN BENITO TO REGULATE AND REDUCE POLLUTION THAT ENTERS THE WATERS OF THE STATE OF TEXAS AND THE UNITED STATES BY WAY OF THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM, PROVIDING FOR THE DETECTION AND ELIMINATION OF ILLICIT CONNECTIONS TO THE STORM SEWER SYSTEM, REQUIRING EROSION CONTROL AT CONSTRUCTION SITES, REQUIRING IMPLEMENTATION OF POST-DEVELOPENT PRACTICES THAT REDUCE THE AMOUNT OF CONTAMINATION IN STORMWATER RUN-OFF, ESTABLISHING PENALTIES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of San Benito, a municipality of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of the City and its residents and visitors; and

WHEREAS, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040161, the City of San Benito is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the City's streets, gutters, ditches, and storm drains to the waters of the United States and the waters of Texas, the maximum extent practicable; and

WHEREAS, the City's stormwater management program must include these minimum control measures: (1) public education an outreach on storm water impacts; (2) public involvement and participation; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations; and

WHEREAS, implementation of best management practices consistent with the provisions of the City's storm water management program constitutes compliance with the standard of reduction of pollutants to the "maximum extent practicable"; and

WHEREAS, the City of San Benito and its planning area are located with the watershed of the Arroyo Colorado, such that all storm water run-off from the City of San Benito and its planning area flows into the Arroyo Colorado, and the Arroyo Colorado flows into Laguna Madre; and

WHEREAS, the Arroyo Colorado is an impaired waterway and does not meet the needs of its aquatic life primarily due to low dissolved oxygen, but also due to high levels of nutrients and sedimentation and suspended solids; and

WHEREAS, the Texas Commission on Environmental Quality in 2003 estimated that a ninety percent (90%) reduction in nitrogen, phosphorous, biological oxygen, demanding substances and sediment will be necessary to meet aquatic life water quality standards, and

WHEREAS, the City has exercised leadership in reducing the amount of pollution entering the Arroyo Colorado from its wastewater by constructing a new wastewater treatment plant; and

WHEREAS, other sources of pollution that may contaminate storm water include erosion of disturbed land at construction sites, the deliberate or inadvertent discharge of material or substances other than storm water directly in to storm drains and storm water run-off from roof tops, parking lots, and yards and lawns treated with excess fertilizer and pesticides; and

WHEREAS, natural materials such as leaves and grass clippings are beneficial to gardens and soil as mulch and a soil amenity but constitute pollution when they enter waterways because the decomposition of these materials consumes oxygen in the water; and

WHEREAS, improper management of storm water and erosion taxes the capacity of drainage infrastructure and results in additional maintenance needs and expenses; and

WHEREAS, the City of San Benito recognizes that protecting and improving water quality in the Arroyo Colorado will contribute to an improved quality of life and the general welfare of the residents of San Benito;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, THAT:

SECTION 1. The City of San Benito Code of Ordinances is amended to include this Ordinance 2492 as Section 13.12 which shall be titled "Stormwater/Illicit Discharge/Erosion Control".

Sec. 13.12.001- GENERAL PROVISIONS

It is the policy of the City of San Benito and the intent of this ordinance to reduce pollution and contamination of stormwater entering the City's separate stormwater sewer system (MS4) to the greatest extent practicable. Discharge to the City's MS4 that causes or contributes to a violation of water quality standards or that fails to protect and maintain the aquatic life use of the Arroyo Colorado is hereby prohibited. New sources or new discharges to the City's MS4 of oxygen demanding substances, nutrients and sediments constituents of concern are not authorized by this ordinance unless otherwise allowable under 30 Texas Administrative Code Chapter 305.

Sec. 13.12.002- DEFINITIONS

For the purpose of this Ordinance only, the following terms, words and phrases and their derivations shall have the meanings set forth below, except where the context clearly indicates a different meaning:

Sec. 13.12.002- DEFINITIONS (continued)

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed or intended to prevent or reduce the pollution of waters of the United States. BMP also includes treatment requirements, operating procedures, and practices designed or intended to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biological oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Chlorinated Discharge means any discharge having a quantity of chlorine (free or total) that exceeds the Surface Water Quality Standard of the State of Texas.

City means the City of San Benito, Texas.

Clean Water Act- (CWA) means the Federal Water Pollution Control Act, as codified at 33 U.S.C. 1251-1376 or (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Commercial Dumpster Washing means the washing of commercial garbage or rubbish dumpsters and the immediate area around them in order to remove putrisible animal and vegetable waste material or other debris from said areas and dumpsters.

Common Plan of Development or Sale means a construction activity that is completed in separate stages or phases, or in combination with other construction activities.

Composite means a sample used to determine average loadings or concentrations of pollutants. A composite can be developed based on time or flow.

Construction Activity (Small) means construction activities including clearing, grading, and excavation that result in land disturbance of one or more but less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is a part of a large common plan of development or sale if the larger common plan will ultimately disturb one or more but less than five acres of land.

Construction Activity (Large) means construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less five acres of total land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Sec. 13.12.002- DEFINITIONS (continued)

Construction Site Operator means the person or persons associated with a small or large construction project that meets either of the following two criteria:

(1) the person or persons have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of TXR040000; or

(2) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site.

Conveyance means streets, curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport storm water runoff.

Discharge means the drainage, release, or disposal of pollutants in storm water and certain non-storm water from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities exist or occur.

Final Stabilization means a construction site where either of the following condition are met:

(a) All soil disturbing activities have been completed and uniform perennial vegetative cover with a density of 70% 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 where either:
(i) the homebuilder completes temporary stabilization for an individual lot prior to the time of transfer of ownership of the home to the buyer and informs the homeowner of the need for, and benefits of, final stabilization; or
(ii) the homebuilder completes final stabilization as specified in subsection (a) above.

(c) For construction activities on land used for agricultural purposes (e.g. pipelines across 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 subsection (a) above.

Ground Water Infiltration means groundwater that enters the MS4 (including storm sewer services connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Sec. 13.12.002- DEFINITIONS (continued)

Illicit Connection means any human-made conveyance connecting an illicit discharge directly to the MS4.

Illicit Discharge means any discharge to the MS4 that is not entirely composed of storm water except discharges pursuant to TXR040161 or a separate authorization.

Industrial Activities means manufacturing, processing, material storage, waste material disposal areas and similar areas where storm water can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-sector General Permit, TXR050000, by another TCEQ or TPDES permit.

Land Disturbance means any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes any excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow or combination thereof. Land disturbances does not include plowing, seeding, planting, cultivating, or harvesting activities on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing right-of ways or other similar maintenance activities.

Maximum Extent Practicable means the technology-based discharge standard for MS4s to reduce pollutants in storm water discharges established by the Clean Water Act.

Municipal separate storm sewer systems (MS4) means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the City of San Benito, the Cameron County Irrigation District, Cameron County Drainage District, Cameron County or the Texas Department of Transportation.

MS4 Operator means, for the purpose of this ordinance, the City of San Benito.

Point Source means a discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutants of Concern means those pollutants indentified as a cause of impairment of the Arroyo Colorado and including biochemical oxygen demand (BOD), and sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation).

Redevelopment means alterations of a property that changed the footprint of a site or building in such a way that there is a disturbance of one acre or more of land.

Sec. 13.12.002- DEFINITIONS(continued)

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, surface soils, the municipal separate storm sewer system (MS4), the water of the state, or the waters of the United States.

Site Development Permit means a permit issued by the City for the alteration of the ground related to the construction or installation of utilities, streets, sidewalks, or structures designed to control erosion and run-off and other grading activities not related to a project that requires a building permit.

Storm Water Runoff means rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) means a comprehensive program to manage the quality of discharges from San Benito's MS4.

Structural Control or Practice means a pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State means 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 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 non-navigable, 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 surface water in the state.

Waters of the United States 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;

Sec. 13.12.002- DEFINITIONS (continued)

(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 the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such water:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposed;
(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
(iii) 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 US:

(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.

(h) Waste treatment systems, including manmade treatment ponds, lagoons or wetlands designed to meet the requirement on CWA are not water of the United States.

Wetland means an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs, and similar areas.

Sec. 13.12.003 Storm Runoff and Erosion Control at Construction Sites

The intent of this section is to implement and enforce a program to reduce pollutants in storm water runoff from construction activities (new development and redevelopment) to the City's MS4. All construction site operators must meet the following conditions at a minimum:

1. As a pre-condition to receiving a building permit, a construction site operator must prepare and submit a stormwater pollution prevention plan (SWP3).

2. For projects that do not require a building permit, but will require excavation, fill or grading such as the construction or installation of utilities, new drainage ways, streets, or sidewalks, a construction of utilities, new drainage ways, streets, or sidewalks, a construction site owner must prepare and submit a stormwater pollution prevention plan (SWP3).

Sec. 13.12.003 Storm Runoff and Erosion Control at Construction Sites (continued)

3. No SWP3 is required to perform emergency work needed to protect life or property.

4. For construction sites that will disturb less than one acre of land, the following provisions apply:

   (a) SWP3 will be prepared or submitted.
   (b) Construction site operators are responsible for retaining all soil and sediment on-site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off-site.
   (c) Soil and sediment that leaves the construction site must be cleaned-up daily and returned to the site.
   (d) Proper provision for solid waste, construction debris and sanitary waste must be made and maintained.

   For construction sites that will disturb five or more acres of land, the construction site operator shall submit to the City a copy of the Notice of Intent at the same time that it is submitted to TCEQ.

5. The operator of a facility, including a construction site, required to have a TPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the City at the same time the operator submits the original notice of intent to the TCEQ as applicable. The copy of the notice of intent may be delivered to the City either in person or by mailing it to: City of San Benito: Stormwater Program, 485 N. Sam Houston Blvd., San Benito, TX 78586.

Sec. 13.12.004 Storm Water Pollution Prevention Plan (SWP3)

1. Prior to commencing any construction activity and prior to receiving a building or site development permit from the City, construction activity operators that qualify for coverage under TX General Permit TXR040000 shall:

   a) develop an submit for review and approval a SWP3 that covers the entire site;

   b) post a signed copy of the notice (attachment 1) at the construction site where it can be readily viewed and maintain the notice until completion of the construction activity and final stabilization of the site;

   c) ensure the project specifications allow or provide the adequate BMPs which may be developed and modified as necessary to meet the requirements as of the SWP3;

   d) ensure all contractors and sub-contractors are aware of the SWP3 requirements, and are aware that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and are aware of who to contact concerning SWP3 requirements.

Sec. 13.12.004 Storm Water Pollution Prevention Plan (SWP3)(continued)

2. The SWP3 must:

a) be completed and initially implemented prior to commencing construction activities that result in soil disturbance;

b) provide for compliance with the terms and conditions of TXR040000;

c) be retained on-site at the construction site or made readily available at the time of an on-site inspection by TCEQ, the EPA, or the City of San Benito;

d) be amended whenever there is a change in design, construction, operation, or maintenance that can have a significant effect on the discharge of pollutants or that has not been previously addressed in the SWP3, or whenever inspections or investigations by site operators or TCEQ, EPA, or San Benito stormwater enforcement indicate the SWP3 in ineffective in eliminating or minimizing pollutants in discharges; and

e) be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices;

Sec. 13.12.005 Issuance of Building Permit

Before authorizing the issuance of a building permit or a site development permit, the City will review the proposed site plan and SWP3, as well as construction documents, for compliance with this ordinance and TXR040000. The City's review of the site plan and SWP3 will include consideration of potential water quality impacts.

Sec. 13.12.006 City Inspection of Construction Site

The City of San Benito or designees are hereby authorized to inspect construction sites and other land subject to this ordinance for the purpose of ensuring compliance and enforcement of control measures contained in this ordinance.

Sec. 13.12.007 Contents of Stormwater Pollution Prevention Plan

The Stormwater Pollution Prevention Plan (SWP3) required pursuant to this ordinance, the Clean Water Act, and TXR040000 must include the following information.

1. The SWP3 must include a project description which identifies, describes and includes the following:

a) the nature of the construction activity, potential pollutants and sources;

b) the intended schedule or sequence of major activities that will disturb soil from 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) the soil type and the quality of any existing 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:

i. drainage patterns and approximate slopes anticipated after major grading activities;

ii. areas where soil disturbance will occur;

iii. areas which will not be disturbed;

iv. locations of all major structural controls either planned or in place;

v. locations where stabilization practices are expected to be used;

vi. locations of off-site material, waste borrow or equipment storage areas;

vii. surface waters (including wetlands) either adjacent or in close proximity; and

viii. locations where storm water discharges from the site directly to surface water body;

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 TXRO40000; and

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.

2. The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of San Benito, TCEQ or the EPA:

a) the dates when major grading activities occur;

b) the dates when construction activities temporarily or permanently cease on a portion of the site; and

c) the dates when stabilization measures are initiated.

