



CITY OF LEANDER, TEXAS

STORM WATER MANAGEMENT PROGRAM

PREPARED BY



MAY 2014

CITY OF LEANDER
STORM WATER MANAGEMENT PROGRAM

Prepared For:
City of Leander
205 South Street
Leander, Texas 78641

Prepared By:
K Friese & Associates, Inc.
1120 S. Capital of Texas Highway
CityView 2, Suite 100
Austin, Texas 78746
(512) 338-1704

May 2014

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1-1
1.1	Background	1-1
1.2	City of Leander Information.....	1-1
1.3	Discharges to the Edwards Aquifer Recharge and Contributing Zones.....	1-1
1.4	Other Entities Assisting with SWMP Preparation.....	1-2
1.5	Summary of the Storm Water Management Program	1-2
1.5.1	Record Keeping and Reporting.....	1-3
2.0	STORM WATER DISCHARGES INTO IMPAIRED WATER BODIES.....	2-1
2.1	Impaired Waters and Total Maximum Daily Load (TMDL)	2-1
3.0	MINIMUM CONTROL METHODS.....	3-1
3.1	Public Education, Outreach, and Involvement	3-1
3.1.1	Regulatory Requirements.....	3-1
3.1.2	Current Programs	3-1
3.1.3	Selected BMPs for Public Education, Outreach and Involvement.....	3-1
3.2	Illicit Discharge Detection and Elimination	3-6
3.2.1	Regulatory Requirement	3-6
3.2.2	Current Programs	3-6
3.2.3	Selected BMPs for Elicit Discharge and Elimination	3-7
3.3	Construction Site Storm Water Runoff Control	3-12
3.3.1	Regulatory Requirement	3-12
3.3.2	Current Programs	3-13
3.3.3	Selected BMPs for Public Construction Site Storm Water Runoff Control.....	3-13
3.4	Post-Construction Storm Water Management in New Development and Redevelopment.....	3-16
3.4.1	Regulatory Requirement	3-16
3.4.2	Current Programs	3-16
3.4.3	Selected BMPs for Post Construction Storm Water Management.....	3-17
3.5	Pollution Prevention/Good Housekeeping for Municipal Operations.....	3-18
3.5.1	Regulatory Requirement	3-18
3.5.2	Current Programs	3-19
3.5.3	Selected BMPs for Pollution Prevention/Good Housekeeping for Municipal Operations	3-20
3.6	Industrial Storm Water Sources.....	3-24
3.7	Authorization for Construction Activities where the Small MS4 is the Site Operator	3-24
4.0	RECORD KEEPING AND REPORTING.....	4-1
4.1	Record Keeping	4-1
4.2	Reporting	4-1

APPENDICES

APPENDIX A	PERMIT IMPLEMENTATION SUMMARY AND TRACKING
APPENDIX B	EXISTING CITY OF LEANDER STORM WATER RELATED ORDINANCES
APPENDIX C	TCEQ GENERAL PERMIT TXR040000
APPENDIX D	CITY OF LEANDER GENERAL PERMIT NOTICE OF INTENT
APPENDIX E	CITY OF LEANDER ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

1.0 INTRODUCTION

1.1 Background

The Texas Commission on Environmental Quality (TCEQ) issued its original permit requiring storm water management programs in August of the 2007. On December 13, 2013 the TCEQ updated their permit, *General Permit to Discharge Under The Texas Pollutant Discharge Elimination System* (TPDES General Permit No. TXR040000) which includes an effective period of 5 years. The permit is under the provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code and supersedes and replaces TPDES General Permit No. TXR040000, issued August 13, 2007. As the City of Leander is a small municipal separate storm sewer system (MS4) operator, classified as Level 2 in TXR040000, as determined by the U.S. Bureau of Census, currently permitted for the discharge of storm water runoff it must reapply under the updated TXR040000. This update of the Storm Water Management Program (SWMP) in response to the updated general permit is to be submitted with a Notice of Intent (NOI) to the TCEQ to acquire coverage under the general permit. Modifications to this SWMP are allowed, although the revisions shall be summarized in an annual report submitted to the TCEQ. The City of Leander will continue to operate under the conditions of the 2007 permit and 2008 SWMP until the 2014 SWMP is approved by the TCEQ.

1.2 City of Leander Information

The City of Leander was incorporated in 1978 and is located in Williamson County. Currently, the City covers approximately 17,984 acres and had a population of 26,521 in the 2010 Census. The City is a chartered home rule city, operated by a City Council/City Manager structure. The City is operated by an elected Mayor and seven City Council Members and has a City Manager. The City Council and the Planning and Zoning Commission regulate development within the City.

Leander is located in Central Texas, northwest of the City of Austin, Latitude 30° 34' and Longitude 97° 51'. Average annual rainfall is 36.4 inches. Waterways that flow through the jurisdictional area of the City of Leander include the South Fork of San Gabriel River, Brushy Creek, Mason Creek, and Block House Creek, which ultimately flow to the Brazos River, while a small western portion, approximately 4,589 acres, lies within the Colorado River, Lake Travis, watershed.

1.3 Discharges to the Edwards Aquifer Recharge and Contributing Zones

The vast majority of the City of Leander is located within the boundaries of the Edwards Aquifer Contributing Zone with a small portion of the City located in the Edwards Aquifer Recharge Zone and therefore must meet the requirements of 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of the TCEQ General Permit TXR040000. The City of Leander follows the Water Pollution Abatement Plan (WPAP) process and when required WPAPs have been prepared per the Edwards Aquifer Rules for the City; those requirements are in addition to this general permit and are on file with the TCEQ. Also, all new WPAPs submitted to TCEQ will include a copy of the MS4 NOI when the area is within 10 stream miles of the Edwards Aquifer Recharge Zone. The City must also submit a copy of the NOI to the TCEQ regional office at:

Texas Commission on Environmental Quality
Region 11, Austin
Water Program Manager
12100 Park 35 Circle
Bldg A, Rm 179
Austin TX 78753
(512) 339-2929

1.4 Other Entities Assisting with SWMP Preparation

The City of Leander and K Friese and Associates Inc. have prepared this Storm Water Management Program. Other consultants or public entities to be determined may assist with implementation of the SWMP as necessary. A list of the public and private entities assisting with this SWMP shall be submitted with the annual report.

1.5 Summary of the Storm Water Management Program

The Storm Water Management Program is a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system (MS4). This SWMP, to the extent allowable under state and local law must be developed, implemented and enforced according to the requirements of Part III of the TCEQ General Permit No. TXR040000, issued December 13, 2013.

1.5.1 Public Notice Requirements

The permittee under this general permit is required to publish, at least once, in a newspaper of general circulation in the municipality or county where the MS4 is located information pertaining to the SWMP and NOI. The public notice must be published after the applicant receives written instructions from the TCEQ's Office of Chief Clerk regarding the submitted NOI and SWMP. The published notice must include the executive director's preliminary decision on the NOI and SWMP and at a minimum the following items:

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 for the MS4.
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.
7. If required by the executive director, the date, time, and location of the public meeting.

1.5.2 At minimum the SWMP is to contain the following:

1. A description of Minimum Control Measures (MCM) with measurable goals for the six MCM that pertain to the MS4 level of the permittee.
 - a. Public Education, Outreach and Involvement
 - b. Illicit Discharge Detection and Elimination
 - c. Construction Site Storm Water Runoff Control
 - d. Post-construction Storm Water Management in New Development and Redevelopment
 - e. Pollution Prevention and Good Housekeeping for Municipal Operations
2. Measurable goals that include the development of ordinances or other regulatory mechanisms.
3. Summary of procedures describing how the permittee will implement the provisions of the general permit, TXR040000.
4. A description of a program or a plan of compliance with the requirements in Part II.D.4 of the general permit, TXR040000.

Each of the MCMs have been evaluated and a list of Best Management Practices (BMPs) have been developed to address them. The BMPs have been chosen based on the requirements of the General Permit and ongoing BMPs from the City's 2008 SWMP. Each of the BMPs includes measurable goals, a schedule for implementation and a summary of procedures. The measurable goals and schedule have been developed to quantify and create a time table for accomplishing each of the BMPs. The selected BMPs, their measurable goals and schedule can be found in Part 3 and a summary of the BMPs may be found in *Appendix A*.

1.5.3 Record Keeping and Reporting

Record keeping is a required element of the SWMP. The City of Leander must retain all records, a copy of the General Permit, and records of all data used to complete the Notice of Intent (NOI) for this permit for the term of the permit, currently five (5) years. A copy of this SWMP and NOI must be retained at a location accessible to the TCEQ and the public.

The City of Leander is required to submit an annual report to the Executive Director by March 31 (of the following year) for each year of the permit term. A copy of the annual report must be readily available for review by the TCEQ. The annual report shall contain an assessment of the BMPs, report on progress of implementing the BMPs, proposed changes, an evaluation of the success of the SWMP and any new approved WPAPs.

More detailed requirements for record keeping and reporting are found in Part 4 of this SWMP and in the General Permit.

2.0 STORM WATER DISCHARGES INTO IMPAIRED WATER BODIES

2.1 Impaired Waters and Total Maximum Daily Load (TMDL)

General Permit TXR040000, effective date December 13, 2013, requires permittees to control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in Part II.D.4 of the general permit. A water body is considered impaired 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.

As discussed previously the waterways that flow through the jurisdictional area of the City of Leander include the South Fork of San Gabriel River, Brushy Creek, Mason Creek, and Block House Creek, which ultimately flow to the Brazos River, with a small portion of the City inside the Colorado River watershed. Currently the portions of these water bodies that accept storm water discharges from the City of Leander are not listed as impaired by the TCEQ or EPA.

3.0 MINIMUM CONTROL METHODS

3.1 Public Education, Outreach, and Involvement

3.1.1 Regulatory Requirements

Summary of TXR04000 Part III (B) (1) (a) – The MS4 operator must develop, implement and maintain a comprehensive storm water 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 storm water discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in storm water.

Summary of TXR04000 Part III (B) (1) (b) – The MS4 operator shall involve the public, and, at a minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

The minimum requirements for the SWMP include:

- Develop a storm water education and outreach program which must include: goals and objectives based on high priority community-wide issues as they relate to storm water runoff, a target audience must be identified, educational materials and a plan to distribute the educational materials.
- Provide access to educational material throughout the permit term.
- Provide the public with a way to easily access information about the SWMP.

3.1.2 Current Programs

The City currently has public outreach, education and involvement BMPs they are following related to storm water management as outlined in their 2008 SWMP including:

- Posting storm water quality information on the City website.
- Providing / installing storm drain medallions at storm water inlets.
- Producing and distributing storm water pamphlets.
- Complying with state and local public notice requirements for items related to storm water management.

3.1.3 Selected BMPs for Public Education, Outreach and Involvement

3.1.3.1 BMP No. 1 – Define the Goals, Objectives and Target Audience of the Storm Water Education and Outreach Program

The City currently provides educational materials and involves the public in storm water outreach either in mailing, the City’s website or annual “cleanup” meetings. This BMP focuses on the City defining set goals, objectives and target audiences of educational materials and outreach. This BMP will develop goals and objectives based on high priority community-wide issues in regards to storm water management and it will identify the target audience or audiences.

Measurable Goals – The measurable goal for implementation of this BMP is to develop goals, objectives and define the target audience(s) for the City’s storm water education and outreach program by year 5 of this permit.

Schedule

Public Education, Outreach and Involvement - BMP No. 1	Target Date	Activity
	Year 1	Determine goals and objectives for the education and outreach program.
	Year 2	Identify the target audience or audiences.
	Year 3	Review existing policies, education programs or forms of outreach currently used by the City. Determine the method of reaching the target audience.
	Year 4	Develop additional educational material if necessary.
	Year 5	Implement the program.

Responsible Persons – The City Manager, City Engineer and Public Work Director have responsibility for implementation of Public Education, Outreach and Involvement BMP No. 1.

3.1.3.2 BMP No. 2 – Review and Update Storm Water Pamphlets

The City will continue to produce and distribute pamphlets detailing the impacts polluted storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and methods to minimize their impact on storm water quality. As part of this BMP the City will review and evaluate if changes or updates need to be made to the storm water pamphlet. The City will continue to make reasonable effort to distribute the information to public locations accessible to all constituents, visitors, businesses, commercial and industrial facilities, and contrition personnel with in the City.

Measurable Goals – The measurable goals for implementation of this BMP is to research existing and new information and update the content of the current pamphlet (if necessary), produce the pamphlets, mail to customers every 3 years and distribute them to public places, construction sites, etc.

Schedule

Public Education, Outreach and Involvement - BMP No. 2	Target Date	Activity
	Year 1	Continue distributing existing storm water pamphlet.
	Year 2	Continue distributing existing storm water pamphlet.
	Year 3	Review existing pamphlet, research new information and ideas and finalize updated pamphlet content. Mail pamphlet to all water customers in monthly bill and make pamphlet available to the public at the City Hall.
	Year 4	Make pamphlet available to the public at City Hall.
	Year 5	Make pamphlet available to the public at City Hall.

Responsible Persons – The Public Works Director, City Engineer and City Manager have responsibility for implementation of Public Education, Outreach and Involvement BMP No. 2.

3.1.3.3 BMP No. 3 – Storm Drain Medallions

The City, under their 2008 SWMP, developed a new storm drain medallion, installed the medallion on existing inlets throughout the City and required the medallion be installed on new inlets on both developer and City projects. The City will continue to require storm drain medallions be installed on storm drain inlets on both developer controlled projects and City projects.

Measurable Goals – The measurable goal for implementation of this BMP is to require 100% of construction plans that deal with storm water include the storm drain medallion detail.

Schedule

Public Education, Outreach and Involvement - BMP No. 3	Target Date	Activity
	Year 1	Review new construction plans.
	Year 2	Review new construction plans.
	Year 3	Review new construction plans.
	Year 4	Review new construction plans.
	Year 5	Review new construction plans.

Responsible Persons – The City Engineer has responsibility for implementation of Public Education, Outreach and Involvement BMP No. 3.

3.1.3.4 *BMP No. 4 – Comply with State and Local Public Notice Requirements*

The City will comply with state and local public notice requirements when implementing a public involvement/participation program. The City will publish public notice for the SWMP and NOI at least once in a newspaper of general circulation within the City of Leander. Notice is required for adoption of new ordinances or revision of existing ordinances and for public meetings regarding the SWMP. Notice for other actions resulting from implementation of the SWMP may also be required. Effort will be made to have notification in several different outlets to reach as many different groups of people as feasible.

Measurable Goals – The measurable goal for implementation of this BMP is to provide state and local required public notice during implementation of a public involvement/participation program.

Schedule

Public Education, Outreach and Involvement - BMP No. 4	Target Date	Activity
	Year 1	Publish in a local newspaper the public notice in regards to the SWMP and NOI. Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.
	Year 2	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.
	Year 3	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.
	Year 4	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.
	Year 5	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of SWMP.

Responsible Persons – The City Manager has responsibility for implementation of Public Education, Outreach and Involvement BMP No. 4.

