

Stormwater Management Program (SWMP)

For compliance with the
Texas Pollutant Discharge Elimination System



Town of
Hickory Creek
Texas

Stormwater Phase II MS4
General Permit No. TXR0400000

Permit Term Beginning
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Acronyms

BMP	Best Management Practice
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
ISWM	Integrated Stormwater Management
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
UA	Urbanized Area

1.0 INTRODUCTION

1.1 Regulatory Requirement

The Clean Water Act (CWA) is a federal law that establishes environmental programs, including the National Pollutant Discharge Elimination (NPDES) program, to protect the Nation's waters. It directs the U.S. Environmental Protection Agency (EPA) to issue rules on how to implement this law. Under the NPDES program, a municipal stormwater program was developed in two phases, Phase I and Phase II.

Phase I of the EPA municipal stormwater program was promulgated in 1990 under the authority of the CWA. Phase I relied on the NPDES permit coverage to address stormwater runoff from medium and large municipal separate storm sewer systems (MS4s), serving populations of 100,000 and greater.

The NPDES Stormwater Phase II regulations, which target small MS4s located fully or partially within an "urbanized area" and construction activities disturbing more than one acre of land, were promulgated by the Environmental Protection Agency (EPA) on December 8, 1999. These regulations apply to all jurisdictions within a delineated urbanized area regardless of individual population. The latest decennial census (2010) by the U.S. Census Bureau identified the Town of Hickory Creek as a community that is operating an MS4 within an urbanized area, and thus is regulated under the NPDES Stormwater Phase II regulations.

The Texas Commission on Environmental Quality (TCEQ) was granted the authority in 1998 from the EPA to administer the Texas Pollutant Discharge Elimination System (TPDES). This authority is granted through a Memorandum of Agreement with the EPA to administer the NPDES system as it applies to the State of Texas. The TPDES requirements must be at least as stringent as those set forth by the NPDES program.

This program requires that the Town of Hickory Creek:

- Reduce the discharge of pollutants to the maximum extent practicable (MEP);
- Protect water quality;
- Satisfy the appropriate water quality requirements of the Clean Water Act; and,
- Manage stormwater quality activities through the Stormwater Management Program (SWMP).

The Town of Hickory Creek has developed the SWMP in accordance with the requirements of the TPDES Phase II (Small) MS4 General Permit TXR040000 for obtaining authorization for stormwater discharges and certain non-stormwater discharges. The SWMP has been developed to reduce the amount of pollutants carried into the MS4 by stormwater runoff as required by the TPDES General Permit.

The Town of Hickory Creek is required to develop a SWMP that describes specific actions that will be taken over a five-year period to reduce pollutants and protect the Town's stormwater quality to the MEP. The specific activities to be implemented are Best Management Practices (BMPs). The SWMP must also set measurable goals and provide a schedule for the implementation of the BMPs. Various BMPs must be developed for each of the five minimum control measures (MCMs) that are required by the Phase II Rule. The five required MCMs are:

1. Public Education, Outreach, and Involvement;
2. Illicit Discharge Detection and Elimination;
3. Construction Site Stormwater Runoff Control;
4. Post-Construction Stormwater Management in New Development and Redevelopment; and
5. Pollution Prevention and Good Housekeeping for Municipal Operations.

The MS4 General Permit includes a sixth MCM that only applies to Level 4 MS4s that was not included. The permit also includes the optional seventh MCM that address's stormwater from municipal construction activities. **The Town of Hickory Creek will not consider the seventh MCM at this time.**

2.0 PROGRAM OVERVIEW

2.1 Background Information for the Town of Hickory Creek

The Town of Hickory Creek is located north of the Lewisville Lake in Denton County, Texas. Hickory Creek is bordered by the City of Corinth, City of Lake Dallas, City of Highland Village and City of Lewisville. The Town was incorporated on 1963 and currently has a land area of 4.6 square miles. In 2010, the population of Hickory Creek was estimated at 3,247. A location map is presented in Figure 1.