Sec. 13.12.007 Contents of Stormwater Pollution Prevention Plan (continued)

3. The SWP3 must identify and describe the best management practices that will be used, the general timing or sequence for implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.

a) Control measures must be selected, installed, and maintained according to the manufactor's or designer's specifications.

b) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

c) 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.

d) Controls must be specified that limit offsite transport of litter, construction debris and construction materials.

4. The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is 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, and protection of existing trees and vegetation.

b) The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the City of San Benito, TCEQ or the EPA:

i. the dates when major grading activities occur;

ii. the dates when construction activities temporarily or permanently cease on a portion of the site; and

iii. the dates when stabilization measures are initiated.

c) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (i) and (ii) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporality or permanently ceased.

i. Where the initiation of stabilization measures is precluded by unseasonably arid conditions, drought, excessive rainfall, or other weather or climate conditions, stabilization measures must be initiated as soon as practicable.

ii. Where construction activity on a portion of the site is temporary ceased but earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

5. The SWP3 must include a description of any structural control practices that will be 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) Sediment basins are required where feasible for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either the calculated volume for runoff from a 2-year, 24-hours storm, or designed to provide 3,600 cubic feet of storage per 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 offsite areas and flow from onsite that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and sediment basin; In determining whether installing a sediment basin is feasible, the permitee may consider factors such as site soils, slope, available area on-site, and public safety. Where sediment basins are not feasible, equivalent control measures which may include a series of smaller sediment basins must be used. At a minimum, silt fences, vegetative buffer stripes, or equivalent sediment controls are required for all down slope boundaries and for those side slope boundaries as dictated by individual site conditions of the construction area.

b) Sediment traps and sediment basins may be used to control solids in storm water runoff of drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required a for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of construction. Alternatively, sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained may be provided.

6. The SWP3 must include a description of permanent controls (i.e…landscaping) that will be installed to control pollutants in storm water discharges that will occur after construction has been completed and the SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures identified in the SWP3 in effective operating condition.

Sec. 13.12.007 Contents of Stormwater Pollution Prevention Plan (continued)

7. Other Controls

a) The SWP3 must describe how off-site vehicle tracking of sediments and the generation dust will 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 storm water discharges form 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.

8. Site Inspections

a) The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitations, all structural control measures, and locations where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater of precipitation.

* As an alternative, SWP3 may require that inspections will occur at least once every seven calendar days, in which case additional inspections are not required following each qualifying storm event. 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.

b) The construction site operator's representative must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. When discharge locations are inaccessible, nearby downstream locations must be direct to the extent that such inspections are practicable. The frequency for these inspections must be established in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.

c) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWAP3 must be completed within seven calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must 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.

d) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates 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:

i. the location of discharges of sediment or other pollutants from the site;
ii. locations of BMPs that need to be maintained;

iii. locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and

iv. locations where additional BMPs are needed.

e) Actions taken as a result of inspection 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 on non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit.

9. The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible on storm water components of the discharge. All SWP3 will be presumed to prohibit:

i. The discharge from the construction site of flow having a ph valve of lower of 6.0 or higher than 10.5;

ii. The discharge of any type of industrial waste from construction sites;

iii. The off-site deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris;

iv. The discharge of paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination thereof;

v. Unused construction material or used construction materials or debris remaining on site after construction is completed. All on-site debris shall be properly disposed of in a landfill within thirty (30) days from the occupancy of the structure; and

vi. The washing of any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

Sec. 13.12.008 Effective Date of Coverage

Operators of construction activities eligible for coverage under TXR04000 are authorized to discharge storm water associated with construction activity 48 hours upon issuance of the building permit or site development permit by the City.

Sec. 13.12.009 Retention of Records

The construction site operator must retain a copy of the SWP3 and all reports and actions required by this ordinance and TXR04000 for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site.

Sec. 13.12.010 Enforcement of Stormwater Ordinance

The City is authorized by this section to enter and inspect facilities subject to regulation.

a) The City Manager or designee is authorized by this section to enter and inspect facilities subject to regulation under this ordinance.

b) Facility operators shall allow the City of San Benito representatives ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES or TPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c) The City of San Benito representatives shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City Manager or designee to conduct monitoring and/or sampling of the facility's stormwater discharge.

d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City Manager or designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

e) Unreasonable delays in allowing the City Manager or designee access to a permitted facility is a violation of the stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES or TPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City of San Benito reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article. The operator of a facility, including construction sites, required to have a NPDES or TPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the notice of intent (NOI) to the City at the same time the operator submits the original notice of intent to the EPA or the TCEQ as applicable.

Sec. 13.12.010 Enforcement of Stormwater Ordinance (continued)

The copy of the notice of intent may be delivered either in person or by mailing it to: City San Benito ATT: STORMWATER 485 N .Sam Houston Blvd., San Benito, Texas 78568

Sec.13.12.011 Modification of Stormwater Pollution Prevention Plans

a) The City Manager or designee may require any operator of a facility to modify the facility's stormwater pollution prevention plan if in reasonable judgment of the city administration, the SWP3 does not comply with the requirements of the facility's NPDES or TPDES permit to discharge stormwater associated with industrial activity.

b) The deficiencies in a facility's SWP3 will be specified in writing, and the City of San Benito or designee will give the facility operator a reasonable amount of time, not to exceed thirty (30) days, to make the necessary changes in the SWP3.

Sec. 13.12.012 Discharge Prohibitions

Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited and prohibition expressly includes illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, except as follows:

a) The following discharges are exempt from the discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

b) Discharge specified in writing by the authorized enforcement agency as being necessary to protect public health and safety is exempt from this ordinance.

c) Dye testing is an allowable discharge, but requires authorization by the authorized enforcement agency prior to the time of the test.

Sec. 13.12.012 Discharge Prohibitions (continued)

d) The Prohibition shall not apply to any non-storm water discharge permitted under a TPDES or NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the TCEQ or the EPA, provided that the other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 13.12.013 Illicit Connections

To eliminate illicit connections to the MS4 and reduce the pollutants such as nutrients, oxygen demanding substances, sewage, oil, and grease introduced by said discharges into the MS4 and/or water bodies, no person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 and/or to water bodies, nor allow such a connection to continue.

a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

The City of San Benito has an "Illicit Discharge Detection and Elimination Program" designed to prevent or eliminate illicit connections to the MS4 and water bodies, in compliance with state and federal storm water regulations. Any illicit connections detected through this program will be dealt with expeditiously in the following manner. It is the responsibility of the owner of the property to disconnect such illicit connection within ten (10) calendar days upon written notification from the City. The City of San Benito will also notify the tenant about the illicit connection. If the owner fails to respond to the notification, then the City will post the illicit connection information with a legal description of the property in a local newspaper with an additional ten (10) days to respond. If no response is received from the owner, then the illicit connection will be disconnected by the City without further notification, at the owners expense.

Sec. 13.12.014 Suspension of MS4 Access

Suspension due to Illicit Discharges in Emergency Situations

The City of San Benito or designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.

Sec. 13.12.014 Suspension of MS4 Access (continued)

If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Sec. 13.12.015 Grass Trimmings, Leaves, and Limbs:

It is the purpose of this section to reduce pollutants like sediments, nutrients, floatable materials, oxygen demanding substances, pesticides, and unknowns in the storm water discharges from trimmings of grass, leaves and limbs.

No person shall intentionally or recklessly place or cause or allow to be placed or dropped, brush cuttings, grass clippings, grass, and/or rubbish on the street or in the inlets of any street in the City limits in such a manner that the same may be washed by water flowing into any bodies of water and/or the MS4.

Sec.13.12.016 Landscape Irrigation, Lawn Irrigation, and other Irrigation:

It is the purpose of this section to reduce the pollutants such as sediments, chlorine, pesticides, herbicides and fertilizers in the water runoff discharges from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation.

No person shall intentionally or recklessly discharge any excessive water from normal landscape irrigation, lawn irrigation, and other irrigation; including agricultural irrigation resulting from inefficient practices, from faulty equipment, from improperly placed equipment, from use of equipment in violation of local, state and/or federal regulations, from un-permitted irrigation systems, where applicable, from leaking equipment leaking conveyance systems or from other leaking appurtenances into any water body and/or the MS4.

Sec.13.12.016 Landscape Irrigation, Lawn Irrigation, and other Irrigation: (continued)

Landscape irrigation, lawn irrigation and other irrigation, including agricultural irrigation, must be conducted in accordance with approved best management practices set forth by the City of San Benito.

Sec.13.12.017 Acceptable Waters

The following non-storm water sources, according to 40 CFR 122.26 and/or the City's MS4 permit, may be discharged and are not required to be addressed in the small MS4's Illicit Discharge and Detection Program or other minimum control measures, unless they are determined by the City or TCEQ to be significant contributors of pollutants to the small MS4:

1) discharges from fire fighting activities (but excluding washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

2) uncontaminated fire hydrant flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);

3) 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;

4) uncontaminated water used to control dust;

5) potable water including waterline flushings (but excluding discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

6) uncontaminated air conditioning condensate;

7) uncontaminated ground water or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents; and

8) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

9) diverted stream flows;

Sec.13.12.017 Acceptable Waters (continued)

10) uncontaminated ground water infiltration;

11) uncontaminated pumped ground water;

12) individual residential vehicle washing;

13) flows from wetlands and riparian habitats;

14) dechlorinated swimming pool discharges; or

15) street wash water.

Sec.13.12.018 Prohibited Discharges

(1) No person shall deposit, release, throw, drain, cause or allow to be deposited, released thrown, drained or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MS4, any of the following described materials or substances:

a) Any acidic waste materials (having a pH value lower than 6);
b) Any alkaline waste materials (having a pH value higher than 10.5);
c) Any water or waste containing free-floating, or insoluble oil;
d) gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
e) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or to property; or
f) Any domestic wastewater or industrial wastewater .

(2) It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the US EPA, which would otherwise constitute a violation at the time of commission.

(3) No person shall place or drop or cause or allow to be placed or dropped, brush cuttings, clippings, or rubbish within the MS4 or on any street in the City in such a manner that the same may be washed by the flow of water into the MS4.

(4) No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.

(5) No person shall discharge or release, or allow or permit the discharge or release of any of the following substances in a manner or location by which such substance may enter the City's MS4:

i. any wash water or wastewater from the washing or cleaning of pavement, including but not limited to parking lots, driveways or carports, that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance other than water.

ii. any wash water or wastewater from cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated.

iii. any wash water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;.

iv. gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;

v. any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

vi. any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions;

vii. Material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4 within sixty (60) days of the effective date of this ordinance. If such notification is not made during the allocated sixty (60) days, then the detected connections to MS4 of a oil/water separator or interceptor shall be considered an illicit connection and the city reserves the right to terminate such connection immediately, without prior notice;

viii. any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST unless release satisfies all of the following criteria: (a) is in compliance with all municipal, state, and federal laws; (b) no discharge contains any harmful quantity of any pollutant; and (c) the discharge shall not have a pH value lower than 6.0 or higher than 10.5;

ix. any release from any public or private underground utility manhole, including but not limited to electric power, gas pipeline, cable companies, telephone companies, that collected water due to rain, surface runoff, cross connection, or illegal discharge;

x. any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;

xi. any type of wastewater from residential, commercial or industrial sources, any domestic sewage or septic tank waste,

xii. any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area; or

xiii. any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection.

(7) No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;

(8) No person shall introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide, and used toiletries into the MS4;

(9) No person shall use, dispose of, discard, store, or transport an insecticide, herbicide, or fertilizer, in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.

(10) No person shall wash a commercial dumpster, or residual ready mix concrete from concrete mixing trucks, in an area where it discharges into MS4.

Sec. 13.12.019 Release Reporting and Cleanup:

A. The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 and/or water of the State and/or of the United States, shall immediately contact the City of San Benito Police Department or the City of San Benito Fire Department concerning the incident:

1. An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
2. An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
3. An amount of oil that either
   a. violates applicable water quality standards, or
   b. causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
4. Any harmful quantity of any pollutant.

B. The immediate notification required by 13.10.019(A) shall include the following information:

1. The identity or chemical name of the substance release, and whether the substance is an extremely hazardous substance;
2. The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
3. The time and duration (thus far) of the release;
4. An estimate of the quantity and concentration (if known) of the substance released;
5. The source of the release;
6. Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
7. Any precautions that should be taken as a result of the release;
8. Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
9. The names and telephone numbers of the person or persons to be contacted for further information.

Sec. 13.12.019 Release Reporting and Cleanup: (continued)

C. Within ten (10) days following such release, the responsible person in charge of the facility, vehicle, or other sources of the release shall submit, unless waived by both the City of San Benito Fire Department and City of San Benito or designee, a written report containing each of the items of information specified in subsection (B) as well as the following additional information:

1. the ultimate duration, concentrations and quantity of the release;
2. all actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
3. any known or anticipated acute or chronic health risks associated with the release; and
4. the identity of any governmental/private sector representatives responding to the release; and
5. the measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

The notifications required by section 13.12.019(B) and (C) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person to any fine, penalty, or other liability which may be imposed pursuant to this ordinance, state or federal law.