3.1.3.5 *BMP No. 5 – Provide Information Regarding the SWMP on the City’s Website*

The City will add a web link to the SWMP on the City’s website and also provide general information regarding storm water quality on the website.

Measurable Goals – The measurable goal for implementation of this BMP is to add a web link to the SWMP to the City’s website and to also update the website with general storm water quality information.

Schedule

Public Education, Outreach and Involvement - BMP No. 5	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Review the City website and determine the best location for SWMP information and provide a link on the website to the SWMP along with information regarding storm water quality.
	Year 4	NA
	Year 5	NA

Responsible Persons – The City Manager has responsibility for implementation of Public Education, Outreach and Involvement BMP No. 5.

3.1.3.6 *BMP No. 6 – Annual Cleanup*

The City organizes and conducts an annual “cleanup” event engaging the public in cleanup of trash and debris along creeks and natural areas. The City will advertise the event on the City’s website, in the local newspaper and provide information in their customer’s bill.

Measurable Goals – The measurable goal for implementation of this BMP is to conduct a cleanup on an annual basis.

Schedule

Public Education, Outreach and Involvement - BMP No. 6	Target Date	Activity
	Year 1	Conduct an annual cleanup event.
	Year 2	Conduct an annual cleanup event.
	Year 3	Conduct an annual cleanup event.
	Year 4	Conduct an annual cleanup event.
	Year 5	Conduct an annual cleanup event.

Responsible Persons – The City Manager and Public Works Director have responsibility for implementation of Public Education, Outreach and Involvement BMP No. 6.

Illicit Discharge Detection and Elimination

3.1.4 Regulatory Requirement

Summary of TXR040000 Part III (B) (2) – A program must be developed to detect, investigate, and eliminate illicit discharges into the MS4. The program must include a plan to detect and address non-storm water discharges, including illegal dumping to the MS4 system.

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

The minimum requirements for the SWMP include:

- MS4 mapping
- Education and Training
- Public Reporting of Illicit Discharges and Spills
- Developing and maintaining on site procedures for responding to illicit discharges and spills.
- Source Investigation and Elimination.
- Inspections

3.1.5 Current Programs

The City currently has several programs, ordinances and jurisdictional agreements concerning illicit discharge detection and eliminations into the City's MS4 area. The City has an Illicit Discharge Detection & Elimination (IDDE) Program which provides general information regarding the program including explaining what illicit discharges are, steps that can be taken to prevent pollution and an address and phone number for reporting illicit discharges and other information; a link to the program can be found on the City's website and a copy is provided in Appendix E. The City also performs regular smoke tests and cleaning of its sanitary sewer system. The City of Leander currently has several ordinances which relates to illicit discharge detection and elimination. These ordinances are included in Appendix B of this SWMP and are listed below. In addition to Section 13.05 (City ordinance

governing Private Sewage Disposal Systems) the City of Leander also has an agreement with Williamson County to provide inspection and permitting services for onsite systems.

- Section 6.05 of the Health and Sanitation Ordinance
- Section 6.06 of the Health and Sanitation Ordinance
- Section 13.04 – Sewer Use Regulations Ordinance
- Section 13.05 – Private Sewage Disposal System Ordinance

3.1.6 Selected BMPs for Elicit Discharge and Elimination

3.1.6.1 BMP No. 1 – Maintain a Storm Sewer System Map

The City has previously mapped their entire storm sewer system as part of their 2008 SWMP. This BMP focuses on the City updating and maintaining their storm sewer system map. The map shows the location of all storm sewer inlets and outfalls within the City and the locations of all receiving water bodies/creeks that receive discharges from the outfalls. The map will be updated to include names of the receiving water bodies/creeks and it will be updated once a year at a minimum with system expansions.

Measurable Goals – The measurable goal for implementation of this BMP is to update the existing storm sewer system map to include names of receiving water bodies and to continue to update on a yearly basis.

Schedule

Illicit Discharge Detection - BMP No. 1	Target Date	Activity
	Year 1	Update the map with new developments and any changes.
	Year 2	Update the map with new developments and any changes. Add names of receiving water bodies/creeks and expand the map as needed to show the receiving water bodies/creeks.
	Year 3	Update the map with new developments and any changes.
	Year 4	Update the map with new developments and any changes.
	Year 5	Update the map with new developments and any changes.

Responsible Persons – The Public Works Director has responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 1.

3.1.6.2 *BMP No. 2 – Education and Training of Field Staff*

The City currently trains and educates its field staff in regards to dealing with illicit discharges or illicit connections to the MS4 system. This BMP requires the City to continue training City staff, maintain training documents and attendance list and to make the training program materials and attendance lists available for review by the TCEQ.

Measurable Goals – The measurable goal for implementation of this BMP is to continue to train 100% of field staff that are responsible for the City’s storm water system during the permit period and to maintain training documents and attendance lists.

Schedule

Illicit Discharge Detection - BMP No. 2	Target Date	Activity
	Year 1	Provide training to new staff and existing staff who may need additional training in illicit discharges and connections and keep on file training material and attendance lists.
	Year 2	Provide training to new staff and existing staff who may need additional training in illicit discharges and connections and keep on file training material and attendance lists.
	Year 3	Provide training to new staff and existing staff who may need additional training in illicit discharges and connections and keep on file training material and attendance lists.
	Year 4	Provide training to new staff and existing staff who may need additional training in illicit discharges and connections and keep on file training material and attendance lists.
	Year 5	Provide training to new staff and existing staff who may need additional training in illicit discharges and connections and keep on file training material and attendance lists.

Responsible Persons – The City Engineer and Public Works Director have responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 2.

3.1.6.3 *BMP No. 3 – Organize and Conduct a Household Hazardous Waste Day*

The City organizes and conducts a household hazardous waste day every three years, providing a way for the public to properly dispose of waste that would be harmful if released in the MS4 system.

Measurable Goals – The measurable goal for implementation of this BMP is to conduct a household hazardous waste day in year 3 of this permit period.

Schedule

Illicit Discharge Detection - BMP No. 3	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Plan, organize and conduct a household hazardous waste day
	Year 4	NA
	Year 5	NA

Responsible Persons – The Director of Public Works and the City Manager have the responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 3.

3.1.6.4 BMP No. 4 – Procedures for Responding to Illicit Discharges and Spills

The City developed a program to detect and address non-storm water discharges, including illegal dumping into the MS4 system in their 2008 SWMP. This BMP will build on that program by developing a standard procedure for responding to illicit discharges and spills and having those procedures available to staff at all City facilities.

Measurable Goals – The measurable goals for implementation of this BMP is to develop a standard procedure for responding to illicit discharges and spills and provide a copy at all City facilities during the permit period.

Schedule

Illicit Discharge Detection - BMP No. 4	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Review current program.
	Year 4	Develop a standard procedure for responding to illicit discharges and spills or update current program and provide a copy at all City facilities.
	Year 5	NA

Responsible Persons – The Director of Public Works has responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 4.

3.1.6.5 *BMP No. 5 – Illicit Discharge Detection and Elimination Ordinance Modifications*

The City will evaluate the existing City ordinances regarding illicit discharge detection and elimination.

Measurable Goals – The measurable goal for implementation of this BMP is to evaluate and develop modifications to the existing ordinance as necessary and have them adopted by year 3 of the permit period.

Schedule

Illicit Discharge Detection - BMP No. 5	Target Date	Activity
	Year 1	NA
	Year 2	Evaluate existing ordinances. Begin developing draft ordinance modifications if necessary.
	Year 3	Adopt ordinance modifications (if necessary).
	Year 4	NA
	Year 5	NA

Responsible Persons – The City Manager, Public Works Director, City Engineer, and City Council have responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 5.

3.1.6.6 *BMP No. 6 – Source Investigation, Elimination and Inspections of Illicit Discharges*

The City will develop a program that includes investigating and eliminating illicit discharges and inspections in response to complaints and follow-up inspections to ensure compliance with the City’s ordinances. This BMP requires the City to conduct an investigation to identify and locate the source of illicit discharges as soon as practicable, notify TCEQ, require the responsible party to perform necessary corrective actions to eliminate the illicit discharge and document and track the process. This BMP also requires the City to conduct investigations in response to complaints and follow-up inspections to ensure corrective actions have been implemented by the responsible party. For this BMP if the illicit discharge leaves the City’s MS4 area, the City shall notify the adjacent permitted MS4 operator or TCEQ’s Field Operation Support Division.

Measurable Goals – The measurable goal for implementation of this BMP is develop a program that includes investigating, eliminating and inspecting illicit discharges.

Schedule

Illicit Discharge Detection - BMP No. 6	Target Date	Activity
	Year 1	Review current procedures for investigating, eliminating and inspecting illicit discharges.
	Year 2	Update or develop procedures for investigating illicit discharges. This procedure will include a procedure for reporting to TCEQ and tracking and documentation of when the illicit discharge occurred, results of the investigation, follow up dates and notes, and the date the investigation was closed. As part of the procedure the City will include the use video equipment when needed.
	Year 3	Update or develop a procedure for notifying the responsible party that includes requiring them to eliminate and clean up the illicit discharge.
	Year 4	Update or develop a procedure for responding to complaints regarding illicit discharges with on-site initial inspections and follow-up inspections to ensure corrective actions have taken place.
	Year 5	NA

Responsible Persons – The Director of Public Works has responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 6.

3.1.6.7 BMP No. 7 – Sanitary Sewer Overflows Maintenance and Cleaning

The City currently performs regular smoke tests, cleaning of its sanitary sewer system and video inspections when needed. This BMP focuses on continuing that effort and setting goals for each year.

Measurable Goals – The measurable goal for implementation of this BMP is to perform smoke test on 20% of the City’s wastewater connections each year (100% of connections during the permit period) and clean and repair wastewater mains as required.

Schedule

Illicit Discharge Detection - BMP No. 7	Target Date	Activity
	Year 1	Smoke test 20% of connections.
	Year 2	Smoke test 20% of connections.
	Year 3	Smoke test 20% of connections.
	Year 4	Smoke test 20% of connections.
	Year 5	Smoke test 20% of connections.

Responsible Persons – The Director of Public Works has responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 7.

3.2.3.8 BMP No. 8 – Private Sewage Disposal System Ordinance Modifications

The City will evaluate the existing City ordinances regarding private sewage disposal system.

Measurable Goals – The measurable goal for implementation of this BMP is to evaluate and develop modifications to the existing ordinance as necessary to include procedures to prevent and correct any leaking on-site sewage disposal system that discharge into the City’s MS4 area, and have them adopted by year 3 of the permit period.

Schedule

Illicit Discharge Detection - BMP No. 5	Target Date	Activity
	Year 1	NA
	Year 2	Evaluate existing ordinance Article 13.05.004. Begin developing draft ordinance modifications.
	Year 3	Adopt ordinance modifications to Article 13.05.004.
	Year 4	NA
	Year 5	NA

Responsible Persons – The City Manager, Public Works Director, City Engineer, and City Council have responsibility for implementation of Illicit Discharge Detection and Elimination BMP No. 8.

3.2 Construction Site Storm Water Runoff Control

3.2.1 Regulatory Requirement

Summary of TXR040000 Part III (B) (3) – The MS4 operator must 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 storm water control measures that prevent illicit discharges. The program must include 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.

The minimum requirements for the SWMP include:

- Require that construction site operators implement appropriate erosion and sediment control BMPs
- Prohibit Discharges
- Construction Plan Review Procedures
- Construction Site Inspections and Enforcement
- Management of Information Submitted by the Public
- MS4 Staff Training

3.2.2 Current Programs

Currently, the City has existing processes, procedures and ordinances regarding construction site storm water runoff control. The City conducts construction plan reviews for compliance with storm water controls, has a procedure for collecting, consideration and tracking of information submitted by the public, has staff performing inspections and has ordinances requiring erosion and sedimentation controls during construction activities. These ordinances require erosion and sedimentation controls for all construction activities. Sanctions for not designing or constructing the erosion and sedimentation control include rejection of plans, plats, and permits as well as stop work orders. These ordinances are included in *Appendix B* of this SWMP. A list of the existing ordinances is included below:

- Section 23 of Subdivision Ordinance – Construction Plans
- Section 41 of Subdivision Ordinance – Drainage Improvements
- Section 60 of Subdivision Ordinance – Improvements

3.2.3 Selected BMPs for Construction Site Storm Water Runoff Control

3.2.3.1 *BMP No. 1 – Construction Site Storm Water Runoff Control Ordinance Modifications*

The City will evaluate the existing City ordinances regarding control of construction site storm water runoff and make modifications requiring all construction projects develop and implement a stormwater pollution prevention plan (SWP3) in accordance with TXR 150000. Sanctions for non-compliance will also be evaluated.

Measurable Goals – The measurable goal for implementation of this BMP is to evaluate and add the requirements that all small and large construction activities discharging to the City’s MS4 area develop and implement a SWP3 in accordance with the Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP) TXR 150000. The required modifications to the existing ordinance must be adopted by year 5 of the permit period.

Schedule

Construction Site Storm Water Controls - BMP No. 1	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Evaluate existing ordinances. Begin developing draft ordinance modifications requiring all small and large construction projects to develop and implement a SWP3 in accordance with TXR 150000.
	Year 4	Adopt ordinance modifications.
	Year 5	NA

Responsible Persons – The City Manager, Public Works Director, City Engineer, and City Council have responsibility for implementation of Construction Site Storm Water Controls BMP No. 1.

3.2.3.2 BMP No. 2 –Construction Site Inspection

The City currently inspects active construction sites for compliance with the approved plans for storm water controls at the pre-construction meeting and post construction meeting. As part of this BMP the City will continue to inspect sites with the goal for conducting inspections on 100% of active construction projects.

Measurable Goals – The measurable goal for implementation of this BMP is to participate in 100% of pre-construction and post construction meetings and inspections of active construction projects within the MS 4 area.

Schedule

Construction Site Storm Water Controls - BMP No. 2	Target Date	Activity
	Year 1	Inspect 100% of active construction projects at the pre-construction and post construction meeting.
	Year 2	Inspect 100% of active construction projects at the pre-construction and post construction meeting.
	Year 3	Inspect 100% of active construction projects at the pre-construction and post construction meeting.
	Year 4	Inspect 100% of active construction projects at the pre-construction and post construction meeting.
	Year 5	Inspect 100% of active construction projects at the pre-construction and post construction meeting.

Responsible Persons – The Public Works Director has responsibility for implementation of Construction Site Storm Water Controls BMP No. 2.

3.2.3.3 BMP No. 3 – Establish a MS4 Training Tracking System for Staff

The City of Leander will develop a log book system to ensure that all staff whose primary job duties are related to implementing the construction storm water program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities.

Measurable Goals – The measurable goal for implementation of this BMP is to develop a log book system to ensure all staff implementing the construction storm water program has had sufficient experience or training in the permit year. The goal is to have the log book system developed in year 3 and updated annually.