The Town lies within the Lake Lewisville Watershed. The Town has approximately 2 stream miles within the Town limits and approximately 0.8 miles of the 2 stream miles are with the United States of America Corps of Engineer's property. The stream miles within Hickory Creek are comprised of Carter Branch, Carter Branch Tributary 1, and Lake Lewisville Unnamed Tributary 26. Most of the streams flows in a southeasterly direction and discharges into Lake Lewisville.

2.2 Stormwater Management Program Development

The hydrology and water quality concerns of the Town of Hickory Creek have been considered in developing this Stormwater Management Program. The Plan herein describes the development and implementation of the Stormwater Management Program. In preparing this Plan, the Town of Hickory Creek has considered different activities, municipal and public, that have stormwater impacts. Some of the municipal departments that have been identified as having stormwater impacts include Public Works, Police, Fire, Parks and Recreation, and Planning and Zoning.

This SWMP includes the five MCMs required by the TPDES program and the EPA Phase II Final Rule. Each of the five required MCMs includes a summary that outlines the TCEQ requirements for that component of the plan. The summary is followed by specific BMPs that include measurable goals and target dates, and the implementing responsibility within the Town of Hickory Creek.

2.3 Public Review and Comment of the Stormwater Management Program

In accordance with the general permit TXR040000, Part II, Section E, Number 16, the SWMP will be available for review at the Town Hall, located at 1075 Ronald Reagan Ave., Hickory Creek, Texas 75065.

2.4 Annual Reporting

The Town of Hickory Creek will track BMP activities, results, and changes to the SWMP through an annual report that will be submitted to the TCEQ Executive Director within 90 days at the end of each permit year. The annual report will include factors required by Part IV, Section B, Number 2 of the general permit, including:

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

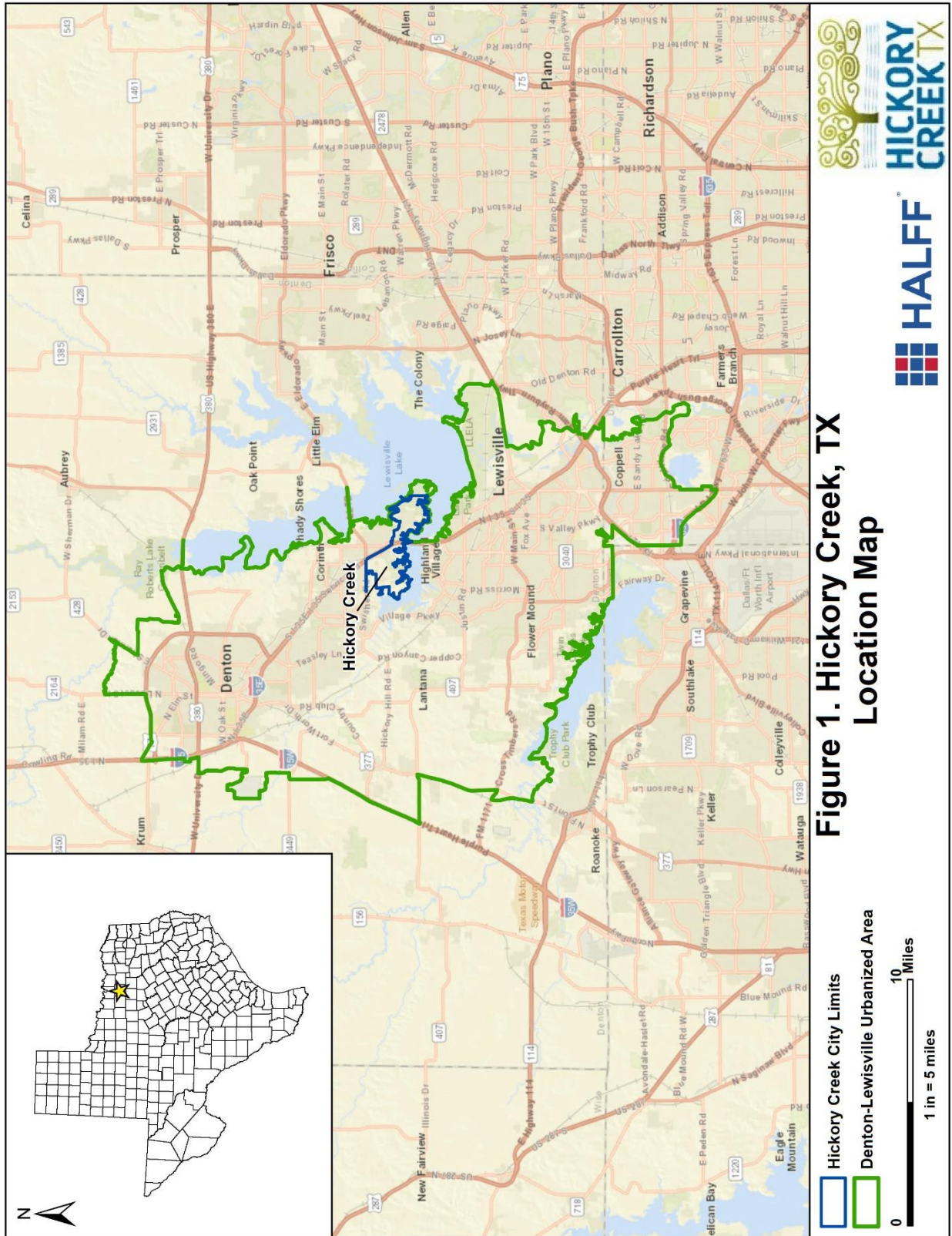
- b) A summary of the results of information collected and analyzed including monitoring data used to assess the success of the program,
- c) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year,
- d) And any changes to the SWMP, as assessed to keep the Town of Hickory Creek in compliance with the general permit conditions.