D. Any person responsible for any release as described in section 13.12.019(A) shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

E. Any person responsible for a release described in section 13.12.019(A) shall reimburse the City of San Benito for any cost incurred by the City in responding to the release.

Sec.13.12.020 Right of Entry, Inspection and Sampling

The City of San Benito or designee shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) and/or to waters of the State and/or of the United States to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City of San Benito or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording and copying, and for the performance of any additional duties. Dischargers shall make available to the City of San Benito or designee, upon request, any pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records, reports or documents related to compliance with this Ordinance and with any state or federal discharge permit.

Sec.13.12.020 Right of Entry, Inspection and Sampling(continued)

1. Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the City of San Benito or designee will be permitted to enter without delay for the purposes of performing responsibilities.

2. The City of San Benito or designee shall have the right to set up on the discharger' property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

3. The City of San Benito or designee may require, at his/her reasonable discretion, the discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.

4. The City of San Benito or designee may require, at his/her reasonable discretion, the discharger to install monitoring equipment as necessary and at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow, waste water and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

6. Unreasonable delays in allowing the City of San Benito or designee to their discharger's premises shall be a violation of this Ordinance.

Sec.13.12.021 Violations, Non-compliance and Penalties

Any person who shall violate any provision of this Ordinance shall be deemed to be guilty of a misdemeanor and shall upon conviction be fined a minimum amount of not less than two hundred and fifty dollars ($250.00) per violation per day and a maximum amount of not more than five thousand dollars ($5,000.00) per violation per day. Each ordinance violation and every day it occurs or is allowed to occur shall constitute a separate offense for purposes of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance.

Upon the written certification by the City of the violation of any section of this Ordinance, the City Attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and in addition to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State or the United States.

Sec.13.12.021 Violations, Non-compliance and Penalties (continued)

No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

If compliance is not achieved to the City's satisfaction, the City may at its discretion, report the noncompliance to the USEPA, the TCEQ, the USGS, the U.S. Wildlife and Fisheries, the U.S. Army Corp of Engineers, or any other state or federal agency for further action.

Sec.13.12.022 Stop Work Orders and Non-Compliance Flag Notices

If the City of San Benito or designee determines that activities are being carried out in violation of this ordinance, the City shall issue a Stop Work Order and/or a Non-Compliance Flag immediately. All work shall cease until corrective measures have been completed.
A notification of noncompliance shall be issued to the permit holder, and a citation of violation may be issued for court appearance

If the violation continues beyond five (5) days, a citation of violation shall be issued immediately for court appearance.

It is a violation of this Ordinance either to move or interfere with a "Noncompliance Flag" and/or Stop Work order.

Notification of Violation: Any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon notification from the City. Such notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. use of specific pollution prevention measures and techniques;
2. use of pre-treatment procedures or pollution prevention plans;
3. modification of existing plan;
4. completion of work within a specified time period; or
5. submission of pollution prevention plan or any other of its type.

Appeals: Any person denied discharge to MS4 shall have the right to appeal such to the City Manager or designee within ten (10) days of the date of such denial.

Sec.13.12.023 Citizen Participation

Citizen reports of violations: All citizens are encouraged to report to the City of San Benito any spills, releases, illicit connections, or any other instances of anyone discharging pollutants into MS4 storm sewer system or waters of the State or waters of the United States and any other violation of this Ordinance of which they become aware.

Sec. 13.10.024 Severability

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

If any section, or part of any section, paragraph or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section, part of any section, paragraph or clause of this Ordinance.

Sec. 13.10.025 Adoption of Ordinance

SECTION I. The City Secretary is hereby directed to cause this to be published in the Code of Ordinances of the City of San Benito.

SECTION II. This Ordinance shall be effective after its passage and upon signature by the Mayor of the City of San Benito.

The Ordinance will become effective on this date November 6, 2012

First Reading: October 16, 2012 Second Reading: November 6, 2012

CITY OF SAN BENITO:

_____
Joe Hernandez, Mayor

ATTEST:

_____
Lupita Passement, City Secretary
APPROVED AS TO FORM ONLY:

_____
Ricardo Morado
City Attorney

PRIMERA
ORDINANCE

Ordinance 2012-03

WHEREAS, the **Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ)** has mandated, pursuant to the National Pollutant Discharge Elimination System (NPDES) and the Texas Pollutant Discharge Elimination System (TPDES) Permit Application Regulations, respectively, for Storm Water Discharges, that municipalities with a population of 1,000 per Square mile or more citizens adopt adequate legal authority to prohibit the discharge of pollutants into the City's municipal separate storm sewer system (MS4) and any illicit connections or open discharges to such system; and

WHEREAS, the Public Works Department of the City of Primera has recommended that certain discharges from the residential, commercial and industrial facilities must be prohibited to prevent the introduction of pollutants to the MS4 and to comply with the City's TPDES MS4 permit; and

WHEREAS, the Public Works Department of the City of Primera has developed comprehensive requirements and a permitting process for non-storm water discharge, which are contained in the document entitled Water Pollution Prevention Ordinance; and

WHEREAS, the City of Code of Ordinances has not addressed the prohibition of pollutants in the City's municipal separate storm sewer system and now, it is necessary to create the Water Pollution Prevention Ordinance to include water pollution prevention requirements; and

WHEREAS, it is in the City's best interest to enhance the water quality of the City's waterways through the prohibition of illicit discharges into the City's municipal separate storm sewer system; and

WHEREAS, City Council finds that said ordinance is necessary to promote the public health, safety, and general welfare of the citizens of Primera,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRIMERA, TEXAS THAT:

Section 1. Creation and amendment.

Ordinance 2012-03 City of Primera "Water Pollution Prevention Ordinance is hereby created.

WATER POLLUTION PREVENTION ORDINANCE

Purpose.

The purpose of this Ordinance is to control pollution and prevent polluted water discharge into the Municipal Separate Storm Sewer System (MS4) and/or water bodies from residential, business, and commercial establishments, and to preserve the natural flow of water and waterways within the City of Primera, Texas_. The provisions in this Ordinance are intended to provide a natural environment, to control non-storm water runoff to the MS4 at its source, to minimize the adverse effects of water pollution and to preserve our drinking water supplies. It is also the purpose of this Ordinance to prevent and eliminate the wrongful discharge of waste water and to prevent wash water discharges into the MS4. The resulting discharges pollute storm water flows in ditches, streams, and other waterways, and thereby create an unhealthy situation, degrade water quality, cause loss of aquatic life and pose a threat to public health and safety.

Scope and intent.

This ordinance sets forth guidelines, standard practices, rules and regulations to control polluted storm water runoff and non-storm water discharges from residential, commercial, and industrial establishments.

Definitions.

For the purpose of this Ordinance only, the following terms, words and phrases; and their derivations, shall have the meanings set forth below, except where the context clearly indicates a different meaning:

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP also includes treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biological oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Chlorinated Discharge means any discharge having a quantity of chlorine (free or total) that exceeds the Surface Water Quality Standard of the State of Texas.

City means the City of Primera, Texas.

Commercial Dumpster Washing means the washing of commercial garbage or rubbish dumpsters and the immediate area around them in order to remove putrescible animal and vegetable waste material or other debris from said areas and dumpsters.

Composite means a sample used to determine average loadings or concentrations of pollutants. A composite can be developed based on time or flow.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharge limits means any limit on discharges set by the Local, State, or Federal governments. These limits may apply to quantity, rate, quality of discharge, and concentration or any combination thereof. These are also called effluent /imitations.

Discharger means any person who causes, allows, permits, or is otherwise responsible for a discharge including, without limitation, any operator of a construction site or industrial
facility.

Do It Yourself (DIY) Used Oil means used oil that is generated by a person who changes the person's own automotive oil.

Environmental Protection Agency (EPA) means the United States Environmental. Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Excessive Water Runoff means discharges deemed by the City to be significant contributors of pollutants to the MS4 or other surface waters.

Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fueling/Vehicle Washing Areas means any commercial location where any type of motor vehicle or piece of heavy equipment is washed, waxed, cleaned, or degreased in any manner or any location where any type of motor vehicle is fueled with petroleum products or any other type of fuel.

Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from handling, processing, storage and sale of food products and produce.

Harmful/Hazardous Quantity means the amount of any substance that will cause pollution of water under state and federal law.

Hazardous Waste means any material, substance, byproduct, spent, obsolete or used chemical or chemical compound which meets the standards for classification of a hazardous waste or acutely hazardous waste as those terms are defined in 40 CFR Part 261 et seq. and any appendices thereto.

Household Hazardous Waste (HHW) means any material generated in a household (including but not limited to single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnics grounds, and day use recreational areas) by a consumer such as, but not limited to batteries, paint brushes, paint containers, except for the exclusion provided in 40 Code of Federal Regulations (CFR) § 261.4(b)(l), would be classified as a hazardous waste under 40 CFR Part 261.

Illegal Dumping means the act of illegally placing any material in any location including but not limited to the MS4, waters of the State, waters of the United States, or any location other than the appropriate place of disposal whether the location is public or private.

Illicit Connection means any man made conveyance connecting an illicit discharge directly to a municipal separate storm sewer or waters of the United States.

Industrial Waste means liquids or other character of wastes resulting from any commercial, manufacturing or industrial operations or process, excluding normal domestic sanitary sewage unless it exceeds three hundred fifty (350) mg/l BOD or three hundred fifty (350) ml/L total suspended solids, which waterborne or liquid wastes enter the sewage system, or any portion thereof, of the city.

Inlet means an entrance into a ditch, storm sewer, or other waterway.

Landfill means an area of land or excavation in which wastes are placed for permanent disposal, which is permitted or registered by the State of Texas, and which is not a land application unit, surface impoundment, injection well, or waste pile.

Motor Vehicle Fluid means any fluid used in any type of engine including but not limited to fuel, oil, transmission fluid, coolant, brake fluid, windshield washing fluid, and power steering fluid.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, inlets, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water. and which is not used for collecting or conveying sewage or waste water.

Non-Compliance means any infraction of the revised Code of Civil and Criminal Ordinances of the City of _Primera, Texas, State regulations/laws or Federal regulations/laws.

Nonpoint Source Pollution shall mean pollution contained in storm water runoff from ill-defined, diffuse sources.

Notify means contacting the appropriate city official in writing in order to request permission to apply or reapply for a specified permit, or to make the official aware of an existing discharge or structure.

NPDES Permit shall mean a permit issued by the EPA or by the State that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis. Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil sludge, oil refuse, and oil mixed with waste or any fraction thereof which is liquid at standard conditions of temperature and pressure.

Oil Filter means an integral part of an oil-flow system, the purpose of which is to remove contaminants from the flowing oil contained within the system.

Oil Water Separator/Interceptor means a device installed, usually at the entrance of an inlet drain, which removes oil and grease from water flows entering either the MS4 or sewer.

Operator means the person or persons who, either individually or in a group, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications) and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner means the person who owns a facility or part of a facility or his/her assignee.

Oxygen Demanding Substance means the chemical and/or microorganism-mediated oxidation of organic matter; and/or the bio-oxidation of nitrogenous material; and/or chemical or biochemical oxidation of chemical reducing agents.

Pavement Wash Water means any water used to wash any debris, sediment, fluid, or putrescible matter from any paved area of a commercial or public facility.

Permittee means any person or entity to which a permit is issued pursuant to this article and any authorized representative, agents or designee of such person or entity.

Person or entity means an individual, firm, co-partnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar

representative thereof, or government, indian tribe, agency or instrumentality of any government or indian tribe, but such term does not include:
(1) The United States Postal Service; or
(2) For the purpose of 49 USC 5123 and 5124, any agency or instrumentality of the federal government.

Petroleum Substance means a crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure. A petroleum substance shall be limited to one or a combination of the substances or mixtures in the following list except for any listed substance regulated as a hazardous waste under the federal Solid Waste Disposal Act, Subtitle C, (42 United States Code 56921, et seq.):

(A) basic petroleum substances - crude oils, crude oil fractions, petroleum feed stocks, and petroleum fractions;
(B) motor fuel - petroleum substance which is typically used for the operation of internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels) and which is one of the following types of fuels: leaded or unleaded gasoline, aviation gasoline, Number 1 diesel fuel, Number 2 diesel fuel, and any grades of gasohol;
(C) aviation gasoline - Grade 80, Grade 100, and grade 1 00-LL;
(D) aviation jet fuels -Jet A, jet A-l, jet B, JP-4, JP-5, and JP-8;
(E) distillate fuel oils - Number l-D, Number 1, Number 2-D, and Number 2;
(F) residual fuel oils - Number 4-D, Number 4-light, Number 4, Number 5-light, Number 5 heavy, and Number 6;
(G) gas turbine fuel oils - Grade O-CT, Grade l-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT;
(H) illuminating oils - kerosene, mineral seal oil, long time burning oils, 300 oil, and mineral colza oil;
(I) solvents - Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers'; and painters' naphthas, petroleum extender oils, and commercial hexane;
(I) lubricants - automotive and industrial lubricants;
(K) building materials - liquid asphalt and dust-laying oils;
(L) insulating and waterproofing materials -transformer oils and cable oils;
(M) used oils - any oil or similar petroleum substance that has been refined from crude oil, used for it's designed or intended purposes, and contaminated as a result of such use by physical or chemical impurities; and including spent motor vehicle and aircraft lubricating oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear electrical, refrigerator oils, and spent industrial process oils.
(N) any other petroleum - based material having physical and chemical properties similar to the previously listed materials.