Schedule

Construction Site Storm Water Controls - BMP No. 3	Target Date	Activity
	Year 1	NA
	Year 2	Develop training log book system.
	Year 3	Track annual training and record data.
	Year 4	Track annual training and record data.
	Year 5	Track annual training and record data.

Responsible Persons – The City Engineer, Public Works Director and Building Official Inspectors have responsibility for implementation of Construction Site Storm Water Controls BMP No. 3.

3.3 Post Construction Storm Water Management in New Development and Redevelopment

3.3.1 Regulatory Requirement

Summary of TXR040000 Part III (B) (4) – The MS4 operator must develop, implement and enforce a program to address storm water discharges from new development and redevelopment projects that disturb 1 acre or more. The program must ensure that controls are in place that would prevent or minimize water quality impacts. For the purpose of this permit “redevelopment” does not include routine maintenance activities and linear utility construction.

The MS4 operator is required to have developers and property owners maintain storm water control measures that are appropriate for the community and to maintain all long term post-construction storm water control measures. The MS4 operator is required to inspect post-construction controls to ensure they are operating correctly.

The minimum requirements for the SWMP include:

- Development, implementation and enforcement of a post-construction storm water management plan.
- Develop a document retention program for post-construction storm water enforcement actions taken against non-compliant owners.
- Develop a program for maintenance and inspection of long term post-construction storm water control measures.

3.3.2 Current Programs

Currently, the City has several ordinances requiring erosion and sedimentation controls during and after construction activities. Sanctions for not designing or constructing the erosion and sedimentation controls include rejection of plans, plats, and permits, as well as stop work orders. These ordinances are included in *Appendix B* of this SWMP. A list of the existing ordinances is included below:

- Section 23 of Subdivision Ordinance – Construction Plans
- Section 41 of Subdivision Ordinance – Drainage Improvements
- Section 60 of Subdivision Ordinance – General

Additionally, as the City lies almost entirely within the Edwards Aquifer Contributing Zone, Contributing Zone Plans are required per the TCEQ Edwards Aquifer Rules. With existing ordinances and the Edwards Aquifer requirements, post-construction BMPs are currently required for development and redevelopment in the City of Leander.

The City’s existing BMPs are currently maintained by the Public Works Department with regular inspections and maintenance of City owned water quality ponds, storm water outfalls, pipelines and other storm system elements.

3.3.3 Selected BMPs for Post Construction Storm Water Management

3.3.3.1 BMP No. 1 – Review and Update Ordinances Associated with Post-Construction Storm Water Runoff Control, to Include Requirements for Property Owners of New Developments and Redevelopments of One Acre or More That Contain Storm Water Structural Controls Perform Operation and Maintenance of BMP’s on The Structural Controls.

The City will review existing City ordinances regarding post-construction site storm water runoff and modify them to include a system for addressing maintenance of storm water BMPs on private property.

Measurable Goals – The measurable goal for implementation of this BMP is to add language to the City ordinance requiring the property owner of a development or redevelopment site one acre or larger that installs structural storm water controls to implement a maintenance plan, file the plan in the real property records of the county in which the property is located, perform maintenance per the plan and keep records of the plan and maintenance on site for review by the City if requested. As part of this measurable goal the City will evaluate and develop modifications to the existing ordinances, as necessary, and have them implemented by year 5 of the permit period.

Schedule

Post-Construction Storm Water Management - BMP No. 1	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Evaluate and develop modifications to existing ordinances for requirements for private property owners developing or redeveloping one acre or greater to perform maintenance on storm control structures.
	Year 4	Finalize program modifications.
	Year 5	Implement program modifications.

Responsible Persons – City Council, the City Manager and Code Enforcement Officer have responsibility for implementation of Post-Construction Storm Water Management BMP No. 1.

3.3.3.2 *BMP No. 2 – Develop Document Retention Program for Documents Related to Enforcement Actions for Non-Compliant Post-Construction Storm Water Control Measures.*

The City will review existing procedures for documenting and maintaining records associated with enforcement of non-compliant post-construction storm water control measures and update as necessary.

Measurable Goals – The measurable goal for implementation of this BMP is to evaluate and develop modifications to existing procedures and have them implemented by year 5 of the permit period.

Schedule

Post-Construction Storm Water Management - BMP No. 2	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Evaluate existing process for document retention.
	Year 4	Implement program modifications if necessary.
	Year 5	NA

Responsible Persons – The Public Works Director and Code Enforcement Officer have responsibility for implementation of Post-Construction Storm Water Management BMP No. 2.

3.4 Pollution Prevention/Good Housekeeping for Municipal Operations

3.4.1 Regulatory Requirement

Summary of TXR040000 Part III (B) (5) – MS4 operators must 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 activates and municipally owned areas, including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; storm water system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and stage yards; waste transfer stations; and salt/sand storage locations.

The minimum requirements for the SWMP include:

- Develop and maintain an inventory of facilities and storm water controls owned and operated by the MS4 operator.
- Train and educate employees involved in implementing pollution prevention and good housekeeping practices.
- Requirements for disposal of waste material.
- Develop a policy for contractor requirements and oversight.
- Develop a program for assessing municipal operation and maintenance activities including determining possible pollutants, preventing runoff of pollutants and inspection of sites.
- Maintenance of structural controls.

3.4.2 Current Programs

The Public Works Department of the City is responsible for the municipal operations within the City. These operations include the storm water system, sanitary sewer system, potable water system, and street maintenance. Additionally, the City's Public Works operations are based at the City's Public Works facility that includes fleet maintenance for City owned vehicles and equipment. Current pollution prevention methods utilized by Leander include:

- Properly disposing of all waste, including dredge spoils, accumulated sediments, and floatables from the City's municipal activities to an appropriate landfill, waste disposal facility or recycling facility depending on the type of waste to be disposed.
- The City's wastewater treatment plant No.1 currently follows the TPDES industrial storm water regulations per Storm Water Permit No. TXR05A575.
- Developing and maintaining Storm Water Pollution Prevention Plans (SWPPP) for municipal operations and installing the required controls per the SWPPP.
- Continuing to train and educate City employees in storm water pollution prevention.
- The City currently has a program for maintaining the storm drain system including structural controls.
- BMP and Park Maintenance – The City's Public Works Department currently maintains the detention and water quality ponds, grass filter strips, and other open spaces through regular mowing of the facilities.
- Fleet Maintenance – Leander's fleet maintenance facility is used to maintain and repair City owned vehicles and equipment. Current good housekeeping programs at the facility include delivering all oil and batteries to recycling facilities.
- Street Repairs – The City has staff and equipment to perform miscellaneous street repairs as they are required.

3.4.3 Selected BMPs for Pollution Prevention/Good Housekeeping for Municipal Operations

3.4.3.1 BMP No. 1 – New Municipal Facilities Management

The City will develop a Storm Water Pollution Prevention Plan (SWPPP) for the Public Works Maintenance Facility. Existing housekeeping and pollution prevention activities (BMPs) and proposed BMPs, as necessary, will be listed in the SWPPP. Items that will be addressed in the SWPPP include good housekeeping activities, preventative maintenance, and spill prevention and response. Scheduling and record keeping of these activities will also be included in the SWPPP.

Measurable Goals – The measurable goals for implementation of this BMP is to develop the SWPPP for the Public Works Maintenance Facility by year 1 of the permit period and implement the program by year 3.

Schedule

	Target Date	Activity
Pollution Prevention/Good Housekeeping - BMP No. 1	Year 1	Develop SWPPP for the Public Works Maintenance Facility.
	Year 2	Construct Improvements.
	Year 3	Implement SWPPP for the Public Works Maintenance Facility.
	Year 4	NA
	Year 5	NA

Responsible Persons – The Public Works Director has responsibility for implementation of Pollution Prevention/Good Housekeeping for Municipal Operations BMP No. 1.

3.4.3.2 BMP No. 2 – Review and Update Training Program for City Employees

The City will review its training program for City employees responsible for storm water pollution prevention at municipal facilities and update the program if necessary.

Measurable Goals – The measurable goals for implementation of this BMP is to review the operation and maintenance training program by year 4 of the permit period and implement updates (if necessary) to the training program by year 5.

Schedule

Pollution Prevention/Good Housekeeping - BMP No. 2	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Review the training program to reduce pollutant runoff caused by municipal operations and propose updates if necessary.
	Year 4	Implement updates to the training program if necessary.
	Year 5	NA

Responsible Persons – The Public Works Director has responsibility for implementation of Pollution Prevention/Good Housekeeping for Municipal Operations BMP No. 2.

3.4.3.3 BMP No. 3 –Waste Disposal Compliance

The City will dispose of waste materials removed from the MS4 system in accordance with 30 TAC Chapter 330 or 335 as applicable.

Measurable Goals – The measurable goals for implementation of this BMP is to develop a tracking worksheet in year 3 and review the worksheet annually.

Schedule

Pollution Prevention/Good Housekeeping - BMP No. 3	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Develop a tracking worksheet for disposal of waste materials removed from the MS4 system.
	Year 4	Update as necessary and review tracking worksheet annually.
	Year 5	Update as necessary and review tracking worksheet annually.

Responsible Persons – The Public Works Director has responsibility for implementation of Pollution Prevention/Good Housekeeping for Municipal Operations BMP No. 3.

3.4.3.4 *BMP No. 4 – Develop a Checklist for Inspections of City Parking Lots and Facilities*

The City will develop a checklist for inspections of City parking lots and facilities and track inspections.

Measurable Goals – The measurable goals for implementation of this BMP is to develop a checklist and tracking worksheet in year 3 and review the worksheet annually.

Schedule

Pollution Prevention/Good Housekeeping - BMP No. 4	Target Date	Activity
	Year 1	NA
	Year 2	NA
	Year 3	Develop a checklist and tracking worksheet for inspecting City parking lots and facilities.
	Year 4	Review checklist tracking worksheet annually.
	Year 5	Review checklist tracking worksheet annually.

Responsible Persons – The Public Works Director has responsibility for implementation of Pollution Prevention/Good Housekeeping for Municipal Operations BMP No. 4.

3.4.3.5 *BMP No. 5 – Develop a Policy for Contractor Requirements and Oversight*

The City will develop a policy either as a separate policy or an update to an existing ordinance requiring contractors working on MS4 operator property to comply with all storm water control measures, good housekeeping practices, and facility-specific storm water management operating procedures. The new policy or update to an existing ordinance shall include oversight procedures to be conducted by the MS4 operator of contractors working on MS4 operator property.

Measurable Goals – The measurable goals for implementation of this BMP is to develop either a new policy document or update an existing ordinance by permit year 5.

Schedule

Pollution Prevention/Good Housekeeping - BMP No. 5	Target Date	Activity
	Year 1	Review existing ordinances to determine if an existing ordinance can be updated to include contractor requirements and oversight as it pertains to storm water management.
	Year 2	Develop a new policy or update an existing ordinance to include contractor requirements and oversight as it pertains to storm water management.
	Year 3	Continue working on new policy or ordinance changes.
	Year 4	Propose new document or ordinance changes.
	Year 5	Implement policy.

Responsible Persons – The City Council, City Manager and Public Works Director have the responsibility for implementation of Pollution Prevention/Good Housekeeping for Municipal Operations BMP No. 5.

3.4.3.6 BMP No. 6 – Inspect Water Quality and Detention Ponds

The City currently inspects all City owned water quality and detention ponds and cleans them as necessary over the course of every 2 year period. This BMP focuses on continuing that effort to ensure all ponds are inspected at least every 2 years.

Measurable Goals – The measurable goals for implementation of this BMP is to inspect all City owned water quality and detention ponds every 2 years and track the inspections.

Schedule

Pollution Prevention/Good Housekeeping - BMP No. 6	Target Date	Activity
	Year 1	Inspect half of the City owned water quality and detention ponds and clean as necessary. Record and file the inspections.
	Year 2	Inspect half of the City owned water quality and detention ponds and clean as necessary. Record and file the inspections.
	Year 3	Inspect half of the City owned water quality and detention ponds and clean as necessary. Record and file the inspections.
	Year 4	Inspect half of the City owned water quality and detention ponds and clean as necessary. Record and file the inspections.
	Year 5	Inspect half of the City owned water quality and detention ponds and clean as necessary. Record and file the inspections.

Responsible Persons – The Public Works Director has responsibility for implementation of Pollution Prevention/Good Housekeeping for Municipal Operations BMP No. 6.

3.5 Industrial Storm Water Sources

The requirement to identify and control storm water discharges associated with industrial storm water sources is only applicable to Level 4 MS4 operators. The City of Leander is a Level 2 MS 4 operator and therefor is not required to comply with this MCM.

3.6 Authorization for Construction Activities where the Small MS4 is the Site Operator

The requirements under this MCM are optional and the City of Leander is not participating in the 7th (optional) MCM.

4.0 RECORD KEEPING AND REPORTING

4.1 Record Keeping

Several documents are required to be kept per the TCEQ General Permit. The City of Leander shall retain the following documents for the permit period (5-years) to comply with the General Permit:

1. Copy of the TCEQ General Permit TXR040000
2. Records of all data used to complete the NOI
3. Copy of all WPAP or CZ permit applications and NOIs prepared on behalf of the City.

This SWMP shall be retained at a location accessible by TCEQ. Additionally, the City of Leander shall make the records, NOI and SWMP available to the public if requested to do so in writing. Copies of the SWMP must be made available within 10 working days and other records shall be provided per the Texas Public Information Act. See the General Permit for additional information regarding record keeping requirements.

4.2 Reporting

The City of Leander is required to report to the TCEQ at various times. A summary of the reporting requirements is below:

1. *Noncompliance Notification* – According to 30 TAC Chapter 305.125(9) any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ within 24-hours of becoming aware of the noncompliance. A written report must be provided to the TCEQ regional office and the TCEQ Enforcement Division within 5 working days of becoming aware of the noncompliance.
2. *Other Information* – If the City of Leander becomes aware that any incorrect information has been submitted in an NOI, NOT, NOC or any other report it shall submit the facts to the Executive Director of TCEQ.
3. *Annual Report* – The City of Leander shall submit an annual report to the TCEQ within 90 days of the end of each reporting year that addresses the previous permit year. (The City of Leander will use the calendar year for the reporting period.) The annual report shall contain the following:
 - 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, the measurable goals for each of the minimum control measures, and an evaluation of the success of the implementation of the measurable goals.
 - b) 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 maximum extent possible (MEP).

- c) If applicable, a summary of any activities taken to address the discharge to impaired water bodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern.
- d) A summary of the storm water activities the City plans to undertake during the next reporting cycle.
- 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 BMB's that may be necessary, based on monitoring results, to ensure compliance with applicable total maximum daily loads (TMDL's) and implementation plans.
- g) Notice that the City is relying on another government entity to satisfy some of your General Permit Obligations (not currently 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 (not applicable).
- 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.
- j) Approved WPAPs which were approved in the reporting year.

The City must sign and verify the annual report in accordance with 30 TAC 305.128. The annual report shall be submitted to:

Texas Commission on Environmental Quality
Storm Water & 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 Leander.