The Town of Hickory Creek does not have enough employees to perform municipal public works. All public works improvements are contracted out.

The Town of Hickory Creek MS4 annual reporting year shall be Calendar Year. Therefore, the reporting year will end on December 31st and the Annual Report will be submitted to TCEQ by March 31st (90 days after end of Calendar Year).

2.5 Recordkeeping and Tracking

In accordance with the general permit TXR040000, Part IV, Section A, the Town of Hickory Creek will retain all records, a copy of the TPDES general permit, and records of all data used to complete the application (NOI) for the general permit, and satisfy the public participation requirements, for a minimum of three years or for the remainder of term of this general permit, whichever is longer, and make this information available to the public if requested to do so in writing within 10 working days of the request.



**Figure 1. Hickory Creek, TX
 Location Map**

3.0 TOWN OF HICKORY CREEK STORMWATER MANAGEMENT PROGRAM

This section recommends specific methods to implement during the next five years. These BMPs are designed to match the community's priorities while ensuring compliance with the TCEQ General Permit as an operator of a small MS4.

3.1 Introduction

The Town of Hickory Creek's Stormwater Management Program must address the five MCMs outlined in TCEQ's General Permit TXR040000 for small municipal separate storm sewer systems (MS4s). As stated in Part III, Section B of the permit, each MCM has permit requirements – actions that the Town needs to take to maintain compliance with the TPDES General Permit.

The BMPs presented herein have been proposed because they are appropriate for the Town of Hickory Creek's stormwater system. The BMPs are considered measurable, are anticipated to provide significant benefits in the Town's stormwater quality, and are achievable. Many of these BMPs build upon efforts initiated by the Town as part of the previous SWMP. The Town is committed to a proactive approach to stormwater management for the community's health and to be good environmental stewards. Based on the General Permit's requirements and recommendations, the following recommended actions are categorized by the five (5) Phase II Minimum Control Measures.

3.2 Minimum Control Measure No. 1: Public Education, Outreach, and Involvement

Public education, outreach, and involvement are important to an effective SWMP and can be accomplished in a number of well-established and accessible ways.