Petroleum Underground Storage Tanks (PUST) means any underground storage tank system that contains, has contained or will contain a petroleum substance, a mixture of two or more petroleum substances or a mixture of one or more petroleum substances with

very small amounts of one or more hazardous substances. In order for a UST system containing a mixture of petroleum substances with small amounts of hazardous substances to be classified as a PUST system, the hazardous substance shall be at such dilute concentration that the overall release detectability, effectiveness of corrective action, and toxicity of the basic petroleum substance is not altered to any significant degree.

pH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions; a measure of the acidity or alkalinity of a solution, expressed in standard units. The pH may range from 0 to 14, where 0 is the most acidic and 14 is the most basic. Examples of substances having a pH lower than 6.0 would be muriatic acid, sulfuric acid and acetic acid. Examples of substances having a pH above 10.5 would be drain cleaner(sodium hydroxide), bleach and ammonia.

Point Source means any discernible, confined, and discrete conveyance including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial municipal, and agricultural wastes discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Pollution Prevention Measures means prescribed measures to reduce pollutants in discharge through outfalls. These measures include but are not limited to treatment, pretreatment, a best management practice or a method to reduce the pollution of projects classified as light construction and land disturbance activities.

Polychlorinated Biphenyl (PCBs) mean a series of technical mixtures consisting of many isomers and compounds that vary from mobile oil liquids to white crystalline solids and hard noncrystalline resins. Technical products include but are not limited to Arochlor, Chlophen, Chlorextol, Chloro Biphenyl, Chloro-l,l-Biphenyl, Chlorodiphenylene, Clophen, Kykanol, Fenclor, Inerteen, Kanechlor, Montar, Noflamol, PCB (DOT, USDA), Phenochlor, Pyranol, Santotherm, Sovol, and Therminol Fr-1 .

PCBs are confirmed carcinogens and tumorigens and are listed on the EPA Extremely Hazardous Substances List.

Public Used Oil Collection Center means a facility which accepts do-it-yourself used oil. Such centers include:
1. automotive service facilities that in the course of business accept for recycling, small quantities of used oil from private citizens; and
2. facilities that store used oil in aboveground tanks, and that in the course of business accept, for recycling, small quantities of used oil from private citizens; and
3. publicly sponsored collection facilities that are designated and authorized by the Texas Department of State Health Services to accept for recycling, small quantities of used oil from private
citizens.

Qualified Personnel means persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States. Reportable Quantity (RQ) means the quantity specified in column 3 of the appendix to 49 CFR part 107.101 for any material identified in column 1.

Riparian Habitat means the area of the banks of any river, creek, lake, pond, or other waterway where specialized life forms exist.

Rubbish means nonputrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewer (or Sewer) means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which storm water, surface water, and ground water are not intentionally admitted).

Sediment shall mean solid particulate matter, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water, air, ice, or gravity and has come to rest on the earth's surface either above

or below sea level. Septic Tank Waste means any domestic sewage from holding tanks such as from vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (or Sanitary Sewage) means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement floor drains, garage floor drains, store rooms, soda fountains, cuspidors, refrigerator drips, fountain and stable floor drains an all other similar fixtures and receptacles that discharge wastes into sewage system. Single Family Dwelling means a dwelling unit contained in a freestanding structure designed for occupancy by a single family.

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Soil means naturally occurring superficial deposits overlaying bedrock.

Solid Waste means any garbage, rubbish, refuse, sludge from a waste treatment plant water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

State means the State of Texas.

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

TCEQ means the Texas Commission on Environmental Quality.

Transporter means any person who transports or plans to transport over public highways of this state more than 500 gallons of used automotive oil annually.

Uncontaminated means not containing a harmful quantity of any substance under state and federal law.

Underground Storage Tank means any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

Used Oil means any oil that has been refined from crude oil or as a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable.

Utility Vault means an underground or enclosed structure installed or constructed for the

purpose of enclosing utility lines including, but not limited to electrical transmission lines, telephone connection lines, natural gas conveyance lines, cable television lines, but not
water mains, storm sewer or sanitary sewer lines.

Wash Water means any water used to wash any structure, parking lot, vehicle, or piece of heavy equipment.

Water Bodies mean any groundwater, percolating, or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, 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 inside the jurisdiction of the State.

Waters of the State (or Water) means any groundwater, percolating, or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, 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 inside the jurisdiction of the State.

Waters of the United States means:
a. 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 interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such water:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;

2. From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or

3. Which are used or could be used for industrial purpose by industries in interstate commerce;

d. All impoundments of waters otherwise defined as waters of the United States under this definition;
e. Tributaries of waters identified in paragraphs (a) through (d) of this definition;
f. The territorial sea; and
g. wetlands adjacent to waters (other than waters that are themselves wetlands) identified

in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

Water Quality Standard means the designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses, as specified in Chapter 307 of Title 31 of the Texas Administrative Code.

Wetlands means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

General Prohibition.

(a) No person shall introduce or cause to be introduced into the MS4 or water bodies any discharge that causes or contributes to causing the city to violate a water quality standard, the City's TPDES permit, or any state-issued discharge permit for discharges from its MS4 or water bodies.

(b) No person shall introduce or cause to be introduced into the MS4 or water bodies any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavations or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable; for the duration of the project.

(c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise, cause, allow, or permit to be introduced any of the following substances into the MS4 or water bodies.

(d) No person shall introduce or discharge or cause or permit to be discharged into the MS4 or water bodies within the City limits any of the following (Sections 1 thru 22_), except as authorized by a valid permit from the City or the TCEQ or the EPA.

Sec. 1. **Used Oil/Vehicle Fluid.**
(a) **Purpose:**
It is the purpose of this subchapter to reduce the amount of pollutants like oil, grease, heavy metals, and oxygen demanding substances in storm water discharges.

(b) **No person shall:**

1. introduce used oil, used oil filters, or any other motor vehicle fluids to the MS4 or water bodies;

2. apply used oil and/or vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;

3. introduce flammable or explosive liquids, solids or gases such as, but not limited to, gasoline, motor oil, benzene, naphtha and similar substances to any water bodies and/or the MS4; or

4. introduce any wax, grease, oil, antifreeze, or any other motor vehicle fluid to any water bodies and/or to the MS4.

(c) **Implications:**
This subsection implies that all citizens shall recycle their used motor oil and vehicle fluids by disposing of them at appropriate recycling centers and locations, rather than disposing of them improperly. This applies only to residential do-it-yourself (DIY) motor oil and vehicle fluids. Commercial and industrial businesses should have their own vendors for proper disposal or for recycling.

Sec. 2. Household Hazardous Waste.

(a) **Purpose:**
It is the purpose of this subchapter to discourage the practice of disposing household hazardous waste such as paint, batteries, cleaning agents, and fertilizers, to the MS4 and/or water bodies, so as to reduce the pollutants such as heavy metals, nutrients, toxic material, oil, and grease in storm water discharges.

(b) **No person shall:**
1. introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide bottles/cans, and used toiletries in to the MS4;
2. discharge a household hazardous waste having a pH value lower than 6.0 or higher than 10.5; or
3. place, or cause, or allow to be placed, a household hazardous waste within the MS4 and/or water bodies. It shall be also unlawful for any person to place, or cause or allow to be placed, a household hazardous waste in a inlet within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4 and/or water bodies.

(c) **Implications:** This subsection implies that unused portions of household hazardous products that are considered to be household hazardous waste should be disposed of properly at a household hazardous waste collection site or through the City's Household Hazardous Waste Collection and Proper Disposal Program. In the absence of a reasonably nearby household hazardous waste collection site or of a City's Household Hazardous Waste Collection and Proper Disposal Program, household hazardous products that are considered to be household hazardous waste should be disposed of properly through the local solid waste sanitary landfill collection program.

Sec. 3. **Discharge from Fueling/Vehicle Washing Areas**

(a) **Purpose:**
It is the purpose of this subchapter to discourage the practice of discharging contaminated water or waste such as grease trap waste, oil/water separator waste, into the MS4 and/or water bodies and to reduce pollutants such as detergents, sediments, oil, grease, heavy metals and oxygen demanding substances in the discharges from fueling and vehicle washing areas.

(b) **No person shall:**

1. introduce into the MS4 and/or water bodies any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

2. introduce into the MS4 and/or water bodies any wash water from the washing, cleaning, deicing or other maintenance of aircraft; or

3. discharge into the MS4 and/or water bodies any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions

4. introduce into the MS4 and/or water bodies any excessive water from the washing, cleaning, or other maintenance of vehicles at residential homes;

(c) **Implications:**
This subsection implies that any contaminated water or waste discharges from the aforementioned commercial and industrial areas are prohibited without the presence of a functional pretreatment system. Viable alternatives to washing include the use of sweeping and vacuuming, dry-wash methods and closed loop systems. Viable alternatives to residential washing include the use of commercial car wash facilities, washing vehicles on pervious surface areas, and dry-wash methods.

Sec. 4. **Discharge from Oil-Water Separator/grease trap**

(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as oil, grease, oxygen demanding substances, and nutrients from illicit connections of oil water separators/grease traps into the MS4 and/or water bodies.

(b) **No person shall:**
1. discharge from an oil water separator or an oil/water interceptor or grease trap into the MS4 and/or water bodies;
2. discharge flow from an oil/water separator or an oil/water interceptor having a pH value lower than 6.0 or higher than 10.5.

(c) **Implications:**
All the oil/water separator or interceptor users who are discharging to the MS4 shall notify the City's Public Works Department of the existence of such connections to the MS4 and/or water bodies. Such notification shall be completed within sixty (60) days of the approval of this Ordinance. It is the responsibility of the operator to notify the City's Water Department. If the notification is not made during the allocated sixty (60) days, then the detected connections to MS4 and/or water bodies of a oil/water separator or

interceptor shall be considered an illicit connection. The City reserves the right to terminate such connection immediately, without prior notice.

Sec. 5. **Petroleum Underground Storage Tanks (PUST)**

(a) **Purpose:**

It is the purpose of this subchapter to reduce the pollutants such as oil, grease, oxygen demanding substances, and heavy metals that may be introduced into the MS4 and/or water bodies during the removal, replacement, or remediation of petroleum underground storage tanks and sites.

b) **No person shall:**

1. Release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST release is prohibited unless the discharge satisfies all of the following criteria:

a. compliance with all local, state, and federal standard requirements and regulations;
b. no discharge contains no harmful quantity of any pollutant;
c. and shall not have a pH value lower than 6.0 or higher than10.5.

(c) **Implications:**

It is the responsibility of the owner of the property to notify the City's Public Works Department of the removal or replacement of a PUST. Such notification shall be completed not less than three (3) days before any activity begins on the site. If the notification is not made at least three (3) days before the site activities commence, the owner will be considered noncompliance with this Ordinance.

Sec. 6. **Utility Manhole/Vaults Discharge**

(a) **Purpose:**

It is the purpose of this subchapter to reduce the pollutants such as bacteria, nutrients, sediments, oil, grease, and any unknown substance discharges from utility manholes or vaults into the MS4 and/or water bodies.

(b) **No person shall:**

1. discharge from any public or private underground utility manhole (including, but not limited to electric power, gas pipeline, cable companies, telephone companies) to discharge its collected water (due to rain or surface runoff or cross connection or illegal discharge) into the MS4 and/or water bodies or watercourse; or

2. discharge into MS4 and/or water bodies from a utility manhole a flow having pH value lower than 6.0 or higher than 10.5.

(c) **Implications:**

All the utility manhole/vault operators who are discharging potentially contaminated collected water into the MS4 and/or water bodies shall notify the City's Water Department of the existence of such utility manholes, vaults, and discharges into the MS4 and/or water bodies. Such notification shall be completed within sixty (60) days of the approval of this Ordinance. It is the responsibility of the operators to obtain a single use discharge permit from the City of Primera Public Works Department for every discharge and also prove with the aid of analytical testing that the discharged flow is not contaminated, if the discharged flow is not pretreated.

Sec. 7. Industrial Waste/Effluent Discharge

(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as toxic materials, heavy metals, oil, grease, and untreated sewage in storm water discharges from industrial facilities.