Texas Commission on Environmental Quality
Region 11, Austin, MC R11
P.O. Box 13087
Austin TX 78711-3087

The report is encouraged to be submitted electronically, instructions to be available at www.tceq.texas.gov

APPENDIX A

**PERMIT IMPLEMENTATION
SUMMARY AND TRACKING**

PERMIT IMPLEMENTATION SUMMARY AND TRACKING

PUBLIC EDUCATION, OUTREACH AND INVOLVEMENT								
Best Management Practices	Activity	Responsible	Date Due					Date Completed
			Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	
No. 1 - Define the Goals, Objectives and Target Audience of the Storm Water Education and Outreach Program	Determine goals and objectives for the education and outreach program.	City Engineer/Public Works Director	X					
	Identify the target audience or audiences.	City Engineer/Public Works Director		X				
	Review existing policies, education programs or forms of outreach currently used by the City. Determine the method of reaching the target audience and posting the goals and objectives.	City Engineer/Public Works Director/City Manager			X			
	Develop additional educational material if necessary.	Public Works Director				X		
	Implement the program.	Public Works Director					X	
No. 2 - Review and Update Storm Water Pamphlets	Continue distributing existing storm water pamphlet.	Public Works Director/City Manager	X	X				
	Review existing pamphlet, research new information and ideas and finalize updated pamphlet content. Mail pamphlet to all water customers in monthly bill and make pamphlet available to the public at the City Hall. Make pamphlet available to the public at City Hall.	Public Works/City Engineer/City Manger Public Works Director/City Manager			X			
No. 3 - Storm Drain Medallions	Review new construction plans.	City Engineer	X	X	X	X	X	
No. 4 – Comply with State and Local Public Notice Requirements	Publish in a local newspaper the public notice in regards to the SWMP and NOI. Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.	City Manager	X					
	Provide required notice of all public meetings and adoption of new or modified ordinances as part of the planning and implementation of the SWMP.	City Manager		X	X	X	X	
No. 5 – Provide Information Regarding the SWMP on the City's Website	Review the City website and determine the best location for SWMP information and provide a link on the website to the SWMP along with information regarding storm water quality.	City Manager			X			
No. 6 – Annual Cleanup	Conduct an annual cleanup event.	City Manager/Public Works Director	X	X	X	X	X	

PERMIT IMPLEMENTATION SUMMARY AND TRACKING

ILLICIT DISCHARGE DETECTION AND ELIMINATION								
Best Management Practices	Activity	Responsible	Date Due					Date Completed
			Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	
No. 1 – Maintain a Storm Sewer System Map	Update the map with new developments and any changes.	Public Works Director	X		X	X	X	
	Update the map with new developments and any changes. Add names of receiving water bodies/creeks and expand the map as needed to show the receiving water bodies/creeks.			X				
No. 2 – Education and Training of Field Staff	Provide training to new staff and existing staff who may need additional training in illicit discharges and connections and keep on file training material and attendance lists.	City Engineer/Public Works Director	X	X	X	X	X	
No. 3 – Organize and Conduct a Household Hazardous Waste Day					X			
	Plan, organize and conduct a household hazardous waste day.	City Manager/Public Works Director						
No. 4 – Procedures for Responding to Illicit Discharges and Spills	Review current program.	Public Works Director			X			
	Develop a standard procedure for responding to illicit discharges and spills or update current program and provide a copy at all City facilities.	Public Works Director				X		
No. 5 – Illicit Discharge Detection and Elimination Ordinance Modifications	Evaluate existing ordinances. Begin developing draft ordinance modifications if necessary.	City Manager/Public Works Director/City Engineer		X				
	Adopt ordinance modifications (if necessary).	City Council			X			

PERMIT IMPLEMENTATION SUMMARY AND TRACKING

ILLICIT DISCHARGE DETECTION AND ELIMINATION								
Best Management Practices	Activity	Responsible	Date Due					Date Completed
			Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	
No. 6 – Source Investigation, Elimination and Inspections of Illicit Discharges	Review current procedures for investigating, eliminating and inspecting illicit discharges.	Public Works Director	X					
	Update or develop procedures for investigating illicit discharges. This procedure will include a procedure for reporting to TCEQ and tracking and documentation of when the illicit discharge occurred, results of the investigation, follow up dates and notes, and the date the investigation was closed. As part of the procedure the City will include the use video equipment when needed.	Public Works Director		X				
	Update or develop a procedure for notifying the responsible party that includes requiring them to eliminate and clean up the illicit discharge.	Public Works Director			X			
	Update or develop a procedure for responding to complaints regarding illicit discharges with on-site initial inspections and follow-up inspections to ensure corrective actions have taken place.	Public Works Director				X		
No. 7 – Sanitary Sewer Overflows Maintenance and Cleaning	Smoke test 20% of connections.	Public Works Director	X	X	X	X	X	

PERMIT IMPLEMENTATION SUMMARY AND TRACKING

CONSTRUCTION SITE STORM WATER RUNOFF CONTROL									
Best Management Practices	Activity	Responsible	Date Due					Date Completed	
			Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5		
No. 1 – Construction Site Storm Water Runoff Control Ordinance Modifications	Evaluate existing ordinances. Begin developing draft ordinance modifications if necessary.	City Engineer/Public Works Director			X				
	Adopt ordinance modifications (if necessary).	City Engineer/Public Works Director				X			
No. 2 –Construction Site Inspection	Inspect 100% of active construction projects at the pre-construction and post construction meeting.	Public Works Director	X	X	X	X	X		
No. 3 – Establish a MS4 Training Tracking System for Staff	Develop training log book system.	City Engineer/Public Works Director/Building Official Inspector		X					
	Track annual training and record data.	City Engineer/Public Works Director/Building Official Inspector			X	X	X		

PERMIT IMPLEMENTATION SUMMARY AND TRACKING

POST CONSTRUCTION STORM WATER MANAGEMENT								
Best Management Practices	Activity	Responsible	Date Due					Date Completed
			Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	
No. 1 – Review and Update Post-Construction Storm Water Runoff control Ordinance to Include Requirements for Property Owners of New Developments and Redevelopments of One Acre or More That Contain Storm Water Structural Controls Perform Operation and Maintenance of BPM's on The Structural Controls.	Evaluate and develop modifications to existing ordinances for requirements for private property owners developing or redeveloping one acre or greater to perform maintenance on storm control structures.	City Manager/Code Enforcement Officer			X			
	Finalize program modifications	City Manger/Code Enforcement Officer				X		
	Implement program modifications.	City Council					X	
No. 2 – Develop Document Retention Program for Documents Related to Enforcement Actions for Non-Compliant Post-Construction Storm Water Control Measures	Evaluate existing process for document retention.	Public Works Director/Code Enforcement Officer			X			
	Implement program modifications if necessary.	Public Works Director/Code Enforcement Officer				X		

PERMIT IMPLEMENTATION SUMMARY AND TRACKING

POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS								
Best Management Practices	Activity	Responsible	Date Due					Date Completed
			Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	
No. 1 – New Municipal Facilities Management	Develop SWPPP for the Public Works Maintenance Facility.	Public Works Director	X					
	Construct improvements.							
	Implement SWPPP for the Public Works Maintenance Facility.	Public Works Director		X				
No. 2 – Review and Update Training Program for City Employees	Review the training program to reduce pollutant runoff caused by municipal operations and propose updates if necessary.	Public Works Director			X			
	Implement updates to the training program if necessary.	Public Works Director				X		
No. 3 –Waste Disposal Compliance	Develop a tracking worksheet for disposal of waste materials removed from the MS4 system.	Public Works Director			X			
	Review tracking worksheet annually.	Public Works Director				X		
No. 4 – Develop a Checklist for Inspections of City Parking Lots and Facilities					X			
	Develop a checklist and tracking worksheet for inspecting City parking lots and facilities.	Public Works Director						
	Review checklist tracking worksheet annually.	Public Works Director				X	X	
No. 5 –Develop a Policy for Contractor Requirements and Oversight	Review existing ordinances to determine if an existing ordinance can be updated to include contractor requirements and oversight as it pertains to storm water management.	City Manager/Public Works	X					
	Develop a new policy or update an existing ordinance to include contractor requirements and oversight as it pertains to storm water management.	City Manager/Public Works		X				
	Continue working on new policy or ordinance changes.	City Manager/Public Works			X			
	Propose new document or ordinance changes.	City Manager/Public Works				X		
	Implement policy.	City Council					X	
No. 6 – Inspect Water Quality and Detention Ponds	Inspect half of the City owned water quality and detention ponds and clean as necessary. Record and file the inspections.	Public Works Director	X	X	X	X	X	

APPENDIX B

EXISTING CITY OF LEANDER STORM WATER RELATED ORDINANCES

ARTICLE 6.05 LITTERING AND DUMPING

Sec. 6.05.001 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dirt. Any loose or packed soil or sand, and includes but is not limited to mud, dust and grime.

Garbage. Includes all decayable wastes, including vegetable, animal and fish offal and carcasses of such animals and fish, and shall include all such substances from all public and private establishments, and from all residences.

Junk. Includes all worn-out, worthless and discarded material in general, including, but not limited to, odds and ends, old iron or other metal, glass, paper, cordage or other waste or discarded materials.

Public road or street of the city. The entire width between the property lines of any road, street, way, or thoroughfare, bridge, public beach, or park within the boundaries of the city, not privately owned or controlled, when any part thereof is opened to the public for vehicular traffic or which is used as a public recreational area.

Refuse. Includes garbage, rubbish and all other decayable and nondecayable wastes, including vegetable, animal and fish carcasses, except sewage, from all public and private establishments and residences.

Rubbish. Includes all nondecayable wastes, except ashes, from all public and private establishments and from all residences.

(2003 Code, sec. 6.101)

Sec. 6.05.002 Depositing rocks, dirt or refuse on street

It shall be unlawful for any person to dump, deposit, or leave any rocks or dirt in substantial quantities, refuse, garbage, rubbish or junk on any public road or street in the city. (2003 Code, sec. 6.102)

Sec. 6.05.003 Depositing refuse within 300 yards of street

(a) Prohibited. It shall be unlawful for any person to dump, deposit, or leave any refuse, garbage, rubbish, or junk within or nearer than three hundred (300) yards of any public road or street in the city, whether the refuse, garbage, rubbish, or junk being dumped, deposited, or left, or the land upon which refuse, garbage, rubbish or junk is dumped, deposited or left, belongs to the person so dumping, depositing or leaving it or not.

(b) Encouraging or soliciting violation. It shall be unlawful for any person to cause to be dumped, deposited or left, as by encouraging, soliciting or asking any person, through the use of a sign or otherwise, to dump, deposit or leave any refuse, garbage, rubbish or junk on and/or within three hundred (300) yards of any public road or street in the city, whether the refuse, garbage, rubbish, or

junk being dumped, deposited, or left, or the land upon which refuse, garbage, rubbish or junk is dumped, deposited, or left, belongs to the person so encouraging, soliciting or asking or not.

(2003 Code, secs. 6.103, 6.104)

Sec. 6.05.004 Depositing rocks or dirt within 300 yards of street

It shall be unlawful for any person to dump, deposit or leave, or cause to be dumped, deposited or left, as by encouraging, soliciting, or asking any other person, through the use of a sign or otherwise, to dump, deposit, or leave any rocks or dirt in substantial quantities within three hundred (300) yards of any public road or street in the city, except with the written permission of and in accordance with any conditions set by the city council. (2003 Code, sec. 6.105)

Sec. 6.05.005 Disposal of human waste

All material and human excreta removed from any privy vault or from any other place shall be handled so as not to create a nuisance. Such matter shall not be deposited within three hundred (300) yards of any highway unless buried or otherwise treated in accordance with the instructions of the local or state health officer. (2003 Code, sec. 6.106)

Sec. 6.05.006 Exemptions

(a) Nothing in this article shall limit the right of any person from dumping, depositing, and spreading, or from causing to be dumped, deposited and spread, any dirt or fertilizer on a lawn for the purpose of enhancing the growth thereof.

(b) Nothing in this article shall limit the right of any person to dump, deposit or leave, or cause to be dumped, deposited or left, rocks or dirt for the purpose of constructing or repairing any public or private road or street.

(2003 Code, sec. 6.107)

Sec. 6.05.007 Dumping rocks or dirt for building purposes

Any person desiring to dump or deposit rocks or dirt for the purpose of filling or leveling land for the purpose of building any structure for which a building permit is required shall obtain the written permission of the city or its designated permitting officer before so dumping or depositing. (2003 Code, sec. 6.108)

ARTICLE 6.06 RUBBISH, WEEDS AND OTHER SANITARY NUISANCES*

Sec. 6.06.001 Findings of fact

The findings and recitations set out in the preamble of the ordinance adopting this article are found to be true and correct and are hereby adopted by the city council and made a part hereof for all purposes. (2003 Code, sec. 6.201)

Sec. 6.06.002 Purpose

The terms and provisions hereof shall apply to stagnant water and to the accumulation and storage of any solid waste, including garbage and trash, and to the growth, accumulation, cutting and storage of grass, weeds and any other vegetative material upon property in the city, to the end that property shall be maintained in a sanitary and healthful condition for the benefit of all residents of the community. (2003 Code, sec. 6.202)

Sec. 6.06.003 Definitions

The following definitions shall apply in the interpretation and enforcement of this article:

Brush. All uncultivated shrubs, bushes and small trees.

City administrator. The chief administrative officer of the city, the city secretary, or the mayor of the city, or their designee.

Earth and construction materials. Earth, rocks, bricks, concrete, and similar materials and waste materials resulting from construction or remodeling.

Garbage. Rubbish, trash, kitchen and household waste, ashes, bottles, cans, rags, paper, food, food containers, lawn trimmings, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse, and all decayable wastes, including animal and vegetable matter, but not including sewage, hazardous, toxic or corrosive materials, earth and construction materials, or any other material which may be found to be harmful to garbage collection and handling personnel or equipment.

Injure. Any and all character of physical damage, whether caused by fire or force, and which shall be done or caused willfully by any person.

Junk. All worn-out, worthless or discarded material in general, including, but not limited to, odds and ends, old iron or other metal, signs, appliances, furniture, glass, paper, cordage or other waste or discarded materials.

Lot. In addition to land within the boundaries of the property lines, all land adjacent to and extending beyond the property lines of any lot or parcel of land to the curblines of adjacent streets where curblines have been established, or, where no curblines have been established, to eight (8) feet beyond the property lines.

Refuse. See "Garbage."

Rubbish. All refuse, old vessels of all sorts, useless articles, abandoned pipe, discarded clothing and textiles of all sorts, and in general all litter. The words “any and all objectionable or unsanitary matter,” not included within the meaning of the other terms as herein used, mean those which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the general locality where the same are situated.

Solid waste. Household garbage and refuse and commercial garbage and refuse, brush cuttings and weeds.

Trash. See “Garbage.”

Unwholesome matter. All stagnant water, filth, carrion, impure matter and any condition liable to produce disease.

Weeds. All rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass or breeding place for flies, mosquitoes or vermin.