The Town has found informational flyers, articles, and brochures to be an effective method of distributing educational material in the past. As more business and interaction with the Town has moved online, these informational pieces have migrated to the Town's website, as well. Moving forward, the Town will be exploring opportunities to bring the public education piece to specific groups through local civic and community groups and social media.

The Town of Hickory Creek recognizes the benefits of direct involvement in the Town's stormwater program by members of the public. The Town involves its residents by soliciting feedback on the Town's Stormwater webpage that houses links to the SWMP, MS4 General Permit, and educational material. Future opportunities to engage the public through civic and community groups and through social media also offer the opportunity to solicit input.

Public involvement differs from public education in that it not only informs the public, but also provides opportunities for direct citizen action. When citizens participate in a project's decision-making process, they are more likely to support the final outcome. This plan describes ways in which the community can play an active role in implementing the Town's stormwater management program. An informed and involved public can be a valuable information resource and can help build compliance with the program. The public involvement and participation program is also a requirement of the TPDES program and EPA NPDES Phase II Final Rule.

General Permit Requirements:

- (a) A public education program must be developed to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The Town of Hickory Creek may determine the most appropriate sections of the population at which to direct the program. The Town must consider the following groups and the SWMP shall provide justification for any listed group not included in the program:
 - (1) Public Employees
 - (2) Businesses
 - (3) General Public

The outreach must inform the public about the impacts that pollution in stormwater run-off can have on water quality, hazards associated with illegal

discharges and improper disposal of waste, and ways they can minimize their impact on stormwater quality.

- (b) The Town of Hickory Creek must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2 of the General Permit.
- (c) The Town must at a minimum, comply with any state and local public notice requirements when implementing a public involvement / participation program. The program may be developed to include opportunities for a wide variety of constituents within the MS4 area to participate in the SWMP development and implementation. The Town of Hickory Creek has effectively communicated with the residents through publication on the Hickory Creek Newsletter. The town shall publish the public notices through the Denton Record Chronicle and Hickory Creek Newsletter.

The Texas Government Code Chapter 2051, Section 44 defines the requirements for a newspaper in which a public notice will be published as:

- (1) The newspaper in which a notice is published must:
 - i. devote not less than 25 percent of its total column lineage to general interest items;
 - ii. be published at least once each week;
 - iii. be entered as second-class postal matter in the county where published; and
 - iv. have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.
- (2) A weekly newspaper has been published regularly and continuously under Subsection (a) if the newspaper omits not more than two issues in the 12-month period.

Public meetings, if required, will be conducted according to the Texas Government Code Title 5, Subtitle A, Chapter 551.

BMP 1.1	MINIMUM CONTROL MEASURE NO. 1 Public Education and Outreach	
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Distribute Stormwater Educational Materials

Activity

Distribute stormwater educational materials to relevant sectors of the community as required by the Small MS4 General Permit.

Objective

Educate public service employees, businesses, commercial and industrial activity, and the general public about stormwater pollution-potential of common activities and hazards associated with illegal discharges and improper disposal of waste. Provide community clear guidance on steps and specific actions that they can take to reduce the potential for Stormwater pollution.

Responsible Positions

Public Works Director and Town Engineer

Work Actions

- i. Review community priorities and ensure educational material aligns with program goals and objectives.
- ii. Distribute materials to relevant community sector by posting on the Town's website, utilizing the Town's social media presence, and/or speaking to community/civic groups where opportunities may be available (e.g. Chamber of Commerce, Rotary Club, etc.).

Annual Reporting Documentation

Discussion of high-priority community-wide issues and any revisions that need to be made to the goals of the program; general nature and target audience of messages; types of distribution (website, social media, printed, etc.); number of people reached through each distribution (number of website clicks, number of social media likes/shares, number of people attending a speaking engagement).