(b) **No person shall:**
1. discharge or introduce any effluent including, but not limited to, a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler into the MS4 and/or water bodies; or

2. discharge or introduce any type of industrial waste or effluent and/or any discharge having a pH value lower than 6.0 or higher than 10.5 into the MS4and/or water bodies;

(c) **Implications:**

This subchapter implies that none of the aforementioned unpermitted industrial discharges will be allowed in the MS4 and/or water bodies. The industries are encouraged to apply for individual TPDES permits from the TCEQ.

Sec. 8. Sewage and Waste Water Discharges

(a) Purpose:
It is the purpose of this subchapter to reduce the pollutants such as sewage entering surface water bodies from septic systems.

(b) No person shall:
1. discharge any type of waste water from residential, commercial or industrial sources into the MS4 and/or water bodies;
2. discharge or introduce any domestic sewage or septic tank waste, grease trap waste, or grit trap waste from either residential, commercial or industrial sites into the MS4 and/or water bodies; or
3. discharge any runoff or washdown water from any animal pen, kennel, or fowl or livestock containment area.

(c) Implications:
This subsection implies that no domestic sewage, septic tank waste, grease trap waste, waste from animal containment areas or grit trap waste may enter into the MS4 and/or water bodies. This includes areas where the naturally occurring movement of water through the soil may cause the sewage to migrate into said water bodies and/or the MS4.

Sec. 9. Chlorinated Discharge
(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as excess chlorine in water discharges from swimming pools, fountains, ponds, and water line disinfection.

(b) **No person shall:**
1. discharge any swimming pool water or filter backwash from a swimming pool or fountain into the MS4 and/or water bodies;
2. discharge from a water line if it has been disinfected by super chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection; or
3. treat sewage overflows with harmful amounts (detrimental to aquatic life) of chlorine to the MS4 and/or water bodies.

(c) Implications:
This implies that discharges with hazardous amounts of chlorine, including but not limited to the aforementioned discharges, may not enter water bodies and/or the MS4.

Sec. 10. Construction, Development, Redevelopment and Land Disturbance Run-off

(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as sediments, heavy metals, toxic material, and nutrients in the storm water discharges from construction, development, redevelopment and land disturbance activities/sites.

(b) **No person shall:**
1. discharge from a construction site flow having a pH value lower than 6.0 or higher than 10.5;
2. discharge any type of industrial waste from construction sites to the MS4 and/or water bodies;
3. introduce any garbage, rubbish, or yard waste into the MS4 and/or water bodies;
4. discharge, including, but not limited to, paint or paint brush cleaning water or solvents or thinners or turpentine or any other combination from single family dwelling or any construction;
5. leave unused construction materials or used construction materials or debris on the construction, development, redevelopment, and land disturbance sites. All on site debris shall be properly disposed of in the landfill within 30

days from the occupancy of the structures; or
6. wash any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

(c) Implications:
This subsection implies that the aforementioned discharges and/or materials associated with construction, development, redevelopment, and land disturbance activities may not enter water bodies and/orMS4s.

Sec. 11. Pesticides, Herbicides, and Fertilizers

(a) Purpose:
It is the purpose of this subchapter to reduce pollutants such as pesticides, fertilizers, heavy metals, oxygen demanding substances, and nutrients in the storm water discharges.

(b) **No person shall:**
dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that allows a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 and/or water bodies.

(c) **Implications:**
This subsection implies that pesticides, herbicides and fertilizers must be applied responsibly. It is recognized that excess pesticides will migrate into the MS4 even under normal and proper usage. It is the intent of this Ordinance to restrict usage of those chemicals in a manner deemed appropriate by their manufacturer and consistent with the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA).

Sec. 12. Commercial Dumpster Washing

(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as bacteria and unknown substances in waste water discharges from dumpster washing.

(b) **No person shall:**
wash a commercial dumpster, regardless of its location, in an area where it discharges directly into MS4 and/or water bodies.

(c) Implications:
This subsection implies that wash water from commercial dumpster washings may not enter any water body and/or the MS4. This water must be contained and entered into the sanitary sewer according to the requirements set forth by the City of Public Works Department.

Sec. 13. Ready Mix Concrete Truck Washing

(a) **Purpose:**
It is the purpose of this subchapter to reduce pollutants such as sediments, concrete, altered pH, and oxygen demanding substances in the wash water discharges
(b) No person shall:
wash residual ready mix concrete from concrete mixing trucks regardless of its location, in an area where discharges might enter the MS4 and/or water bodies.

(c) **Implications:**
This subsection implies that wash water from concrete mixing or excess concrete from concrete mixing trucks may not be discharged into the MS4 and/or water bodies. The washing is permitted in the ready mix concrete plant only if collected, contained and pretreated before discharging into the sanitary sewer in accordance with the requirements set forth by the City of Public Works Department. The washing is permitted within a construction site only if collected, contained and disposed of in accordance with approved best management practices set forth by the City of Public Works Department.

Sec. 14. Illicit Connection

(a) **Purpose:**
It is the purpose of this subchapter to eliminate illicit connections to the MS4 and reduce the pollutants such as nutrients, oxygen demanding substances, sewage, oil, and grease introduced by said discharges into the MS4 and/or water bodies.

b) **No person shall:**
connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 and/or water bodies, or allow such a connection to continue.

(c) Implications:
The City of Primera Public Works Department has an "Illicit Discharge Detection and Elimination Program" to the MS4 and water bodies in compliance with state and federal stormwater regulations. Any illicit connections detected through this program will be dealt with expeditiously in the following manner: It is the responsibility of the owner of the property to disconnect such illicit connection within 10 days upon written notification from the City. The City will also notify the tenant about the illicit connection. If the owner fails to respond to the notification, then the City will post the illicit connection information with a legal description of the property in a local newspaper with an additional 10 days time to respond. If no response is received from the owner, then the illicit connection will be disconnected by the City without further notification.

Sec. 15. Pavement /Parking Lot Washing/Window Washing

(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as sediments, detergents, oxygen demanding substances, heavy metals, oil, and grease in the wash water discharges from pavements or parking lots from commercial and business establishments.

(b) **No person shall:**
1. discharge any waste water from the washing or cleaning of pavement including, but not limited to parking lots, driveways, or carports that contain soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated; or
2. discharge any wash water from a commercial mobile power washer or from the washing or other cleaning of a pavement or building exterior, including but not necessarily limited to windows, that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance to MS4 and/or water bodies;

(c) **Implications:**
This subsection implies that wash water from the washing of pavement including, but not limited to parking lots, driveways, building exteriors or carports may not enter any water body and/or the MS4 without proper treatment. The washing is permitted only if collected, contained and pretreated before discharging into the sanitary sewer in accordance with the requirements set forth by the City of Primrea or if collected, contained and disposed of in accordance with approved best management practices set forth by the City of Public Works Department.

Sec. 16. Polychlorinated Biphenyls (PCB) Elimination

(a) Purpose:
It is the purpose of this subchapter to reduce the possibility of contamination of storm water by PCBs (polychlorinated biphenyls).

(b) **No person shall:**
1. discharge, introduce, cause or permit any PCB or any substance known or suspected of containing PCBs , or technical products classified as PCBs, or derivatives of PCBs into the MS4 and/or water bodies, or any location that is susceptible to storm water runoff within the City's jurisdictional limits.

(c) **Implications:**
This subsection implies that no PCBs, substance containing PCBs, or substance suspected of containing PCBs shall be introduced into any water body and/or MS4. The Public Utility Companies such as power, gas, telephone, shall notify the City's Public Works Department of any such spills, leaks, overflows from sources including, but not limited to, transformers and capacitors within six (6) hours of such mishaps.

Sec. 17 Asbestos Elimination

(a) **Purpose:**

It is the purpose of this subchapter to reduce the possibility of contamination of stormwater by asbestos.

(b) **No Person Shall:**

1. discharge, introduce, cause or permit to be discharged any asbestos or any substance known or suspected of containing asbestos, or technical products classified as asbestos, or derivatives of asbestos into the MS4 and/or waterbodies, or any location that is susceptible to storm water runoff within the City's jurisdictional limits.

(c) **Implications:**
This subsection implies that no asbestos, substance containing asbestos, or substance suspected of containing asbestos may be introduced into any water body or MS4.

Sec. 18 Grass Trimmings, Leaves, and Limbs

(a) Purpose:
It is the purpose of this subchapter to reduce pollutants like sediments, nutrients, floatable materials, oxygen demanding substances, pesticides, and unknowns in the storm water discharges from trimmings of grass, leaves, and limbs.

(b) **No person shall:**
intentionally place or cause or allow to be placed, or dropped, brush cuttings, grass clippings, grass, and/or rubbish in the inlets of any street in the City limits in such a manner that the same may be washed by water flowing into any bodies of water and/or the MS4.

(c) **Implications:**
This subsection implies that no brush cuttings, grass clippings, grass, and/or rubbish, shall be introduced into any water bodies and/or the MS4.

Sec. 19. Landscape Irrigation, Lawn Irrigation, and other Irrigation

(a) **Purpose:**
It is the purpose of this subchapter to reduce the pollutants such as sediments, chlorine, pesticides, herbicides and fertilizers in the water runoff discharges from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation.

(b) **No person shall:**
1. discharge any excessive water runoff from discharges resulting from normal landscape irrigation, lawn irrigation, and other irrigation; or

2. discharge any water runoff from discharges resulting from inefficient practices, from faulty equipment, from improperly placed equipment, from use of equipment in violation of local, state and/or federal regulations, from unpermitted irrigation systems, where

applicable, from leaking equipment from leaking conveyance systems, or from other leaking appurtenances.

(c) **Implications:**
This subsection implies that excessive water runoff discharges from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation. may not enter any water body and/or the MS4. Landscape irrigation, lawn irrigation, and other irrigation, including agricultural irrigation, must be conducted in accordance with approved best management practices set forth by the City of Primera Public Works Department.

Sec. 20. Acceptable Waters.

The following non-storm water sources, according to 40 CFR 122.26 and/or the City's MS4 permit, 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 City or the TCEQ to be significant contributors of pollutants to the small MS4:

1. water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

2. runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources (excessive runoff can be deemed to be significant contributors of pollutants to the small MS4);

3. discharges from potable water sources (excessive runoff can be deemed to be significant contributors of pollutants to the small MS4);

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 (excessive runoff can be deemed to be significant contributor of pollutants to the small MS4);

12. flows from wetlands and riparian habitats;

13. dechlorinated swimming pool discharges;

14. street wash water (excessive runoff can be deemed to be significant contributor of pollutants to the small MS4);

15. discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

16. other allowable non-storm water discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1) (excessive runoff can be deemed to be significant contributor of pollutants to the small MS4);;

17. non-storm water discharges that are specifically listed in the TPDES MS4 permit or a site specific TPDES Construction General permit (CGP); and

18. other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

Sec. 21. Release Reporting and Cleanup.

(a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 and/or waters of the State and/or United States, shall immediately telephone and notify either the City of Public Works Department, Fire Department or the Police Department concerning the incident:

(1) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302;
(2) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355;
(3) An amount of oil that either (a) violates applicable water quality standards, or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
(4) Any harmful quantity of any pollutant.

(b) The immediate notification required by 19 (a) shall include the following information:
(1) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
(2) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
(3) The time and duration (thus far) of the release;
(4) An estimate of the quantity and concentration (if known) of the substance released;
(5) The source of the release;
(6) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;

(7) Any precautions that should be taken as a result of the release;
(8) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
(9) The names and telephone numbers of the person or persons to be contacted for further information.

(c) Within fifteen (15) days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by both the City Public Works Department and Fire Department, a written report containing each of the items of information specified above in subsection 19 (b) parts l-8 as well as the following additional information:
(1) the ultimate duration, concentrations, and quantity of the release;
(2) all actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts:
(3) any known or anticipated acute or chronic health risks associated with the release;
(4) the identity of any governmental/private sector representatives responding to the release; and
(5) the measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

The notifications required by subsections 19 (b) and 19 (c) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this Ordinance, state, or federal law.

(d)Any person responsible for any release as described in subsection 19(a) shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

(e) Any person responsible for a release described in subsection 19(a) shall reimburse the City for any cost incurred by the City in responding to the release.

Sec. 22. Right of Entry, Inspection and Sampling.

The City shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) and/or to waters of the State and/or United States to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording and copying, and for the performance of any additional duties. Dischargers shall make available to the City, upon request, any pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records,

reports, or documents related to compliance with this Ordinance and with any state or federal discharge permit.

(1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing responsibilities.

(2) The City shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

(3) The City may require, at his/her reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.

(4) The City may require, at his/her reasonable discretion, the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow, waste water and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
(6) Unreasonable delays in allowing the City access to he discharger's premises shall be a violation of this Ordinance.

Sec. 23. Violations and Non-compliance.