(2003 Code, sec. 6.203)

Sec. 6.06.004 Penalty

Any person convicted of violating any term or provision of this article shall be fined in accordance with the general penalty provision found in [section 1.01.009](#) of this code. (2003 Code, sec. 6.212)

Sec. 6.06.005 Prohibited conditions

It shall be unlawful for an owner, occupant, lessee or renter of any lot or parcel of ground within the city to fail to keep the property free from brush, earth and construction materials, garbage, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matter and any other objectionable, unsightly, or unsanitary matter of whatsoever nature, or to fail to keep the sidewalks in front of the property free and clear from weeds and tall grass from the line of such property to the established curbline next adjacent thereto, or to fail to fill up and drain holes and depressions in which water collects, or to regrade any lots, grounds or yards or any other property owned or controlled by the owner, occupant, lessee, or renter which shall be unwholesome or have stagnant water thereon, or which from any other cause is in such condition as to be liable to produce disease, or to fail to keep any house, building, establishment, lot, yard or ground owned or occupied or under his or her control at all times free from filth or impure or unwholesome matter of any kind. (2003 Code, sec. 6.204)

Sec. 6.06.006 Abatement required

Whenever brush, earth and construction materials, garbage, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matter and any other objectionable, unsightly, or unsanitary matter of whatsoever nature shall exist, covering or partially covering the surface of any lot or parcel of any real estate situated within the city, or when any of said lots or parcels of real estate as aforesaid shall have the surface thereof filled or partially filled with holes or be in such condition that the same holds or is liable to hold stagnant water therein, or if from any other cause shall be in such condition as to cause disease, or produce, harbor or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious, or shall contain unwholesome

matter of any kind or description, the same is hereby declared to constitute a public nuisance, the prompt abatement of which is hereby declared to be a public necessity. Any such nuisance shall be removed from the property by the owner or other person in possession or control of such property. (2003 Code, sec. 6.205)

Sec. 6.06.007 Inspection of property

The city administrator is authorized to inspect any property within the city at any reasonable time, subject, however, to the restrictions against such inspection and entry of private residences for health inspection as are provided for in the laws of the state. (2003 Code, sec. 6.206)

Sec. 6.06.008 Failure to abate; notice; abatement by city

(a) In the event the officer charged with enforcement of this article shall determine that a situation exists which immediately affects the health, safety and well-being of the general public and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner or occupant of the property upon which such condition exists, as may be deemed appropriate and necessary.

(b) In the event the officer charged with enforcement of this article determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner or occupant of the property is absent or fails to immediately remedy the violation, the city council may, at a regular session or at an emergency session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare. In such event, the city may prosecute an action in any court of competent jurisdiction to recover its costs.

(c) In the event any owner or occupant shall fail or refuse to remedy any of the conditions prohibited by [section 6.06.005](#) of this article within seven (7) days after notice to do so, the city may do such work or cause the same to be done, and pay therefor, and charge the expenses in doing or having such work done or improvements made to the owners of the property, whereupon such charge shall be a personal liability of such owner to the city. Such notice may be in writing, served upon such owner and/or occupant in person by an officer or employee of the city, or may be by letter addressed to such owner or occupant at their post office address as recorded in the appraisal district records of the appraisal district in which the property is located, or, if personal service may not be had, then notice may be given by publishing a brief summary of such order one (1) time in the official newspaper of the city addressed "Sanitary Improvements" "To Whom It May Concern," and such publication shall be deemed sufficient notice.

(2003 Code, sec. 6.207)

Sec. 6.06.009 Assessment of city's costs; right to hearing

In addition to the remedy provided in [section 6.06.008](#) and cumulative thereto, the city administrator, after giving to the owner of the property ten (10) days' personal notice in writing, or by notice sent by registered United States mail addressed to such owner at his or her post office address, or by publication two (2) times within ten (10) consecutive days in the official newspaper of the city if the owner's address or whereabouts be not known, may cause any of the work or improvements

mentioned in [sections 6.06.005](#), [6.06.006](#) and [6.06.008](#) to be done at the expense of the city, on the account of the owner of the property on which such work or improvements are done, and cause all of the actual cost to the city to be assessed on the real estate or lot on account of which such expenses occurred; provided that the owner of any such real estate may appeal to the city council from the order of the city administrator by filing a written statement with the city administrator within ten (10) days after receipt of the notice provided for above, stating that such real estate complied with the provisions of [section 6.06.005](#) before the expiration of a ten (10) day period. The city council shall set a date, within thirty (30) days from the date of the appeal, for hearing upon such appeal to determine whether the real estate complied with the provisions of [section 6.06.005](#) before the expiration of such ten (10) day period. The authority of the city administrator to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending, but if it shall be determined by the city council that the premises complied with the provisions of [section 6.06.005](#) before the expiration of such ten (10) day period then no personal liability of the owner shall arise nor shall any lien be created against the premises upon which such work was done. (2003 Code, sec. 6.208)

Sec. 6.06.010 Lien for city's costs

Cumulative of the city's remedy by fine, as set forth in this article, the city may do such work or cause the same to be done to remedy such condition to remove such matter from such owner's premises at the city's expense and may charge the same to the account of the owners of such property and assess the same against the real estate or lot or lots upon which such expense is incurred. Upon filing with the county clerk of Williamson/Travis County, Texas, of a statement by the city administrator of such expenses, the city shall have a privileged lien upon said real estate or lot or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten (10) percent interest on the amount from the date of such payment so made by the city. The city may institute suit and recover such expenses and foreclose such lien in any court of competent jurisdiction, and the statement so filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements to remedy any condition or remove any matter. (2003 Code, sec. 6.209)

Sec. 6.06.011 Limitation on height of grass and weeds

It shall be unlawful for any person who shall own or occupy any lot or lots in the city to allow weeds and/or grass to grow on such lot or lots to a height of more than twelve (12) inches. Weeds and/or grass of a height exceeding twelve (12) inches are declared a nuisance. Provided, however, this section shall not apply to property used for the growing of agricultural crops or grass if such property has not been plotted into lots. (2003 Code, sec. 6.210)

Sec. 6.06.012 Discharge of sewage

Any person or persons who shall allow or permit sewage to discharge into the ground or subsurface soil, which shall have the effect of causing odors or obnoxious, unhealthy and unwholesome conditions to exist, is declared to have caused a public nuisance and shall be in violation of this article. (2003 Co

Section 23. Construction Plans. (Exhibit A – Subdivision Ordinance, Article II)

(a) Purpose. Construction plans, based upon the approved Preliminary Plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the Preliminary Plat phase and required by this Ordinance and other applicable City ordinances, codes and policies, shall be submitted to the City for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing City infrastructure shall also be submitted to the City for approval. The plans shall be kept by the City as a permanent record of required improvements in order to:

- (1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing City infrastructure.
- (2) Provide data for evaluation of materials, methods of construction and design.
- (3) Provide documentation of approved public improvements to ensure that all such improvements are built to City standards and specifications.
- (4) No Final Plat shall be certified by the City, and no construction activities shall commence, until such time as Construction Plans completely describing the on-site and off-site improvements required by this Ordinance and other applicable City ordinances and codes, have been approved by the City Engineer.

(Ordinance 07-019-00 adopted 4/5/07)

(b) Format. Drawings shall be on twenty-two inch by thirty-four inch (22" x 34") sheets (unless otherwise approved by City staff) at generally accepted horizontal and vertical engineering scales. All full size sheets shall be formatted so that when printed on eleven inch by seventeen inch (11" x 17") paper the resulting sheet set scales at a generally accepted engineering scale. (Ordinance 12-012-00, sec. 13, adopted 3/1/12)

(c) Content. Construction plans shall include all on- and off-site improvements required to serve the proposed development as indicated on the approved Preliminary Plat and in compliance with applicable ordinances, codes, standards and policies of the City, and other applicable governmental entities. All Construction Plans shall be signed and sealed by a licensed professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:

- (1) Cover Sheet.
 - (i) The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.
 - (ii) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
- (2) Street and Roadway Systems:

- (i) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of stormwater flow and the location of manholes, inlets and special structures;
- (ii) Vertical layouts and alignments showing existing and proposed centerline, right and left right-of-way line elevations along each proposed roadway.
- (iii) An analysis of vertical sight distance for proposed street intersections in accordance with the Transportation Criteria Manual.
- (iv) Typical right-of-way cross-sections showing pertinent design details and elevations as prescribed in the City Standard Details and Specifications;
- (v) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations;
- (vi) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies; and

(3) Drainage Improvements:

- (i) Detailed design of all drainage facilities as indicated in the Preliminary Plat phase, including typical channel or paving section, storm sewers and other stormwater control facilities.
- (ii) Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.
- (iii) Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
- (iv) Attendant documents containing design computations in accordance with this Ordinance, and any additional information required to evaluate the proposed drainage improvements.
- (v) A copy of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(4) Erosion and Sedimentation Controls:

- (i) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

(ii) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.

(iii) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

(iv) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.

(v) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.

(5) Water Distribution Systems:

(i) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the Preliminary Plat phase and in accordance with the City Standard Details and Specifications.

(ii) The existing and proposed location of fire hydrants, valves, meters and other fittings.

(iii) Design details showing the connection with the existing City water system.

(iv) The specific location and size of all water service connections for each individual lot.

(v) Attendant documents containing any additional information required to evaluate the proposed water distribution system.

(6) Wastewater Collection Systems:

(i) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development as identified in the Preliminary Plat phase, in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.

(ii) Plan and profile drawings for each line in public rights-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals.

(iii) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.

(iv) Detailed design for lift stations, package plants or other special wastewater structures.

(v) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for State Health Department approval.

(7) Street Lighting. The location, size, type and description of streetlights according to City Standard Details and Specifications.

(8) Street Signs. The location, size, type and description of street signs according to City Standard Details and Specifications.

(9) Speed Limit Signs and Permanent Traffic Barricades. The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to City Standard Details and Specifications.

(10) Sidewalks. The location, size and type of sidewalks and pedestrian ramps according to City Standard Details and Specification.

(11) Improvements for Parks and other Public and Common Areas - as identified and/or approved on the Preliminary Plat.

(12) The location, size and description of all Significant Trees (to remain and to be removed), and Replacement Trees to meet the requirements of this Ordinance.

(13) Landscaping and Screening. The location, size and description of all landscaping and screening materials as required by the Composite Zoning Ordinance.

(14) Design Criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the Preliminary Plat.

(15) Cost Estimates. A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.

(d) Procedure. After all necessary approvals of the Preliminary Plat have been granted, Construction Plans, together with a completed application form and review fee, shall be submitted to the City Engineer for approval.

(1) Construction Plans may be submitted for review and approval simultaneously with a Final Plat, provided however that the Final Plat shall not be approved until the Construction Plans have been approved. If the Construction Plans and the Final Plat are to be reviewed simultaneously, a complete application for Construction Plans and a complete application for Final Plat must be submitted to the City simultaneously.

(2) City staff shall review all Construction Plan submittals for completeness at the time of application. If in the judgment of the City, the Construction Plan submittal

substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(3) The City Engineer shall review the Construction Plans to insure compliance with this Ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices.

(4) For projects located within the City's extraterritorial jurisdiction, the Construction Plans and attendant documents shall be provided to the County for review and approval unless an Interlocal agreement between the City and the County has been executed which specifies a different procedure. The applicant shall be responsible for any additional information required by the County for Construction Plan approval.

(5) For projects located within the Lake Travis watershed, the Construction Plans shall be provided to the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Nonpoint Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.

(e) Approval. Within thirty (30) days of the date on which all required information has been accepted for review, the City Engineer shall either approve or disapprove the Construction Plans.

(1) If the Construction Plans are disapproved, the City Engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the Construction Plans into compliance.

(2) If Construction Plans are approved, then the City Engineer shall sign the cover sheet of the Construction Plans, returning one (1) signed copy to the applicant and retaining the other signed copy for City records.

(3) The developer should be aware that specific approvals from other agencies may be required.

(4) All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(Ordinance 07-019-00 adopted 4/5/07)

(f) Application Expiration.

(1) The Construction Plans application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plans are not approved due to the applicant's failure to cause the application to comply with applicable city regulations.

(2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plans. Substantial

progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

(g) Approval Expiration. The approval of the Construction Plans shall expire two years after the date the City Engineer approves the Construction Plans unless an unexpired Final Plat is on file with the City or the Final Plat has been approved and that approval has not expired.

(Ordinance 12-012-00, sec. 15, adopted 3/1/12)

(h) Revision. Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to Construction Plans for which approval has already been obtained, the City Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with City requirements. Approval of such changes agreed to between the developer and City Engineer shall be noted by initialing and dating by both parties on the two (2) original signed copies of the Construction Plans.

(i) Responsibility. Notwithstanding the approval of any Construction Plans by the Council, Commission or the City Engineer, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted.

Section 41. Drainage Improvements. (Exhibit A – Subdivision Ordinance, Article III)

(a) Purpose. The drainage improvement provisions contained herein are deemed necessary for the following reasons:

- (1) Waterways and their associated watersheds within the City's territorial jurisdiction represent significant and irreplaceable recreational and aesthetic resources and contribute directly to the City's public health.
- (2) The continued economic growth of the City is dependent on an adequate quality and quantity of stormwater runoff, a pleasing natural environment, recreational opportunities in close proximity to the City as well as the protection of people and property from the hazards of flooding.
- (3) All watersheds within the City's jurisdiction, and especially those with abrupt topography, sparse vegetation, and thin and easily disturbed soil, are vulnerable to flooding due to unregulated development activities.
- (4) All watersheds within the City's jurisdiction are undergoing development or are facing development pressure.
- (5) If watersheds within the City's jurisdiction are not developed in a sensitive and innovative manner, their water resources, natural environment, and recreational characteristics may be irreparably damaged.
- (6) The City should regulate all drainage within the City's jurisdiction for the public benefit and safety, including both the existing and future generations of citizens of the City, as well as for downstream users of the each [sic] waterway within the City's territorial jurisdiction.

(b) Policy.

- (1) All drainage improvements within the City's jurisdiction shall be designed in accordance with the City of Austin's Drainage Criteria Manual, as currently amended, save and except the following:
 - (i) Preface,
 - (ii) Paragraph 1.2.2.E
 - (iii) Paragraph 1.2.4.E.2, and 1.2.4.E.11;
 - (iv) Paragraph 1.2.7;
 - (v) Paragraph 1.4.0;
 - (vi) Paragraph 1.5.0.3, 1.5.0.4, 1.5.0.5, and 1.5.0.6;

(vii) Paragraph 8.2;

(viii) Appendix D; and

(ix) all references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Leander. Where such departments, boards or divisions do not exist within the City of Leander, such references shall be construed to mean the Commission, the City Engineer or other representative authorized by the Council to perform such functions on the City's behalf. (Ordinance No. 300-F-94)

(2) The Commission shall not recommend approval or approve any plat or plan which does not meet the minimum requirements of this Ordinance in making adequate provisions for control of the quantity of stormwater runoff to protect the public health, safety and property, and benefit the present and future owners of property within the development, other lands within the City and neighboring areas.