Action Items with Measurable Goals and Schedules


Action Item	Measurable Goal	Deadline/Frequency
Distribute SWPPP information to developers	Distribute SWPPP information and requirements to 100% of developers attending pre-construction meetings	December annually (2019 to 2023)
Distribute stormwater management information via website and social media	Post targeted stormwater management program content to the Town's website and/or social media at least twice each calendar year.	December annually (2019 to 2023)
Distribute printed stormwater management information at events	Distribute printed materials related to stormwater management at community events at least two times each calendar year.	December annually (2019 to 2023)
Distribute stormwater management information to employees	Distribute printed and/or electronic stormwater management information to 25% of employees	December annually (2019 to 2023)
Present stormwater management information to the business community	Make a presentation on stormwater management targeted toward businesses, commercial and industrial activities at least once per calendar year through meetings with the Economic Development Corporation, the local Chamber of Commerce, the Home Builders Association or other associations concerned with local growth and development. Topics can include How to Prepare a SWPPP; Erosion and Sedimentation Control, etc.	December annually (2021 to 2023)

**Helpful
Suggestions**

The EPA and TCEQ have stormwater educational information available for municipalities to use with minor modifications. Also, to reduce costs and resource commitments, it is possible to develop materials with other local Phase II MS4's or NCTOG municipalities and share costs. There also may be opportunities to speak to the local Chamber of Commerce and other community/civic clubs, which would be an effective way of targeting the business community.

Consider using the Town's social media platforms as a quick, effective way of disseminating information about stormwater while giving residents the opportunity to be engaged in the Town's SWMP.

To meet permit requirements, ensure message targets specific areas of concern, for example consider targeting the stormwater pollution-potential of over fertilizing yards and proper disposal of waste for residences and visitors.

BMP 1.2	MINIMUM CONTROL MEASURE NO. 1 Public Education and Outreach	
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Stormwater Message(s) with Links on Town of Hickory Creek Website

Activity

Implement, maintain, and update as necessary stormwater educational messages on Town website to inform public service employees, businesses, commercial and industrial activities, and the general public about stormwater pollution-potential of common activities and pollution prevention of the Hickory Creek stormwater system. Webpage should have appropriate information with links to outside web sources such as EPA, TCEQ, and a link to the e-mail of the Town's contact person. Information available on website should be pertinent to all sectors of the community.

Objective

Provide public forum for disseminating and collecting stormwater and SWMP related information via Town's website to all sectors of the community.

Responsible Positions

Information Technology Manager and Public Works Director

Work Actions

- i. Maintain stormwater informational page on website; and
- ii. Respond to e-mail comments or questions from public.

Annual Reporting Documentation

Description of website stormwater information and links, with beginning dates and dates of any modifications. Description of the number of e-mails received regarding stormwater issues and number of hits on webpage.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Make SWMP and Annual Reports available to public	Post the SWMP and revisions, as well as Annual Reports as they are submitted, on the Town's website	May annually (2019 to 2023)
Make stormwater information available on Town website	Post at least one new stormwater pollution prevention "fact sheet" per calendar year for all relevant sectors of the community (public service employees, businesses, commercial and industrial activities, and the general public).	December annually (2019 to 2023)

<p>Helpful Suggestions</p>	<p>Web links to consider are EPA's Stormwater page, Keep America Beautiful, or TCEQ's websites. There are lots of resources available to use - just ensure they are appropriate for the Town's concerns.</p>
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BMP 1.3	MINIMUM CONTROL MEASURE NO. 1 Public Education and Outreach	
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Public Participation Events

Activity

Facilitate community events and programs that provide opportunities for citizens and organizations to participate in the SWMP.

Objective

Engage businesses, public employees and local citizens in “hands-on” opportunities to prevent pollution through the Town of Hickory Creek’s stormwater system.

Responsible Position

Public Works Director

Work Actions

- i. Organize and/or participate with volunteer efforts to clean up debris and trash in the creeks or that could end up in local creeks and streams including stormwater outfalls; emphasize cleanup of floatables.
- ii. Maintain the Town’s household hazardous waste pickup opportunities through its solid waste operations and ensure residents are aware of the process to have household hazardous waste collected.
- iii. Maintain and continue to provide support for the Town’s Adopt-A-Street program.