A penalty is hereby established whereby any person who shall violate any provision of this Ordinance shall be deemed to be guilty of a misdemeanor and shall upon conviction be fined a minimum amount of not less than five hundred dollars ($500.00) per violation and a maximum amount of not more than two thousand dollars ($2000.00) per violation. Each day of violation and each violation of a particular section of this Ordinance shall constitute a separable, offense for purposes of the City's enforcement of this Ordinance. A culpable mental state is not required to prove an offense under this Ordinance.

Upon the written certification by the City of the violation of any section of this Ordinance, the City Attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be

cumulative of and to all other enforcement powers granted to the City by the terms of its Charter or any ordinance, or by the laws of the State or the United States.

No provision of this Ordinance is intended, nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, state regulations, or federal regulations.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

If compliance is not achieved to the City's satisfaction, the City may, at its discretion, report the noncompliance to the USEPA, the TCEQ, the USGS, the U.S. Wildlife and Fisheries, the U.S. Army Corps of Engineers, or any other state or federal agency for further action.

Non-Compliance Flag and Stop Work Orders: If the City determines that activities are being carried out in violation of this chapter, a notification of non compliance shall be issued. In addition to the notification, if the violation continues beyond five (5) days, a "Non-compliance Flag" will be posted at the site. Finally, if the violation continues after the five (5) days after the "Non-compliance Flag" is posted, the City may stop all work until corrective measures have been completed. The site shall be posted with a "stop work" notice. No other permits may be issued by the City until corrections have been made to the satisfaction of the City. It is also against this Ordinance either to move or interfere with "Non- compliance Flag" and/or stop work orders, and shall considered as additional violation(s) of this Ordinance.

Notification of Violation: Any person found to be in violation of the provisions of this Ordinance shall be required to correct the problem upon written notification from the City. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

1. use of specific pollution prevention measures and techniques;
2. use of pre treatment procedures pollution prevention plans;
3. modification of existing plan;
4. completion of work within a specified time period; and
5. submission of pollution prevention plan or any other of its type.

Appeals: Any person denied discharge to MS4 shall have the right to appeal such to the City Administrator's office within forty-five (45) days of the date of such denial.

Sec. 24 Citizen Participation.

Citizen reports of violations: All citizens are encouraged to report to the City's Public Works Department or to the hotline **(956) 423-9654** any spills, releases, illicit connections, or any other instances of anyone discharging pollutants into MS4 storm sewer system or waters of the State or waters of the United States and any other violation of this Ordinance which they become aware.

PASSED AND APPROVED BY THE CITY OF PRIMERA BOARD ON ALDERMEN ON THIS 21st DAY OF AUGUST 2012

BY:_____
Pat Patterson, Mayor

ATTEST:

_____
Javier Mendez, City Secretary

Sec. 22 Citizen Participation.

Citizen reports of violations: All citizens are encouraged to report to the City's Public Works Department or to the hotline **(956) 423-9654** any spills, releases, illicit connections, or any other instances of anyone discharging pollutants into MS4 storm sewer system or waters of the State or waters of the United States and any other violation of this Ordinance which they become aware.

PASSED AND APPROVED BY THE CITY OF PRIMERA BOARD ON ALDERMEN ON THIS 21st DAY OF AUGUST 2012

BY: _____
Pat Patterson, Mayor

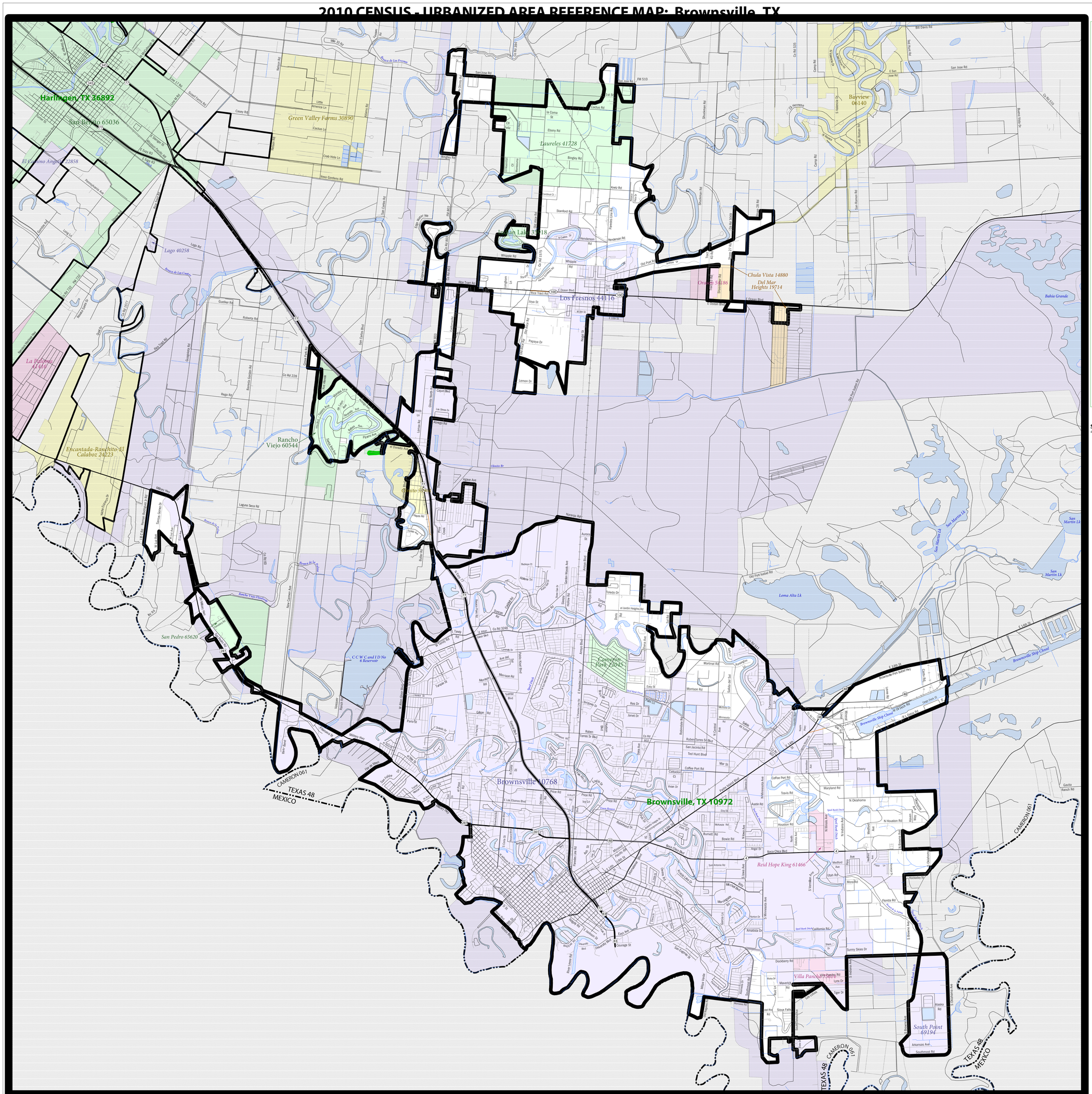
ATTEST:

_____
Javier Mendez, City Secretary

Updated June 15, 2010

APPENDIX E
UA MAPS

2010 CENSUS - URBANIZED AREA REFERENCE MAP: Brownsville, TX



LEGEND

SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE
International		CANADA
Federal American Indian Reservation		L'ANSE RES 1880
Off-Reservation Trust Land		T1880
Urbanized Area		Dover, DE 24580
Urban Cluster		*Tooele, VT 88057*
State (or statistically equivalent entity)		NEW YORK 36
County (or statistically equivalent entity)		ERIE 029
Minor Civil Division (MCD) [1,2]		Bristol town 07485
Consolidated City		MILFORD 47500
Incorporated Place [1,3]		Davis 18100
Census Designated Place (CDP) [3]		*Incline Village 35100*

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
Interstate	35	Water Body	*Pleasant Lake*
U.S. Highway	2	Military	Fort Belvoir
State Highway	4	Outside Subject Area	
Other Road	Marsh Ln		
Railroad	Southern RR		
Perennial Stream	*Tumbling Cr*		
Intermittent Stream	*Piney Cr*		

Where international, state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

1 A '*' following an MCD name denotes a false MCD. A '°' following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.

2 MCD boundaries are shown in the following states in which some or all MCDs function as general-purpose governmental units: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. (Note that Illinois and Nebraska have some counties covered by nongovernmental precincts and Missouri has most counties covered by nongovernmental townships.)

3 Place label color corresponds to the place fill color.
Label colors: Davis Davis Davis Davis Davis

SUBJECT AREA COUNTIES ON MAP SHEET
48061 Cameron

All legal boundaries and names are as of January 1, 2010. Urban areas are based on results from the 2010 Decennial Census. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic Vintage: 2010 Census (reference date: January 1, 2010)
Data Source: U.S. Census Bureau's MAF/TIGER database (TAB10)
Map Created by Geography Division: March 08, 2012

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau

Projection: Albers Equal Area Conic
Datum: NAD 83
Spheroid: GRS 80
1st Standard Parallel: 27 36 51
2nd Standard Parallel: 34 43 24
Central Meridian: -100 04 35
Latitude of Projection's Origin: 25 50 13
False Easting: 0
False Northing: 0

0 1 2 3 4 5 Kilometers
0 0.8 1.6 2.4 3.2 4 Miles
The plotted map scale is 1:44518

N W E S

United States Census Bureau

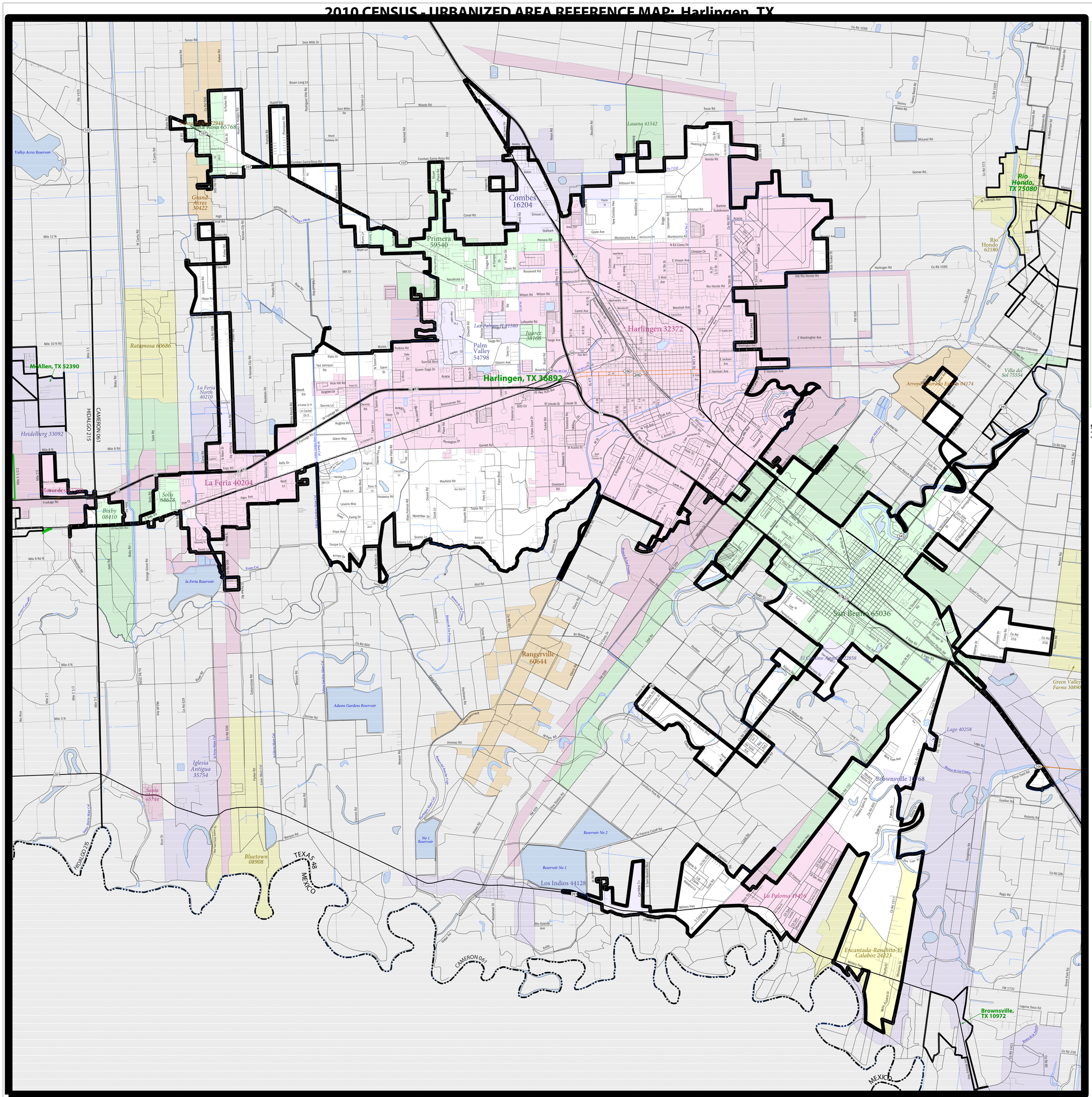
PARENT SHEET 1

Total Sheets: 1
- Index Sheets: 0
- Parent Sheets: 1

UA NAME: Brownsville, TX
UA CODE: 10972
ENTITY TYPE: Urbanized Area (UA)
ST: Texas (48)