(3) It shall be the responsibility of the developer to design and construct a system for the collection and transport of all stormwater runoff flowing into, and generated within the development, in accordance with:

(i) The requirements of this Ordinance.

(ii) The City of Austin Drainage Criteria Manual, as currently amended, save and except as noted in this Ordinance.

(iii) Good engineering practices.

(iv) Approved engineering plans for construction.

(v) The regulations and principles of law established pursuant to the Texas Water Code.

(4) In general, drainage improvements shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainageways throughout the community and so as to:

(i) Retain natural floodplains in a condition that minimizes interference with floodwater conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water.

(ii) Reduce exposure of people and property to the flood hazards and the nuisances associated with inadequate control of stormwater runoff.

(iii) Systematically reduce the existing level of flood damages.

(iv) Ensure that corrective works are consistent with the overall goals of the City.

- (v) Minimize erosion and sedimentation problems and enhance water quality.
- (vi) Protect environmental quality, social well-being and economic stability.
- (vii) Plan for both the large flooding events and the smaller, more frequent flooding events by providing both major and minor drainage systems.
- (viii) Minimize future operational and maintenance expenses.
- (ix) Reduce exposure of public investment in utilities, streets and other public facilities (infrastructure).
- (x) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.
- (xi) Acquire and maintain a combination of recreational and open space systems utilizing floodplain lands.

Section 60. General. (Exhibit A – Subdivision Ordinance, Article IV)

All subdivision improvements shall be designed and installed in accordance with all applicable elements of the Master Plan and shall meet the minimum requirements established by this Ordinance and City Standard Details and Specifications.

(a) Types of Improvements. In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the Construction Plans, in conformance with the standards, specifications and the requirements of this Ordinance.

- (1) Drainage improvements, including storm sewer lines and inlets, channels, swales, detention facilities, and other related appurtenances.
- (2) Transportation improvements, including streets, alleys, bridges, street lighting, street signage, and sidewalks.
- (3) Water utilities including water distribution lines, fire hydrants, valves, and water storage facilities.
- (4) Wastewater utilities including wastewater lines, manholes, and lift stations.
- (5) Parkland.
- (6) Utility improvements for electric, telephone, gas and cable television services shall be installed in conformance with the terms and regulations of the provider of said utility and the ordinances and codes of the City.

(b) Continuity of Improvements. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development, except that the Commission is authorized to vary or modify the requirement for extending water, wastewater, transportation and drainage improvements to the perimeter of a subdivision in accordance with the procedural requirements contained in this Ordinance.

(c) Plans for Improvements. Plans for the improvements required by this Ordinance shall be prepared, reviewed and approved in accordance with the provisions set forth in this Ordinance.

(d) Acceptance of Improvements.

- (1) During the course of installation and construction of the required improvements, the City Engineer or his/her designated representative shall make periodic inspections of the work to insure that all improvements comply with City requirements.

(2) Upon completion of all required improvements, the developer may seek acceptance of all public improvements by the City by following the procedures set forth in this Ordinance.

(e) Maintenance of Improvements. Where a subdivision contains drainage, transportation, water or wastewater improvements, parks and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which will not be, or cannot be, satisfactorily maintained by an existing public agency, provisions, acceptable to the Council, shall be made for such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to and approved by the Council, and approved as to form by the City Attorney, at the time of Final Platting and shall be filed of record with the plat thereof.

Sec. 13.04.010 Unlawful discharge of Waste (Article 13.04 Sewer Use Regulations)

(a) Unless exception is granted by the approving authority, the public sanitary system shall be used by all persons discharging:

- (1) Wastewater;
- (2) Industrial waste; or
- (3) Polluted liquids.

(b) Unless authorized by the state commission on environmental quality, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property or into or adjacent to any:

- (1) Natural outlet;
- (2) Watercourse;
- (3) Storm sewer; or
- (4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments

Sec. 13.05.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board. The state commission on environmental quality, or successor agency.

License. The permit and/or license issued by the board or the licensing authority for the construction and/or operation of a private sewage facility.

Licensing authority. The person(s) or county(ies), or department thereof, authorized by the city council to regulate private sewage facilities and to enforce applicable local, state and federal law governing private sewage facilities within the portion of the corporate limits and/or extraterritorial jurisdiction designated by the city council.

Organized disposal system. A wastewater treatment plant and appurtenant facilities operated under a permit issued by the board.

Private sewage facilities. Septic tanks, injection wells used to dispose of sewage, chemical toilet treatment tanks, on-site sewage disposal systems as defined by section 366.002, Texas Health and Safety Code, as amended, and all other facilities, systems, and methods used for the disposal of sewage other than organized disposal systems.

Rules of the licensing authority. The rules regulating and governing private sewage facilities, as they are amended from time to time, duly adopted by the governing body of a licensing authority that is a county.

Sewage. Waterborne human waste and waste from domestic activities such as washing, bathing, and food preparation.

Subdivision. A subdivision which has been platted and recorded with the county clerk or which is required by statute to be so platted and recorded.

Valid complaint. A written and signed complaint containing sufficient information concerning the nature and location of the alleged pollution or threat of pollution to warrant investigation.

Watercourse. A definite stream of water in a definite natural channel, with a well-defined bed and banks, originating from a definite source or source that is characteristic of the sources of supply in the area.

(2003 Code, sec. 13.801)

Sec. 13.05.002 Areas of jurisdiction

The provisions of this article shall apply to all of the area located within the corporate limits of the city and to the extraterritorial jurisdiction thereof with reference to approval of subdivisions in the extraterritorial jurisdiction. (2003 Code, sec. 13.802)

Sec. 13.05.003 Sewage discharge restricted

Only the following types of sewage discharge shall be lawful:

- (1) Sewage discharge into an organized disposal system;
- (2) Sewage discharged into a private facility licensed in accordance with the provisions of this article;
- (3) Sewage discharged into a private sewage facility in existence at the effective date of this article, provided no complaint has been received against such private sewage facility and it is not found to be endangering public health or polluting water.

(2003 Code, sec. 13.803)

Sec. 13.05.004 Licensing of new facilities; inspections; rules of licensing authority adopted

- (a) A license must be obtained from the city's licensing authority for each new private sewage facility which is to be constructed and utilized within the area described in [section 13.05.002](#).
- (b) The owner of the private sewage facility is responsible for obtaining the license.
- (c) The city engineer or the licensing authority may require reinspection of a private sewage facility at any time if the system is causing pollution or endangering public health or if otherwise required by this article. If it is found that a system is causing pollution or endangering public health, the license may be revoked; provided that the licensing authority or the city may give the licensee an opportunity to correct the violation.
- (d) To obtain a license, the applicant must make application in accordance with the applicable rules of the licensing authority and meet the requirements of said rules and this article. The applicant shall pay the application, inspection, and other related fees imposed by the licensing authority, which fees are herein adopted, as they are amended from time to time.
- (e) The rules of the licensing authority are hereby adopted and incorporated into this article as though fully set forth herein. During such time that a county or counties are acting as licensing authority as authorized by the city council, the rules of the licensing authority shall govern the installation, construction, and maintenance of private sewage facilities. In the event that both Travis and Williamson Counties are designated as licensing authorities, Travis County's rules shall apply in the portion of the city limits and extraterritorial jurisdiction that lies in Travis County and Williamson County's rules shall apply in the portion of the city limits and extraterritorial jurisdiction that lies in Williamson County. In the event of a conflict between the rules of the licensing authority and city ordinance or regulation, the city ordinance shall control.

(2003 Code, sec. 13.804)

Sec. 13.05.005 Requirements for new subdivisions

- (a) After the effective date of the ordinance from which this section derives, any developer or other person desiring to create a subdivision which will utilize, wholly or in part, private sewage facilities must fulfill the following requirements prior to commencing any sale of lots or tracts:
 - (1) A plat of the proposed subdivision must be filed with and approved in accordance with the city subdivision ordinance.
 - (2) Where appropriate by reason of the type of facility proposed, a percolation test profile of the entire subdivision consisting of percolation tests of a representative number of proposed lots or tracts (as determined and approved by the licensing authority) must be run and results given to the city when a preliminary plat is filed.
 - (3) Notice of the terms and conditions of this article and of the applicability of this article to each lot or tract in the subdivision must be given to every buyer by the developer, his agents or assigns. Failure to give adequate notice shall constitute a violation of this article.

- (b) The city will notify the applicant developer of its determination regarding the use of private sewage facilities within the subdivision prior to approval of the plat.
- (c) Every private sewage facility to be utilized within the subdivision must be licensed in accordance with the terms and conditions of [section 13.05.004](#).

(2003 Code, sec. 13.805)

Sec. 13.05.006 Connection to organized disposal system

Consideration of licenses under this article shall be subject to the following conditions and terms:

- (1) No license shall be issued for any private sewage facility when any part of the private sewage facility is located within three hundred (300) feet in horizontal distance to an organized disposal system; instead, the private sewage facility shall be connected to the organized disposal system.
- (2) Whenever an organized disposal system is developed to within three hundred (300) feet in horizontal distance from any part of a private sewage facility, that private sewage facility shall be connected to the organized disposal system and any license theretofore issued may be canceled.
- (3) In the event an organized disposal system is developed within three hundred (300) feet in horizontal distance from an existing or proposed private sewage facility but is not legally or financially feasible to connect to such organized disposal system, then the applicant shall follow the procedure outlined for granting an exception under [section 13.05.009](#).

(2003 Code, sec. 13.806)

Sec. 13.05.007 Minimum lot area; distance from property line or public road

- (a) No new septic system will be approved on lots which are smaller in area than that permitted by the subdivision or zoning ordinance.
- (b) No part of any private sewage facility shall be installed or operated within a minimum of ten (10) feet in horizontal distance from any property line or public road; provided that if a greater distance is required by the rules of the licensing authority or the results of percolation tests, the private sewage facility shall be installed and operated in accordance with such greater distance requirement.

(2003 Code, sec. 13.807)

Sec. 13.05.008 Complaints; correction of violations

- (a) Upon the receipt of a complaint from a credible person that an existing private sewage facility, licensed or not, is endangering public health or polluting water, the licensing authority shall immediately inspect the facility. If the licensing authority finds that the complaint is valid and

that the private sewage facility is endangering public health or polluting water, the licensing authority shall notify the owner of the facility in writing of such fact and the action necessary to comply with [section 13.05.004](#) of this article, and a reasonable amount of time in which to comply.

- (b) At the expiration of the allotted time, the licensing authority shall reinspect the private sewage facility. Upon reinspection, if the facility is in compliance with the requirements of [section 13.05.004](#), a license shall be issued the facility upon the payment of the license fee.
- (c) If the facility is not in such compliance, the licensing authority shall take appropriate action to enforce compliance under [section 13.05.010](#), the general penalty provisions of this code, or the rules of the licensing authority.

(2003 Code, sec. 13.808)

Sec. 13.05.009 Exceptions

- (a) A person desiring an exception to any requirement of this article shall file a written statement with the licensing authority stating:
 - (1) The nature of the exception; and
 - (2) The reason the exception should be granted.
- (b) The licensing authority shall review the request in accordance with the licensing authority's rules; provided that requests for an exception to [section 13.05.006](#) shall be reviewed and decided by the city manager.
- (c) All exceptions granted under this section shall be valid for a period not to exceed ten (10) years.

(2003 Code, sec. 13.809)

Sec. 13.05.010 Enforcement

- (a) Upon the request of the city council, the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this article, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this article.
- (b) The licensing authority designated by the city council through interlocal agreement or other means is hereby authorized to enforce this article in the portions of the corporate limits and/or extraterritorial jurisdiction designated by the city.

(2003 Code, sec. 13.810)

APPENDIX C

TCEQ GENERAL PERMIT TXR040000

Texas Commission on Environmental Quality

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



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXRo40000, issued August 13, 2007

Small Municipal Separate Storm Sewer Systems

located in the state of Texas

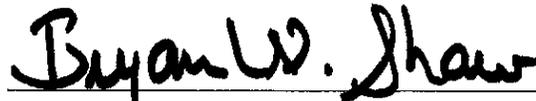
may discharge directly to surface water in the state

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

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

EFFECTIVE DATE: DEC 13 2013

ISSUED DATE: DEC 13 2013



For the Commission

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

Table of Contents

Part I. Definitions.....5

Part II. Permit Applicability and Coverage11

Section A. Small MS4s Eligible for Authorization under this General Permit11

1. Small MS4s Located in an Urbanized Area11

2. Designated Small MS4s11

3. Operators of Previously Permitted Small MS4s11

4. Regulated Portion of Small MS4 12

5. Categories of Regulated Small MS4s 12

Section B. Available Waivers from Coverage 12

1. Waiver Option 1: 13

2. Waiver Option 2:..... 13

Section C. Allowable Non-Stormwater Discharges..... 14

Section D. Limitations on Permit Coverage 15

1. Discharges Authorized by Another TPDES Permit 15

2. Discharges of Stormwater Mixed with Non-Stormwater 15

3. Compliance with Water Quality Standards 15

4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements .. 15

5. Discharges to the Edwards Aquifer Recharge Zone 19

6. Discharges to Specific Watersheds and Water Quality Areas20

7. Protection of Streams and Watersheds by Home Rule Municipalities20

8. Indian Country Lands.....20

9. Endangered Species Act.....20

10. Other 21

Section E. Obtaining Authorization 21

1. Application for Coverage 21

2. Late Submission of the NOI and SWMP22

3. Stormwater Management Program (SWMP)22

4. Contents of the NOI.....23

5. Notice of Change (NOC)24

6. Change in Operational Control of a Small MS4.....24

- 7. Notice of Termination (NOT)24
- 8. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms24
- 9. Fees24
- 10. Permit Expiration25
- 11. Suspension of Permit Coverage25
- 12. Public Notice Process for NOI submittal25
- Section F. Permitting Options.....27
 - 1. Authorization Under the General Permit27
 - 2. Alternative Coverage under an Individual TPDES Permit27
- Part III. Stormwater Management Program (SWMP).....28
 - Section A. Developing a Stormwater Management Program (SWMP).....28
 - 1. SWMP Development and Schedule28
 - 2. Content of the SWMP28
 - 3. Legal Authority29
 - 4. Resources30
 - 5. Effluent Limitations.....30
 - 6. Enforcement Measures30
 - Section B. Minimum Control Measures30
 - 1. Public Education, Outreach, and Involvement.....31
 - 2. Illicit Discharge Detection and Elimination (IDDE)32
 - 3. Construction Site Stormwater Runoff Control35
 - 4. Post-Construction Stormwater Management in New Development and Redevelopment38
 - 5. Pollution Prevention and Good Housekeeping for Municipal Operations40
 - 6. Industrial Stormwater Sources45
 - 7. Authorization for Construction Activities where the Small MS4 is the Site Operator46
 - Section C. General Requirements47
- Part IV. Recordkeeping and Reporting47
 - Section A. Recordkeeping.....47
 - Section B. Reporting.....47
 - 1. General Reporting Requirements47
 - 2. Annual Report.....48
- Part V. Standard Permit Conditions49

Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th
Optional MCM is selected 51

Section A. Eligible Construction Sites 51

Section B. Discharges Eligible for Authorization 51

 1. Stormwater Associated with Construction Activity 51

 2. Discharges of Stormwater Associated with Construction Support Activities 51

 3. Non-Stormwater Discharges 52

 4. Other Permitted Discharges 52

Section C. Limitations on Permit Coverage 53

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements 53

Section E. Stormwater Runoff from Concrete Batch Plants 53

 1. Benchmark Sampling Requirements 53

 2. BMPs and SWP3 Requirements 55

 3. Prohibition of Wastewater Discharges 57

 4. Concrete Truck Wash Out Requirements 58

Section F. Effective Date of Coverage 58

Section G. Deadlines for SWP3 Preparation and Compliance 58

Section H. Plan Review and Making Plans Available 59

Section I. Keeping Plans Current 59

Section J. Contents of SWP3 59

 1. Site Description 59

 2. Structural and non-structural controls 60

 3. Stabilization Practices 60

 4. Structural Control Practices 61

 5. Permanent Stormwater Controls 62

 6. Other Controls 62

 7. Effluent Limits 62

 8. Approved State and Local Plans 62

 9. Maintenance 62

 10. Inspections of Controls 63

 11. Pollution Prevention Measures 64

Section K. Additional Retention of Records 64

Part I. Definitions

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

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

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

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

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

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

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

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

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

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

- (a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution

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

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

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

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

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

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

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

- (a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (b) For individual lots in a residential construction site by either:
 - (1) The homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.
- (c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
- (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA §208 that discharges to surface water in the state;
- (b) That is designed or used for collecting or conveying stormwater;
- (c) That is not a combined sewer; and
- (d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer;
- (d) Which is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2; and
- (e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

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

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

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

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

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

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

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

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

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

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

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;

- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

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

Part II. Permit Applicability and Coverage

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

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

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

1. Small MS4s Located in an Urbanized Area

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

2. Designated Small MS4s

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

3. Operators of Previously Permitted Small MS4s

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXRo40000, 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. Permittees may not exclude BMPs associated with the minimum control measures required under 40 CFR §122.34 from their list of proposed BMPs. Proposed BMPs will be reviewed by the executive director during the NOI and SWMP review and approval process.

The BMPs shall, as appropriate, address the following:

- a. Sanitary Sewer Systems
 - (i) Make improvements to sanitary sewers to reduce overflows;
 - (ii) Address lift station inadequacies;
 - (iii) Improve reporting of overflows; and
 - (iv) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.
- b. On-site Sewage Facilities (for entities with appropriate jurisdiction)
 - (i) Identify and address failing systems; and
 - (ii) Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).
- c. Illicit Discharges and Dumping

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

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

Increase focus to educate residents on:

 - (i) Bacteria discharging from a residential site either during runoff events or directly;
 - (ii) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
 - (iii) Decorative ponds; and
 - (iv) Pet waste.

(6) Monitoring or Assessment of Progress

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

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

(i) Evaluating Program Implementation Measures

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

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

(ii) Assessing Improvements in Water Quality

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

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

(7) Observing no Progress Towards the Benchmark

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

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

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

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

(1) Discharging a Pollutant of Concern

- a. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
- b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
- c. In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(2) Impairment of Bacteria

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

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

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit.

The permittee's agency-approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For discharges originating from the small MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 NOI to the appropriate TCEQ regional office with each WPAP application submitted to TCEQ on or after August 13, 2012.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager
Austin Regional Office
12100 Park 35 Circle, Bldg. A, Rm 179
Austin, Texas 78753
(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater from regulated small MS4s and other non-stormwater discharges are not authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

7. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality provided by § 401.002 of the Texas Local Government Code.

8. Indian Country Lands

Stormwater runoff from small MS4s that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. EPA.

9. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI and SWMP. If adverse impact is determined after submittal of the NOI and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

10. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

Section E. Obtaining Authorization

1. Application for Coverage

When submitting a notice of intent (NOI) and SWMP, for coverage under this general permit, as described in Parts II.E.3., II.E.4, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.12 of this general permit.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form. Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and confirm coverage by providing a notification and an authorization number, 2) The NOI or SWMP are incomplete and deny coverage and require that a new complete NOI and SWMP be submitted, 3) Approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) Deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed and the applicant has followed the public participation provisions in Part II.E.12. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

(a) Small MS4s Located in a 2010 Urbanized Area (UA) (Newly regulated Small MS4s)

Operators of small MS4s described in Part II.A.1 that were not previously regulated under the TPDES General Permit TXR040000, shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Small MS4s Located in a 2000 UA (Previously Regulated Small MS4s)

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

(c) Designated Small MS4s

Following designation, operators of small MS4s described in Part II.A.2 shall submit an NOI and SWMP, or apply for coverage under an individual TPDES stormwater permit, within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.

(d) Individual Permit Alternative

If an operator of a small MS4 described in Part II.A.1. of this general permit elects to apply for an individual permit, the application must be submitted within 90 days following the effective date of this general permit.

2. Late Submission of the NOI and SWMP

Operators are not prohibited from submitting an NOI and SWMP after the deadlines provided. If a late NOI and SWMP are submitted, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

3. Stormwater Management Program (SWMP)

A SWMP must be developed and submitted with the NOI for eligible discharges that will reach waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to waters of the U.S., according to the requirements of Part III of this general permit. The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

New elements in the program must be completely implemented within five years of the effective date of this general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Previously regulated MS4s shall assess existing program elements set forth in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP.

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which case the permittee will have 90 days to finalize such changes to the SWMP.

Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI. Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made following submittal of a notice of change (NOC) and receipt of written approval of the NOC from the TCEQ, except as follows:

- (a) The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP, and must be included in the annual report:
 - (1) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. An equivalent BMP is one that is intended to address the same concern as the original BMP and is substantially similar in nature to the original BMP;
 - (2) Nonsubstantive changes, including:
 - a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;
 - b. Minor clarifications to the existing BMPs;
 - c. Correction of typographical errors;

- d. Other similar administrative or nonsubstantive comments.
- (3) Adding or subtracting area(s) during the permit term, such as by annexing land or if land is de-annexed.
- (b) The permittee may replace a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP). Such a change may be implemented within 60 days following submittal of an NOC form, unless the NOC is denied in writing by TCEQ. Such requests must include the following:
 - (1) An explanation of why the BMP was eliminated;
 - (2) An explanation of the effectiveness of the replacement BMP; and
 - (3) An explanation of how the replacement BMP is expected to achieve the goals of the previous BMP.
- (c) All other changes must be submitted on an NOC form and may only be implemented following written approval by TCEQ (See Part II.E.5).

4. Contents of the NOI

The NOI must contain the following minimum information:

- (a) MS4 Operator Information
 - (1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and
 - (2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).
- (b) Site Information
 - (1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
 - (2) County or counties where the small MS4 is located;
 - (3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;
 - (4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
 - (5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;
 - (6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;
 - (7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;

- (8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;
- (9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;
- (10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and
- (11) Any other information deemed necessary by the executive director.

5. Notice of Change (NOC)

If the MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in a NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change.

Any revisions that are made to the SWMP must be made in accordance with Part II.E.3. above. Changes that are made to the SWMP following NOI approval must be made using an NOC form, in accordance with Part II.E.3. above.

6. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous operator must submit a Notice of Termination (NOT) and the new operator must submit an NOI and SWMP. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

7. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ, or immediately following confirmation of receipt of the electronic NOT form by the TCEQ. A NOT must be submitted within 30 days after the MS4 operator obtains coverage under an individual permit.

8. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms

NOI, NOT, NOC, and Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

9. Fees

An application fee of \$100.00 must be submitted with each NOI. A fee is not required for submission of a waiver form, a NOT, or an NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of \$100.00 under TWC § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

10. Permit Expiration

- (a) This general permit is effective for five (5) years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five (5) years.
- (b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC, Chapter 205. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.
- (c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.
- (d) If the TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

11. Suspension of Permit Coverage

The executive director may suspend an authorization under this general permit for the reasons specified in 30 TAC § 205.4(d) by providing the discharger with written notice of the decision to suspend that authority, and the written notice will include a brief statement of the basis for the decision. If the decision requires an application for an individual permit or an alternative general permit, the written notice will also include a statement establishing the deadline for submitting an application. The written notice will state that the authorization under this general permit is either suspended on the effective date of the commission's action on the permit application, unless the commission expressly provides otherwise, or immediately, if required by the executive director.

12. Public Notice Process for NOI submittal

An applicant under this general permit shall adhere to the following procedures:

- (a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:
 - (1) BMPs the applicant will implement for each of the six MCMs, as appropriate;
 - (2) The measurable goals for each of the BMPs, including, as appropriate the months and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and

- (3) The person or persons responsible for implementing or coordinating the applicants SWMP.
- (b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary decision on the NOI and SWMP.
- (c) The notice will include the following information, at a minimum:
 - (1) The legal name of the MS4 operator;
 - (2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;
 - (3) The address of the applicant;
 - (4) A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;
 - (5) The location and mailing address where the public may provide comments to the TCEQ;
 - (6) The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
 - (7) If required by the executive director, the date, time, and location of the public meeting.
- (d) This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.
- (e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.
- (f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant shall publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.
- (g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
- (h) The applicant shall file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.

- (i) The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
- (j) Persons whose names and addresses appear legibly on the sign-in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

Section F. Permitting Options

1. Authorization Under the General Permit

An operator of a small MS4 is required to obtain authorization either under this general permit, or under an individual TPDES permit if it is located in a UA or designated by the TCEQ. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same UA, or are located in the same watershed. Each regulated small MS4 will be issued a distinct permit number. These MS4 operators may combine or share efforts in meeting any or all of the SWMP requirements stated in Part III of this general permit. MS4 operators that share SWMP development and implementation responsibilities must meet the following conditions:

(a) Participants

The SWMP must clearly list the name and permit number for each MS4 operator that chooses to contribute to development or implementation of the SWMP, and provide written confirmation that the contributing MS4 operator has agreed to contribute. If a contributing small MS4 has submitted a NOI and SWMP to TCEQ, but has not yet received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or be included in the SWMP.

(b) Responsibilities

Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its small MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define each minimum control measure and the component(s) each entity agrees to implement, within which MS4 area(s) each entity agrees to implement and clearly identify the contributing MS4 operator.

2. Alternative Coverage under an Individual TPDES Permit

An MS4 operator eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a MS4 operator, authorized by this general permit, to apply for an individual TPDES permit because of: the conditions of an approved TMDL or TMDL implementation plan; a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, *Use of Compliance History*. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is

entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

Part III. Stormwater Management Program (SWMP)

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

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

Section A. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing regulated small MS4s

Permittees who were regulated under the previous TPDES general permit TXR040000, shall update and submit to the TCEQ an updated SWMP under this general permit along with the NOI for coverage. The NOI and SWMP are due within 180 days of the general permit effective date. The permittee shall continue to operate under the conditions of the previous permit and existing SWMP until the revised SWMP is approved.

(b) New regulated small MS4s

Operators of regulated small MS4s that were not required to obtain permit coverage under the previous TPDES general permit TXR040000, have 180 days from the effective date of the general permit to develop and submit their NOI and SWMP.

(c) Implementation of the SWMP

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Previously regulated MS4 operators shall continue to implement existing elements in the approved SWMPs until the revised SWMPs has been approved.

Designated small MS4s must achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation. Newly regulated small MS4s, based on the 2010 Decennial Census, must achieve full implementation of the SWMP as soon as practicable, but no later than five years from the permit effective date.

2. Content of the SWMP

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

- (a) A description of Minimum Control Measures (MCM) with 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 program fully implemented by the end of this permit term.

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

(b) Requirements for all Permittees

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

- (1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.
- (2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.
 - a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.
 - b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.
 - c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:
 - (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
 - (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
 - (iii) Minimize the discharge of pollutants from spills and leaks.
 - d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP₃) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

- (3) Prohibited Discharges - The following discharges are prohibited:
- a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
 - b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,
 - d. Soaps or solvents used in vehicle and equipment washing;
 - e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

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

- a. The site plan review procedures must incorporate consideration of potential water quality impacts.
- b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.

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

(5) Construction Site Inspections and Enforcement

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

- a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- b. Inspections must occur during the active construction phase.
 - (i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.

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

1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.
 2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.
 3. Assess compliance with the permittee's ordinances and other regulations.
 4. Provide a written or electronic inspection report.
- c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

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

(6) Information submitted by the Public

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

(7) MS4 Staff Training

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

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

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

(1) Construction Site Inventory

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

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

(a) Post-Construction Stormwater Management Program

- (1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges

from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

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

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

(b) Requirements for all Permittees

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

- (1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.
- (2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.
- (3) Long-Term Maintenance of Post-Construction Stormwater Control Measures
All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:
 - a. Maintenance performed by the permittee. See Part III.B.5
 - b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

(c) Additional Requirements for Level 4 small MS4s

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

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

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

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

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

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

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

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;

- f. Incinerators;
- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;
- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;
- o. Recycling facilities;
- p. Salt storage facilities;
- q. Solid waste handling and transfer facilities;
- r. Street repair and maintenance sites;
- s. Vehicle storage and maintenance yards; and
- t. Structural stormwater controls.

(2) Training and Education

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

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

(4) Contractor Requirements and Oversight

- a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(2)-(6).
- b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

- a. Assessment of permittee-owned operations

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

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

- (ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;
 - (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
 - (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
- b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).
- c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:
 - (i) Replacing materials and chemicals with more environmentally benign materials or methods;
 - (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
 - (iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.
- d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

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

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

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

(1) Storm Sewer System Operation and Maintenance

- a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.
- b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

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

Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program,

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

- a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.
- b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
- c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

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

(4) Facility Assessment

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

- a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.
- b. Identification of *high priority* facilities - Based on the Part III.B.5.(c)(4)a. assessment, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.
- c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results

of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

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

- a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.
- b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

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

- a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.
- b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.
- c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.
- d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

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

(d) Additional Requirements for Level 4 small MS4s:

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

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

- a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.
- b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:
 - (i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.
 - (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:
 - (a) Use of native plants or xeriscaping;
 - (b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;
 - (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;
 - (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.
- c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.
- d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

6. Industrial Stormwater Sources

- (a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s
 - (1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

7. Authorization for Construction Activities where the Small MS4 is the Site Operator

The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non-stormwater from construction activities where the MS4 operator meets the definition of a construction site operator in Part I of this general permit. When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and Part III.B.3 of this permit. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit. This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, a NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit. Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit.

This MCM is only available for projects where the small MS4 is a construction site operator or owner, and the MCM does not provide any authorization for other construction site operators at a municipal project.

Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state.