Annual Reporting Documentation

Discussion of cleanup, including publicity Town materials, number of participants, length of stormwater system cleaned, quantity of litter picked up, and quantity of household hazardous waste collected.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Hold citizen clean-up event	Hold at least one citizen volunteer clean-up event per calendar year. Provide publicity through the Town's website and social media and seek partnerships with community groups.	December annually (2019 to 2023)
Provide opportunity for household hazardous waste disposal	Each month of the calendar year, collect household hazardous waste through the Town's solid waste contract with Republic Services. Post information about the service on the Town's website and make at least one post each calendar year on the Town's social media.	December annually (2019 to 2023)
Provide opportunity for prescription drug disposal	Each quarter of the calendar year, collect unused prescription drugs through a disposal bin at Town Hall. Post information about the service on the Town's website and make at least one post each calendar year on the Town's social media.	December annually (2019 to 2023)

<p>Helpful Suggestions</p>	<p>The Town's social media platforms are effective avenues to publicize these events and engage citizens. It may be possible to utilize existing scout troop volunteer cleanup as credit for this BMP.</p>
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BMP 1.4	MINIMUM CONTROL MEASURE NO. 1 Public Education and Outreach	
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Display Stormwater Management Program on Town Website for Public Review and Comment

Activity

Display SWMP and Annual Reports on Town website for public review and comment. These documents will be made available on the Town's Stormwater webpage (<https://www.hickorycreek-tx.gov/209/Stormwater>).

Objective

To allow community to comment on the SWMP and participate in the implementation process.

Responsible Positions

Information Technology Manager and Public Works Director

Work Requirements

- i. Post SWMP on Town website;
- ii. Maintain email or similar outlet for gathering public comments; and
- iii. Document number and nature of comments received.

Annual Reporting Documentation

Documentation of public comments and response or actions by the Town with relevant meeting minutes. If meetings are held, include numbers and lists of attendees, nature of discussion. Document the number of clicks on the SWMP.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Provide opportunity to comment on SWMP	Post a contact email for citizens to provide feedback on the Stormwater Management Program and its implementation	December annually (2019 to 2023)
Document and follow up on public review comments	Document 100% of any response or action taken by the Town where follow up action is warranted. (This action item should be implemented with BMP 1.2 and BMP 3.5.)	December annually (2019 to 2023)

3.3 Minimum Control Measure No. 2: Illicit Discharge Detection and Elimination

The Town of Hickory Creek recognizes the potential for illicit discharges to the Town's stormwater system and is committed to addressing these discharges. The BMPs in this section are targeted toward known and potential illicit discharges.

Non-stormwater discharges will be addressed on a case-by-case basis. Allowable non-stormwater discharges, as identified in Part II, Section C of the TPDES General Permit, are not required to be addressed by the minimum control measures unless they are determined by the Town or TCEQ to be significant contributors of pollutants to the small MS4.

The town of Hickory Creek will not be sampling stormwater unless illicit discharges are identified.

General Permit Requirements

(a) Illicit Discharges

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

- (i) Detection - The SWMP must list techniques used for detecting illicit discharges; and
- (ii) Elimination - The SWMP must include appropriate actions and to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge. Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the information regarding the illicit discharge may be referred to the TCEQ's regional field office.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II, Section C and Part VI, Section B of the General Permit do not need to be considered by the Town as an illicit discharge requiring elimination unless the Town or TCEQ identifies the flow as a significant source of pollutants to the MS4. In lieu of considering non-stormwater sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-stormwater discharges that will not need to be addressed as illicit discharges requiring elimination. If developed, the listed sources of pollutants must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that

have been established by the Town prior to accepting discharge to the MS4. All local controls and conditions established for these discharges must be described in the SWMP and any changes from the initial SWMP must be included in the annual report described in Part IV, Section B.2 of the General Permit.

(c) Storm Sewer Map

- i. A map of the storm sewer system must be developed and must include the following:
 - a) The location of the outfalls;
 - b) The names and locations of all waters of the U.S. that receive discharges from the outfalls; and
 - c) Any additional information needed by the permittee to implement its SWMP.
- ii. The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.