2010 CENSUS UA REF MAP (PARENT)
231010972001

2010 CENSUS - URBANIZED AREA REFERENCE MAP: Harlingen, TX



LEGEND

SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE
International		CANADA
Federal American Indian Reservation		L'ANSE RES 1880
Off-Reservation Trust Land		T1880
Urbanized Area		Dover, DE 24580
Urban Cluster		*Tooele, VT 88057*
State (or statistically equivalent entity)		NEW YORK 36
County (or statistically equivalent entity)		ERIE 029
Minor Civil Division (MCD)[1,2]		Bristol town 07485
Consolidated City		MILFORD 47500
Incorporated Place[1,3]		Davis 18100
Census Designated Place (CDP)[3]		*Incline Village 35100*

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
Interstate	35	Water Body	Pleasant Lake
U.S. Highway	2	Military	Fort Belvoir
State Highway	4	Outside Subject Area	
Other Road	Marsh Ln		
Railroad	Southern RR		
Perennial Stream	Tumbling Cr		
Intermittent Stream	Piney Cr		

Where international, state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

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3 Place label color corresponds to the place fill color.
Label colors: Davis Davis Davis Davis Davis

SUBJECT AREA COUNTIES ON MAP SHEET
48061 Cameron
48215 Hidalgo

All legal boundaries and names are as of January 1, 2010. Urban areas are based on results from the 2010 Decennial Census. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic Vintage: 2010 Census (reference date: January 1, 2010)
Data Source: U.S. Census Bureau's MAF/TIGER database (TAB10)
Map Created by Geography Division: March 10, 2012

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau

Projection: Albers Equal Area Conic
Datum: NAD 83
Spheroid: GRS 80
1st Standard Parallel: 27 36 51
2nd Standard Parallel: 34 43 24
Central Meridian: -100 04 35
Latitude of Projection's Origin: 25 50 13
False Easting: 0
False Northing: 0

0 1 2 3 4 5 Kilometers
0 0.8 1.6 2.4 3.2 4 Miles
The plotted map scale is 1:43912

N W E S

United States Census Bureau

PARENT SHEET 1

Total Sheets: 1
- Index Sheets: 0
- Parent Sheets: 1

UA NAME: Harlingen, TX
UA CODE: 36892
ENTITY TYPE: Urbanized Area (UA)
ST: Texas (48)

2010 CENSUS UA REF MAP (PARENT)
2310036892001

2010 CENSUS - URBANIZED AREA REFERENCE MAP: McAllen, TX

LEGEND

SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE
International		CANADA
Federal American Indian Reservation		L'ANSE RES 1880
Off-Reservation Trust Land		T1880
Urbanized Area		Dover, DE 24580
Urban Cluster		*Tooele, VT 88057*
State (or statistically equivalent entity)		NEW YORK 36
County (or statistically equivalent entity)		ERIE 029
Minor Civil Division (MCD) [1,2]		Bristol town 07485
Consolidated City		MILFORD 47500
Incorporated Place [1,3]		Davis 18100
Census Designated Place (CDP) [3]		*Incline Village 35100*

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
Interstate	83	Water Body	Pleasant Lake
U.S. Highway	2	Military	Fort Belvoir
State Highway	4	Outside Subject Area	
Other Road	Marsh Ln		
Railroad	Southern RR		
Perennial Stream	Tumbling Cr		
Intermittent Stream	Piney Cr		

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3 Place label color corresponds to the place fill color.
Label colors: Davis Davis Davis Davis Davis

SUBJECT AREA COUNTIES ON MAP SHEET
48215 Hidalgo

All legal boundaries and names are as of January 1, 2010. Urban areas are based on results from the 2010 Decennial Census. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic Vintage: 2010 Census (reference date: January 1, 2010)
Data Source: U.S. Census Bureau's MAF/TIGER database (TAB10)
Map Created by Geography Division: March 10, 2012

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau

Projection: Albers Equal Area Conic
Datum: NAD 83
Spheroid: GRS 80
1st Standard Parallel: 27 36 51
2nd Standard Parallel: 34 43 24
Central Meridian: -100 04 35
Latitude of Projection's Origin: 25 50 13
False Easting: 0
False Northing: 0

0 2 4 6 8 10 Kilometers
0 1 2 3 4 5 Miles
The plotted map scale is 1:94178

N W E S

United States Census Bureau

PARENT SHEET 1

Total Sheets: 1
- Index Sheets: 0
- Parent Sheets: 1

UA NAME: McAllen, TX
UA CODE: 52390
ENTITY TYPE: Urbanized Area (UA)
ST: Texas (48)

2010 CENSUS UA REF MAP (PARENT)
231052390001

APPENDIX F
REGULATORY REQUIREMENTS AND ASSIGNED BMP

BMP BY REGULATORY REQUIREMENT
OUTREACH, EDUCATION AND PUBLIC PARTICIPATION MCM#1
2013-2018

BMP ID	MCM #1
3.2.0	Assess Public Education, Outreach and Involvement program
3.2.1	Utility Bill Insert, self-service materials and/or mailouts
3.2.2	Web Site
3.2.3	Classroom Presentations
3.2.4	Stenciling
3.2.5	Videos
3.2.6	Signage
3.2.7	Community outreach
3.2.8	Education
3.2.9	Public Meetings
3.2.10	Advisory Workgroup
3.2.11	Hotline

BMP ID	Regulatory Minimum Control Measure
BMP 3.2.0	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (1) All permittees must implement outreach programs a. Define goals of the program
BMP 3.2.0	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (1) All permittees must implement outreach programs b. Identify the target audience

BMP BY REGULATORY REQUIREMENT
OUTREACH, EDUCATION AND PUBLIC PARTICIPATION MCM#1
2013-2018

BMP 3.2.0 BMP 3.2.1 to BMP 3.2.8	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (1) All permittees must implement outreach programs c. Develop appropriate educational methods
BMP 3.2.0	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (1) All permittees must implement outreach programs d. Cost efficiency of material distribution
BMP 3.2.0 BMP 3.2.1 to BMP 3.2.9	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (2) Convey the program's message
BMP 3.2.0	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (3) All permittees shall review and update
BMP 3.2.0 BMP 3.2.10	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (a) Public Education and Outreach (4) Partnerships made to maximize the outreach

BMP BY REGULATORY REQUIREMENT
OUTREACH, EDUCATION AND PUBLIC PARTICIPATION MCM#1
2013-2018

BMP 3.2.3 BMP 3.2.4 BMP 3.2.7 BMP 3.2.8 BMP 3.2.9 BMP 3.2.11	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (b) Public Involvements (1) consider public input
BMP 3.2.3 BMP 3.2.4 BMP 3.2.7 BMP 3.2.8 BMP 3.2.9 BMP 3.2.11	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (b) Public Involvements (2) create opportunities for citizens to participate
BMP 3.2.2 BMP 3.2.9	III.B. SWMP – Minimum Control Measures 1.Public Education, Outreach, and Involvement (b) Public Involvements (3) ensure public has access to information on SWMP

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP ID	MCM #2
4.2.0	Assess existing IDDE program
4.2.1	Sewer Map
4.2.2	Illicit Discharge Elimination Ordinance
4.2.3	Business Education
4.2.4	Illicit Discharge Inspections
4.2.5	Business Site Inspections
4.2.6	Household Hazardous Waste
4.2.7	Source Investigation and Elimination
4.2.8	Hotline
10.2.1	OSSF leak detection, prevention and mitigation [2,3,4]
10.2.2	Identify priority areas [4]
10.2.3	Field Screening [4]
10.2.4	Notification of Illicit Discharge [N]
10.2.5	Source Investigation and Elimination [3,4]

BMP ID	Regulatory Minimum Control Measure
BMP 4.2.0	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges
BMP 4.2.1	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges a. An up-to-date MS4 Map

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP 4.2.2 BMP 4.2.5	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges b. Methods for informing
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges c. Procedures for tracing the source of illicit discharge
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges d. Procedures for removing illicit discharges
BMP 10.2.1[2,3,4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges e. prevent sewage leakage
BMP 10.2.2[4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges f. Identifying priority areas

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP 10.2.2[4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (1) implement a program to eliminate illicit discharges g. Field screenings
BMP 10.2.4[N]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (2) Notify illicit discharges
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (3) Permittee must follow requirements if notified
BMP 4.2.0 BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (a) Program Development (4) All permittees shall review and update as necessary
BMP 4.2.2 Section 4.3	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (b) Allowable Non-Stormwater Discharges

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP 4.2.1	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (1) MS_4 mapping a. location of all small MS_4
BMP 4.2.1	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (1) MS_4 mapping b. location and names of all discharges
BMP 4.2.1	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (1) MS_4 mapping c. Priority areas
BMP 4.2.2 BMP 4.2.5	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (2) Education Training
BMP 4.2.0 BMP 4.2.7 BMP 4.2.8	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (3) Public Reporting of Illicit Discharges and Spills

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP 4.2.0 BMP 4.2.8	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (4) All permittees shall maintain site procedures
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (5) Source Investigation and Elimination a. Minimum Investigation Requirements (i) prioritize the investigation based on risk
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (5) Source Investigation and Elimination a. Minimum Investigation Requirements (ii) Report illicit flows to TCEQ
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (5) Source Investigation and Elimination a. Minimum Investigation Requirements (iii) track all investigations and record all data
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (5) Source Investigation and Elimination b. Permittees shall investigate illicit discharges

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (5) Source Investigation and Elimination c. Corrective Action to Eliminate Illicit Discharges (i) when source of illicit discharges have been determined
BMP 4.2.7	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (c) Requirements for all Permittees (6) inspections
BMP 10.2.5[3,4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (d) Additional Requirements for Level 3 & 4 small MS_{4S} (1) Source Investigation and Elimination
BMP 10.2.5[3,4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (e) Additional Requirements for Level 4 small MS_{4S} (2) Identification of Priority Areas
BMP 10.2.3[4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (e) Additional Requirements for Level 4 small MS_{4S} (3) Dry Weather Field Screening a. conduct field screenings in priority areas

BMP BY REGULATORY REQUIREMENT
ILLICIT DISCHARGE DETECTION AND ELIMINATION MCM #2
2013-2018

BMP 10.2.3[4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (e) Additional Requirements for Level 4 small MS_{4S} (3) Dry Weather Field Screening b. Field observation requirements
BMP 10.2.3[4]	III.B. SWMP – Minimum Control Measures 2. Illicit Discharge Detection and Elimination (e) Additional Requirements for Level 4 small MS_{4S} (3) Dry Weather Field Screening c. Field screening requirements

[2]-Type 2 MS4
[3]-Type 3 MS4
[4]-Type 4 MS4
[N]-Type 2 MS4 – Non Traditional

BMP BY REGULATORY REQUIREMENT
CONSTRUCTION STORMWATER CONTROLS MCM #3
2013-2018

BMP	MCM #3
5.2.0	Assess existing Construction Site Stormwater Control program
5.2.1	Erosion Control Ordinance
5.2.2	Construction Site Plan Review and Oversight
5.2.3	Site Inspection and Policy Enforcement
5.2.4	Training for regulated community
5.2.5	Construction Site Waste Management
5.2.6	Provide Construction BMP outreach program
11.2.1	Construction Site Inventory[3,4]

BMP ID	**Regulatory Minimum Control Measure**
BMP 5.2.0 BMP 5.2.1	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (a) Requirements and Control Measures (1) program for operators
BMP 5.2.0	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (1) Review updates as necessary
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (2) Requirements appropriate erosion control a. Erosion and sediment controls

BMP BY REGULATORY REQUIREMENT
CONSTRUCTION STORMWATER CONTROLS MCM #3
2013-2018

BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (2) Requirements appropriate erosion control b. Soil Stabilization
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (2) Requirements appropriate erosion control c. BMPs (i) Minimize pollutants from vehicle washings
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (2) Requirements appropriate erosion control c. BMPs (ii) Minimize exposure of materials
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (2) Requirements appropriate erosion control c. BMPs (iii) Minimize pollutants from leaks and spills
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (2) Requirements appropriate erosion control d. vegetative stability