(a) The MCM must include:

- (1) A description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations;
- (2) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);
- (3) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;
- (4) A general description of how a SWP3 will be developed for each construction site, according to Part VI of this general permit, "Authorization for Municipal Construction Activities"; and
- (5) Records of municipal construction activities authorized under this optimal MCM, in accordance with Part VI of this general permit.

Section C. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

1. A list of any public or private entities assisting with the development or implementation of the SWMP;
2. If applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
3. A list of all BMPs and measurable goals for each of the MCMs;
4. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.
5. A description of how each measurable goal will be evaluated; and
6. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

Part IV. Recordkeeping and Reporting**Section A. Recordkeeping**

1. The permittee shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

Section B. Reporting**1. General Reporting Requirements****(a) Noncompliance Notification**

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile

transmission (FAX) to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

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

(b) Other Information

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

2. Annual Report

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

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

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

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

- (d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;
- (e) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;
- (g) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- (h) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and
- (i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

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

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

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

The annual report must be submitted to the following address:

Texas Commission on Environmental Quality
Stormwater & Pretreatment Team; MC - 148
P.O. Box 13087
Austin, Texas 78711-3087

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4.

If available, electronic submission of annual reports is encouraged. The Federal Waste Reduction Act and the Government Paperwork Elimination Act encourages governmental agencies to use electronic submission. See the TCEQ website at, www.tceq.texas.gov for additional information and instructions.

Part V. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.

- B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.
- E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
 - 1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
 - 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

- J. The permittee shall implement its SWMP on any new areas under its jurisdiction that are located in a UA or that are designated by the TCEQ. Implementation of the SWMP in these areas is required the greater of three (3) years from acquiring the new area, or five (5) years from the date of initial permit coverage.

Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th Optional MCM is selected

The MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the MS4 operator that results in a land disturbance of one (1) acre or more of land or less than one (1) acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the MS4 operator may develop the SWMP to include the optional seventh (7th) stormwater MCM listed in Part III.B.7 of this general permit if the eligibility requirements in Part VI.A. below are met. If an MS4 operator decides to utilize this MCM, then the MS4 operator must include this MCM in its SWMP submitted with the NOI or submit an NOC notifying the executive director of the addition of this MCM to its SWMP. The MS4 operator must identify the geographic area or boundary where the construction activities will be conducted under the provisions of this general permit. If the permittee meets the terms and requirements of this general permit, then discharges from these construction activities may be authorized under this general permit as long as they occur within the regulated geographic area of the small MS4. An MS4 operator may utilize this MCM over additional portions of their small MS4 if those areas are also in compliance with all MCMs listed in this general permit. Even if an MS4 operator has developed this optional seventh stormwater MCM, the MS4 operator may apply under TPDES CGP TXR150000 for authorization for particular municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Section A. Eligible Construction Sites

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

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

- (a) The activity is located within a one-mile distance from the boundary of the permitted construction site and directly supports the construction activity;
- (b) A SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to control sediment and erosion and discharge of pollutants in stormwater runoff from the supporting construction activity site;
- (c) The construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges as required; and
- (d) Discharge of stormwater from concrete production facilities must meet the requirements in Section E below

3. Non-Stormwater Discharges

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

- (a) Discharges from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (c) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (d) Uncontaminated water used to control dust;
- (e) Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (f) Uncontaminated air conditioning condensate; and
- (g) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

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

Section C. Limitations on Permit Coverage

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

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

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

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

Section E. Stormwater Runoff from Concrete Batch Plants

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

1. Benchmark Sampling Requirements

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

Table 1. Benchmark Monitoring

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/quarter (*1)(*2)	Grab (*3)

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Total Suspended Solids	100 mg/L	1/quarter (*1)(*2)	Grab (*3)
pH	6.0-9.0 S.U.	1/quarter (*1)(*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1)(*2)	Grab (*3)

(*1) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*2) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March
 April through June
 July through September
 October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI.

(*3) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

- (b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

- (1) Any additional potential sources of pollution, such as spills that might have occurred;
- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and

- (4) Other parts of the SWP₃ that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP₃. Background concentrations may be identified by laboratory analyses of samples of stormwater run-on to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

2. BMPs and SWP₃ Requirements

Minimum Stormwater Pollution Prevention Plan (SWP₃) Requirements - The following are required in addition to other SWP₃ requirements listed in this section:

- (a) Description of Potential Pollutant Sources - The SWP₃ must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP₃ must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:
 - (1) Drainage – The site map must include the following information:
 - a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
 - b. A depiction of the drainage area and the direction of flow to the outfall(s);
 - c. Structural controls used within the drainage area(s);
 - d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES Construction General Permit TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
 - e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
 - (2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
 - (3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to

stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

- (4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.
- (b) Measures and Controls - The SWP₃ must include a description of management controls to regulate pollutants identified in the SWP₃'s "Description of Potential Pollutant Sources" from Part VI.E.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:
 - (1) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.
 - a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.
 - b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
 - (2) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP₃. Where appropriate, the SWP₃ must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP₃ and made available to the appropriate personnel.
 - (3) Inspections - Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP₃ related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP₃. The inspection frequency must be specified in the SWP₃ based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.
 - (4) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP₃, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP₃. The frequency of training must be documented in the SWP₃, and at a

minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

- (5) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.
 - (6) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.
- (c) Comprehensive Compliance Evaluation – At least once per year, one (1) or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:
- (1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee’s SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
 - (2) Based on the results of the evaluation, the following must be revised as appropriate within two (2) weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VI.E.2(a), “Description of Potential Pollutant Sources”); and pollution prevention measures and controls identified in the SWP3 (as required in Part VI.E.2.(b) “Measures and Controls”). The revisions may include a schedule for implementing the necessary changes.
 - (3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC Section 305.128, relating to Signatories to Reports.
 - (4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part VI.E.2.(b)(3) of this general permit.

3. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater

discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck washout at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

4. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under this section of the general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

- (a) Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
- (b) Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- (c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.
- (d) The discharge of wash out water shall not cause or contribute to groundwater contamination.
- (e) If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated map.

Section F. Effective Date of Coverage

Construction activities may not commence under this section until the MS4 NOI and SWMP are approved in writing by the TCEQ. Following approval of the NOI and SWMP, operators of construction activities eligible for coverage under this general permit are authorized to discharge stormwater associated with construction activity immediately upon posting the signed construction site notice required under this section.

Section G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

1. Be completed and initially implemented prior to commencing construction activities that result in soil disturbance;
2. Be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices; and
3. Provide for compliance with the terms and conditions of this general permit.

Section H. Plan Review and Making Plans Available

The SWP3 must be retained on-site at the construction site or made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; and to local government officials.

Section I. Keeping Plans Current

The permittee shall amend the SWP3 whenever either of the following occurs:

1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3; or
2. Results of inspections or investigations by site operators, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section J. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. Site Description

A site description, or project description, which must include:

- (a) A description of the nature of the construction activity, potential pollutants and sources;
- (b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
- (c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
- (d) Data describing the soil type or the quality of any discharge from the site;
- (e) A map showing the general location of the site (e.g. a portion of a city or county map);
- (f) A detailed site map indicating the following:
 - (1) Drainage patterns and approximate slopes anticipated after major grading activities;
 - (2) Areas where soil disturbance will occur;
 - (3) Locations of all major structural controls either planned or in place;
 - (4) Locations where temporary or permanent stabilization practices are expected to be used;
 - (5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;
 - (6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;

- (7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and
- (8) Vehicle wash areas.
- (g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;
- (h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and
- (i) A copy of Part VI of this TPDES general permit.

2. Structural and non-structural controls

The SWP3 must describe the structural and the non-structural controls (best management practices) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

- (a) Erosion and Sediment Controls
 - (1) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.
 - (2) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.
 - (3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50 per cent.
 - (4) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.
 - (5) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

3. Stabilization Practices

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible.

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:
 - (1) The dates when major grading activities occur;
 - (2) The dates when construction activities temporarily or permanently cease on a portion of the site; and

- (3) The dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.
 - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 - (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

The SWP3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

- (a) Sites with a drainage area of ten (10) or more acres:
 - (1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.
 - (2) Where rainfall data is not available or a calculation cannot be performed the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.
 - (3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.
 - (4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- (b) Controls for sites with drainage areas less than ten acres:
 - (1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt

fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

- (2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

5. Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

6. Other Controls

- (a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.
- (b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.
- (c) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

7. Effluent Limits

The federal Effluent Limitations Guidelines at 40 CFR Part 450.21(a) apply to all regulated construction activities under this 7th optional MCM, where the small MS4 is the operator.

8. Approved State and Local Plans

- (a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
- (b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

9. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated

storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

10. Inspections of Controls

- (a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid or semi-arid, or drought stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

- (b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VI.J.10(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VI.J.10.(a) above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be

developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

- (c) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.
- (d) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.
- (e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

- (f) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

11. Pollution Prevention Measures

The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge.

Section K. Additional Retention of Records

The permittee shall retain the following records for a minimum period of three (3) years from the date that final stabilization has been achieved on all portions of the site. Records include:

1. A copy of the SWP3; and
2. All reports and actions required by this section, including copies of the construction site notices.

APPENDIX D

CITY OF LEANDER GENERAL PERMIT NOTICE OF INTENT



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.: 210143
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: TXR040149
(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 600646012

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

City of Leander

(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: Chris Fielder

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: (512) 528-2760 Ext: _____ Fax Number: (512) 528-2833

E-mail: pwomack@leandertx.gov

Mailing Address: P.O. Box 319

Internal Routing (Mail Code, Etc.): C/O Pat Womack

City: Leander

State: TX

ZIP Code: 78646

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): RN105526925

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Leander

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 Leander limits, that is located within the Austin urbanized area.

d. City where the largest residential population exists within the regulated MS4 boundaries:
City of Leander

e. ZIP code where the largest residential population exists within the regulated MS4 boundaries:
78641

f. County where the largest residential population exists within the regulated MS4 boundaries:
Williamson County

Is the MS4 located within additional counties?

Yes – If Yes, what county (or counties)?
Travis County

No

g. Latitude:30.56 N Longitude:97.86 W

4) GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?
 Yes – If Yes, you must obtain authorization through EPA, Region 6.
 No

b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111

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

- Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

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

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

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

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

Yes

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

- e. What is your annual reporting year?

Calendar year

MS4 general permit year

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

- f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

Yes

No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

Yes

No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

First/Last Name: Pat Womack

Title: Public Works Director

Company: City of Leander

Phone Number: (512) 259-2640 Ext: _____ Fax Number: (512) 528-8421

E-mail: pwomack@leandertx.gov

Mailing Address: P.O. Box 319

Internal Routing (Mail Code, Etc.): C/O Pat Womack

City: Leander State: TX ZIP Code: 78646

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?
South Fork San Gabriel River, Brushy Creek, Mason Creek, Block House Creek, Colorado River, North Brushy Creek and South Brushy Creek.

2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?
1250, 1244, 1404

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?

What are the pollutants of concern?

No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?

Yes – If Yes, what is the name of the MS4 Operator?

No

i. Edwards Aquifer

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

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

No

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

Yes

j. Public Participation Process

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

Title: Public Works Director

Company: City of Leander

Phone Number: (512) 259-2640 Ext: _____ Fax Number: (512) 528-8421

E-mail: pwomack@leandertx.gov

Mailing Address: P.O. Box 319

Internal Routing (Mail Code, Etc.): C/O Pat Womack

City: Leander State: TX ZIP Code: 78646

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 Leander City Hall Information Center

Address of Public Place:

200 West Willis Street, Leander TX 78641

County of Public Place:

Williamson 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.

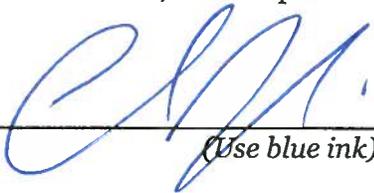
- a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. Yes
- b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000. Yes
- c. I understand that a Notice of Termination (NOT) must be submitted 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, CHRISTOPHER FIELDER MANOR
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: 6/2/2014
(Use blue ink)

APPENDIX E

CITY OF LEANDER

ILLCIT DISCHARGE DETECTION AND ELIMINATION PROGRAM



City of Leander

Illicit Discharge Detection & Elimination (IDDE) Program



PROTECT OUR WATERWAYS!

Illicit Discharges are any discharges or seepages that are not composed only of storm water or uncontaminated groundwater.

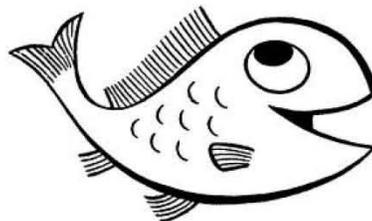
Did you know that anything dumped into a storm drain goes untreated into a stream, river, or lake?

Storm water Run-off is a major source of surface water pollution. Runoff can pick up contaminants on the ground. Our water quality is reduced when contaminants enter our waterways. Contaminants include oil, gas, paint, fertilizer, pet waste, grass clippings, and car wash water to name a few.

REPORT ILLICIT DISCHARGES

City of Leander – Public Works
607 Municipal Drive
Leander, TX 78641
Phone: (512) 259-2640
City Hall: (512) 528-2700

PLEASE, ONLY RAIN IN THE



DRAIN!

“If you don’t drink it, don’t dump it”

6 Steps to Clean Water & prevention pollution:

- 1. Never Dump Anything Down a Storm Drain or Gutter**
- 2. Don’t over-fertilize your lawn or fertilize before a storm.**
- 3. Maintain Your Septic System Properly**
- 4. Don’t Top Off When You Fill Up Your Tank**
- 5. Dispose of Pet Waste in a Trash Can**
- 6. Practice Good Car Care, fix fluid leaks promptly, and properly dispose of used motor oil**
- 7. Don’t litter**

WHY IS STORM WATER POLLUTION A PROBLEM?



Storm water can pick up debris, chemicals, dirt, and other pollutants. Those pollutants then flow into the storm sewer system or directly into a lake, stream, river, or wetland. Anything that enters a storm sewer system is discharged untreated into the water someone uses for swimming, fishing, and drinking.

EFFECTS OF POLLUTION

Polluted storm water runoff can have many adverse effects on plants, fish, animals, and people.

1. Sediment can cloud the water and make it difficult or impossible for aquatic plants to grow. Sediment also can destroy aquatic habitats.
2. Excess nutrients can cause algae blooms. When algae die, they sink to the bottom and decompose in a process that removes oxygen from the water. Fish and other aquatic organisms can’t exist in water with low dissolved oxygen levels.
3. Bacteria and other pathogens can wash into swimming areas and create health hazards.
4. Debris (plastic bags, six-pack rings, bottles, and cigarette butts) washed into water bodies can choke, suffocate, or disable aquatic life like ducks, fish, turtles, and birds.
5. Household wastes like insecticides, pesticides, paint, solvents, used motor oil and other auto fluids can poison aquatic life. Land animals and people can become sick or die from eating diseased fish ingesting polluted water.
6. Polluted storm water often affects drinking water sources. This, in turn, can affect human health and increase drinking water treatment costs.