BMP 2.1	MINIMUM CONTROL MEASURE NO. 2 Illicit Discharge Detection and Elimination	 HICKORY CREEK TX
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Enforce Town Ordinance and Procedures to Prohibit and Remove Illicit Discharges

Activity

Enforce Town of Hickory Creek ordinance that prohibits non-stormwater discharges to the Town stormwater system, include exceptions for allowable non-stormwater discharges as identified in Part II, Section C or Part VI, Section B of the General Permit.

Continue to implement enforcement procedures for removing the source of illicit discharges in a timely manner.

Objective

Regulate and enforce procedures to prohibit and remove illicit discharges.

Responsible Positions

Public Works Director

Work Actions

- i. Continue to enforce the Town ordinance prohibiting non-stormwater discharges to the MS4, including exceptions for allowable non-stormwater discharges as identified in Part II, Section C or Part VI, Section B of the General Permit;
- ii. Continue to enforce procedures for removing illicit discharges.

Annual Report Documentation

Copy of current ordinance; description of any revisions to the ordinance and enforcement procedures; ordinance and enforcement procedures revision dates.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Enforce Town ordinance	Enforce the existing ordinance by verifying the required course of action for 100% of complaints and taking corrective action each calendar year	December annually (2019 to 2023)
Review Town ordinance	Review the ordinance each calendar year and make updates as needed.	December annually (2019 to 2023)

BMP 2.2	MINIMUM CONTROL MEASURE NO. 2 Illicit Discharge Detection and Elimination	
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Visual Inspection of Selected Stormwater Outfalls During Dry Weather

Activity

Perform dry weather screening of selected stormwater outfalls to determine the existence of illicit discharges. If necessary, determine source of suspected illicit discharge and report to Town's enforcement mechanism for elimination of illicit discharge.

Objective

Maintain program to identify and remove potential illicit discharges to Hickory Creek's stormwater system.

Responsible Position

Public Works Director and Town Engineer

Work Actions

- i. Review current inspection procedures, including illicit discharge reporting procedures, for Town staff to perform storm water outfall dry weather inspections, and make any revisions or updates as necessary.
- ii. Review and make changes as necessary to the inspection form to ensure accurate and consistent inspections. The form should include the date of inspection, locations inspected, weather conditions, and notes about the discharge at each location stating the source, color, and corrective action recommended.
- iii. The Town Engineer or Inspector shall visually inspect stormwater outfalls during dry weather to check for possible illicit discharges and document observations on an annual basis.

Annual Report Documentation

Written report for each outfall inspected including date, time, and description of any observed discharges; actions taken if suspected illicit discharge is detected; and photographs.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Inspect outfalls in dry weather conditions	Inspect 100% of outfalls each calendar year during dry weather conditions	December annually (2019 to 2023)
Investigate and take corrective action	Investigate and take corrective action on 100% of illicit discharges detected during inspections each calendar year	December annually (2019 to 2023)

BMP	MINIMUM CONTROL MEASURE NO. 2	
2.3	Illicit Discharge Detection and Elimination	

Development of Storm Sewer Map Showing All Outfalls and Names of Waters of the United States

Activity

Develop a Hickory Creek storm sewer map showing all outfalls and names of Waters of the United States.

Objective

Develop a complete and current map of all stormwater facilities in Hickory Creek to demonstrate a basic awareness of the intake and discharge areas of the system.

Responsible Position

Town Engineer

Work Actions

- i. Compile stormwater map data from necessary sources;
- ii. Review data and update outfall locations as necessary; and
- iii. Update existing paper and electronic versions of outfall maps at least annually.

Annual Reporting Documentation

Discussion of compilation of map data, field verification process, and generation of map.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Update outfall map	Update map each calendar year to ensure that 100% of outfall locations are included.	December annually (2019 to 2023)

BMP 2.4	MINIMUM CONTROL MEASURE NO. 2 Illicit Discharge Detection and Elimination	
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Spill Control and Response

Activity

Implement and maintain a procedure to control and respond to harmful spills that discharge into the Town's stormwater system.