BMP BY REGULATORY REQUIREMENT
CONSTRUCTION STORMWATER CONTROLS MCM #3
2013-2018

BMP 5.2.5	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (3) Prohibited Discharges a. Wastewater from washout of concrete
BMP 5.2.5	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (3) Prohibited Discharges b. Wastewater form construction materials
BMP 5.2.5	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (3) Prohibited Discharges c. Vehicle pollutants such as oil
BMP 5.2.5	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (3) Prohibited Discharges d. soaps and solvents uses to wash vehicle equipment
BMP 5.2.5	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (3) Prohibited Discharges e. Discharges form dewatering activities

BMP BY REGULATORY REQUIREMENT
CONSTRUCTION STORMWATER CONTROLS MCM #3
2013-2018

BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (4) Construction Plane Review Procedures a. potential water quality impacts
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (4) Construction Plane Review Procedures b. plans must contain appropriate site specifications
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (4) Construction Plane Review Procedures c. Some plans may be accepted if they follow a guideline
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement a. Inspections must occur as specified by permittee
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement b. inspections must occur during the active phase (i) procedures must be maintained

BMP BY REGULATORY REQUIREMENT
CONSTRUCTION STORMWATER CONTROLS MCM #3
2013-2018

BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement b. inspections must occur during the active phase (ii) inspections of construction sites must (1) Determine if the site is appropriate
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement b. inspections must occur during the active phase (ii) inspections of construction sites must (2) Conduct a thorough site inspection
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement b. inspections must occur during the active phase (ii) inspections of construction sites must (3) Assess compliance
BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement b. inspections must occur during the active phase (ii) inspections of construction sites must (4) Proved a written report

BMP BY REGULATORY REQUIREMENT
CONSTRUCTION STORMWATER CONTROLS MCM #3
2013-2018

BMP 5.2.1 BMP 5.2.2 BMP 5.2.3	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (5) Construction Site Inspections and Enforcement c. follow up inspections
BMP 5.2.2	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (6) Information submitted by the Public
BMP 5.2.4	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (b) Requirements for all Permittees (7) MS_4 Staff Training
BMP 11.2.1 [3,4]	III.B. SWMP – Minimum Control Measures 3. Construction Site Stormwater Runoff Control (c) Additional Requirements for Level 3 and 4 small MS_{4S} (1) Construction Site Inventory

[3]-Type 3 MS4
[4]-Type 4 MS4

BMP BY REGULATORY REQUIREMENT
POST-CONSTRUCTION CONTROL MEASURES MCM #4
2013-2018

BMP	MCM #4
6.2.0	Assess Post Construction Program
6.2.1	Post-Construction Ordinance
6.2.2	Drainage Design Policy
6.2.3	BMP Maintenance
6.2.4	Land Use Plan
12.2.1	Inspection program[4]

BMP ID	**Regulatory Minimum Control Measure**
BMP 6.2.0	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (a) Post-Construction Stormwater Management Program (1) program to control Stormwater discharge
BMP 6.2.0 BMP 6.2.1 BMP 6.2.2 BMP 6.2.4	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (a) Post-Construction Stormwater Management Program (2) use an ordinance
BMP 6.2.0	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (b) Requirements for all Permittees (1) Update SWMP and MCM

BMP BY REGULATORY REQUIREMENT
POST-CONSTRUCTION CONTROL MEASURES MCM #4
2013-2018

BMP 6.2.1	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (b) Requirements for all Permittees (2) Document all enforcement actions
BMP 6.2.3	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (b) Requirements for all Permittees (3) Long-Term Maintenance a. Maintenance performed by the permittee
BMP 6.2.3	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (b) Requirements for all Permittees (3) Long-Term Maintenance b. Maintenance performed by owner
BMP 12.2.1 [3,4]	III.B. SWMP – Minimum Control Measures 4. Post-Construction Stormwater Management in New Development and Redevelopment (c) Additional Requirements (1) Inspections a. Inspection reports

[3]-Type 3 MS4
[4]-Type 4 MS4

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP	MCM #5
7.2.1	Stormwater Sewer System O&M
7.2.2	Street Sweeping
7.2.3	Employee Training
7.2.4	SOP program and Pollution Prevention Measures*
7.2.5	Site Visits/Inspections*
7.2.6	Collection and Disposal of Stormwater Waste
13.2.1	Storm Sewer System O&M [3,4]
13.2.2	Roadway O&M [3,4]
13.2.3	Mapping of Facilities [3,4]
13.2.4	Facility specific SOPs [3,4]
13.2.5	Stormwater Controls for High Priority Areas [3,4]
13.2.6	Inspections [3,4]
13.2.7	Pesticide, Herbicide, Fertilizer Application & Management Program [4]

BMP ID	**Regulatory Minimum Control Measure**
BMP 7.2.1	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (a) Program development (1) All Permittees shall implement maintenance
BMP 7.2.1 BMP 7.2.2 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (1) Permittee-owned Facilities

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 7.2.3	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (2) Training Education
BMP 7.2.4 BMP 7.2.6	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (3) Disposal and Waste Material
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (4) Contractor Requirements and Oversight a. Comply with Stormwater control measures
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (4) Contractor Requirements and Oversight b. Permittees must oversee contractor activities
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance a. Assessment of permittee-owned operations (i) Road and parking lot maintenance

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance a. Assessment of permittee-owned operations (ii) Bridge maintenance
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance a. Assessment of permittee-owned operations (iii) Cold weather operations
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance a. Assessment of permittee-owned operations (iv) Right-of-way maintenance
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance b. identify potential pollutants in O&M activities
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance c. implement pollution prevention (i) Replacing materials or chemicals

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance c. implement pollution prevention (ii) Change operations to minimize pollution
BMP 7.2.1 BMP 7.2.4	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance c. implement pollution prevention (iii) Prevent discharge into surface water
BMP 7.2.1 BMP 7.2.4 BMP 7.2.5	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (5) Municipal Operation and Maintenance d. Inspection of pollution prevention measures
BMP 7.2.1	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (b) Requirements for all Permittees (6) Structural Control Maintenance
BMP 13.2.1[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (1) Storm Sewer System Operation Maintenance a. implement an O&M Program

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 13.2.1[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (1) Storm Sewer System Operation Maintenance b. list potential problem areas
BMP 13.2.1[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (2) Operation and Maintenance Program to Reduce Discharge of Pollutants from Roads a. Implementation schedule
BMP 13.2.1[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (2) Operation and Maintenance Program to Reduce Discharge of Pollutants from Roads b. For areas where street sweeping is infeasible
BMP 13.2.2[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (2) Operation and Maintenance Program to Reduce Discharge of Pollutants from Roads c. Sweeper Waste Materials Disposal
BMP 13.2.3[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (3) Mapping of Facilities

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (4) Facility Assessment a. Facilities' Pollutant Discharge Potential
BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (4) Facility Assessment b. Identification of high priority facilities
BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (4) Facility Assessment c. Documentation of Assessment Results
BMP 13.2.4[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (5) Development of Facilities Specific SOPs a. develop Sop that benefits BMPs installed
BMP 13.2.4[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (5) Development of Facilities Specific SOPs b. A hard or electric copy of the SOP

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (6) Stormwater Controls for High Priority Facilities a. General good housekeeping
BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (6) Stormwater Controls for High Priority Facilities b. De-icing and anti-icing material storage
BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (6) Stormwater Controls for High Priority Facilities c. Fuel operations and vehicle maintenance
BMP 13.2.5[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (6) Stormwater Controls for High Priority Facilities d. Equipment and vehicle washing

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 13.2.6[3,4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (c) Additional Requirements for small MS_{4S} (7)Inspections
BMP 13.2.7[4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (d) Additional Requirements for Level 4 small MS_{4S} (1)Pesticide, Herbicide, and Fertilizer Management a. Landscape maintenance
BMP 13.2.7[4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (d) Additional Requirements for Level 4 small MS_{4S} (1)Pesticide, Herbicide, and Fertilizer Management b. implement practices to prevent landscape pollution (i) Education activities
BMP 13.2.7[4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (d) Additional Requirements for Level 4 small MS_{4S} (1)Pesticide, Herbicide, and Fertilizer Management b. implement practices to prevent landscape pollution (ii) non-chemical pest management measures
BMP 13.2.7[4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (d) Additional Requirements for Level 4 small MS_{4S} (1)Pesticide, Herbicide, and Fertilizer Management c. schedules for chemical application in public spaces

BMP BY REGULATORY REQUIREMENT
POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS MCM #5
2013-2018

BMP 13.2.7[4]	III.B. SWMP – Minimum Control Measures 5. Pollution Prevention and Good Housekeeping (d) Additional Requirements for Level 4 small MS_{4S} (1)Pesticide, Herbicide, and Fertilizer Management d. proper disposal of pesticides, herbicides, and fertilizers

[3]-Type 3 MS4
[4]-Type 4 MS4

BMP BY REGULATORY REQUIREMENT
IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD (TMDL) BMPS
2013-2018

BMP	Bacteria BMPs
8.2.1	Source determination
8.2.2	Bacteria Impairment Program
8.2.3	Workgroup
8.2.4	Reporting

BMP ID	Regulatory Minimum Control Measure
Bacteria 8.2.1 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (1)Discharging a Pollutant of Concern (a) determine whether the small MS4 may be a source of the pollutant(s) of concern
Bacteria 8.2.1 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (1)Discharging a Pollutant of Concern (b) ensure that the SWMP includes focused BMPs
Bacteria 8.2.1 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

BMP BY REGULATORY REQUIREMENT
IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD (TMDL) BMPS
2013-2018

	(1)Discharging a Pollutant of Concern (c) submit NOC with amended BMPs
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria a. Sanitary Sewer Systems (i.)Make improvements to sanitary sewers to reduce overflows;
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria a. Sanitary Sewer Systems (ii) Address lift station inadequacies;
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria a. Sanitary Sewer Systems (iii) Improve reporting of overflows;

BMP BY REGULATORY REQUIREMENT
IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD (TMDL) BMPS
2013-2018

Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria a. Sanitary Sewer Systems (iv.) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria b.On-site Sewage Facilities (for entities with appropriate jurisdiction) i.Identify and address failing systems;
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria b.On-site Sewage Facilities (for entities with appropriate jurisdiction) ii.Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria c.Illicit Discharges and Dumping

BMP BY REGULATORY REQUIREMENT
IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD (TMDL) BMPS
2013-2018

Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria d. Animal Sources
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria e. Residential Education i. Bacteria discharging from a residential site either during runoff events or directly;
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria e. Residential Education ii. Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria e. Residential Education iii. Decorative ponds;

BMP BY REGULATORY REQUIREMENT
IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD (TMDL) BMPS
2013-2018

Bacteria 8.2.2 Bacteria 8.2.3	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (2)Impairment of Bacteria e. Residential Education iv. Pet waste.
Bacteria 8.2.3 Bacteria 8.2.4	II.D. Limitations on Permit Coverage - 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements (b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL (3)Annual Report

BMP BY REGULATORY REQUIREMENT
LEGAL AUTHORITY
2013-2018

BMP	Legal Authority BMPs
9.2.1	Ordinances, Orders and Policy
9.2.2	Interlocal agreements, other instruments required to assist non-traditional MS4s

BMP ID	Regulatory Minimum Control Measure
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (1) Within two years from the effective date
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate a. Authority to prohibit
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate b. Authority to respond

BMP BY REGULATORY REQUIREMENT
LEGAL AUTHORITY
2013-2018

BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate c. Authority to require compliance
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate d. Authority to require instillation
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate e. Authority to receive and collect information
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate f. Authority to enter and inspect private property
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate g. Authority to respond to violations

BMP BY REGULATORY REQUIREMENT
LEGAL AUTHORITY
2013-2018

BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate h. Authority to assess penalties
BMP 9.2.1	III.A. SWMP – Developing a SWMP 3. Legal Authority (a) Traditional small MS_{4S}, such as cities (2) To be considered adequate i. Ability to enter into agreements
BMP 9.2.2	III.A. SWMP – Developing a SWMP 3. Legal Authority (b) Non-Traditional small MS_{4S}, such as districts (1) Develop ordinances
BMP 9.2.2	III.A. SWMP – Developing a SWMP 3. Legal Authority (b) Non-Traditional small MS_{4S}, such as districts (2) To be considered adequate (a) Enter interlocal agreements
BMP 9.2.2	III.A. SWMP – Developing a SWMP 3. Legal Authority (b) Non-Traditional small MS_{4S}, such as districts (2) To be considered adequate (b) Notify and adjustment

BMP BY REGULATORY REQUIREMENT
INDUSTRIAL SOURCES MCM #6
2013-2018

BMP	MCM #6
14.2.1	Identify and Control Pollutants in Stormwater Discharges

BMP ID	**Regulatory Minimum Control Measure**
BMP 14.2.1	III.B. SWMP – Minimum Control Measures 6. Industrial Stormwater Sources (a) Requirements for level 4 small MS_{4S} (1) control pollutants in Stormwater discharge