Objective

To prevent the discharge of harmful spills into the Town's stormwater system.

Responsible Position

Public Works Director and Town Engineer

Work Actions

- i. Review and evaluate existing spill control procedures.
- ii. Revise and update the procedures as necessary, and procure any spill kits or materials that may be identified as best practices for dealing with spills
- iii. Ensure Town staff are aware of the spill control and response procedures and any spill kits or materials have clear instructions attached to them.

Annual Report Documentation

Current spill control and response procedures; number and nature of spills reported and controlled; type, number, and location of spill kits at Town facilities and the instructions associated with them; training, communication, or any other method the Town uses to ensure staff are knowledgeable about the procedures for reporting and controlling spills.

Action Items with Measurable Goals and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Continue spill control and response procedures	Continue existing and spill control and response procedures for 100% of all identifiable spills that discharge into the Town's stormwater system each calendar year	December annually (2019 to 2020)
Review spill control and response procedures	Each calendar year review 100% of the spill control and response procedures and make updates as needed.	December annually (2021 to 2023)
Communicate spill control and response procedures to staff	Each calendar year distribute the spill control and response procedures to 100% of Town staff.	December annually (2021 to 2023)

<p>Helpful Suggestions</p>	<p>Spill kits located in Town facilities would be a good way to ensure staff have access to the materials needed to respond to a spill quickly. These kits should have easy to read and follow instructions attached to them (e.g. a laminated instruction sheet zip-tied to the kit).</p> <p>Also consider implementing this BMP with BMPs 5.1 and 5.2 under MCM No. 5 – Pollution Prevention and Good Housekeeping.</p>
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BMP 2.5	MINIMUM CONTROL MEASURE NO. 2 Illicit Discharge Detection and Elimination	
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Public Reporting

Activity

Implement and maintain a procedure for the general public to report illicit discharges into the Town's stormwater system.

Objective

To prevent illicit discharge into the Town's stormwater system.

Responsible Positions

Public Works Director and Town Engineer

Work Actions

- i. Review and evaluate existing reporting procedures. Document the typical citizen complaint process.
- ii. Revise and update the procedures as necessary to ensure the general public has an easy-to-navigate process for reporting illicit discharge and complaints are addressed by Town staff.
- iii. Ensure public reporting procedures are available on the Town's website and Town staff are educated on the procedures.

Annual Report Documentation

Typical citizen complaint process; methods public has available to report illicit discharge; number of comments/complaints received and actions taken by the Town in response.

Action Items with Measurable Goals and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Ensure public reporting process is available on the Town's website	Ensure public reporting process is available on the Town's website and update as necessary each calendar year.	December annually (2022 to 2023)
Educate Town staff on reporting procedures	Each calendar year provide education on reporting procedures to 100% of Public Works employees	December annually (2022 to 2023)
Respond to comments and questions	Respond to 100% of comments and questions with an actional request within two weeks. Document the number and nature of complaints/comments and the actions taken to address each issue.	December annually (2019 to 2023)

Helpful Suggestions	When complaints/comments are received from citizens regarding potential illicit discharges, inform them of the process the Town will follow in investigating and follow up when the investigation is complete. This helps people build confidence in the program, and they are more likely to report illicit discharge if they are confident the Town will address the issue.
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3.4 Minimum Control Measure No. 3: Construction Site Runoff Controls

In the absence of proper management, construction sites can release significant amounts of sediment into stormwater and eventually into a municipality's stormwater drainage system. Other construction site activities such as storage and handling of construction materials also can release pollutants into the storm drain system. In addition, increases in compaction and impervious surfaces at construction sites impact stormwater. The fact that construction and construction-related activities are occurring in the metropolitan area is cause to evaluate the methods and procedures currently in place to address stormwater runoff. Pollutants from construction sites that may impact stormwater runoff include sediment, solid and sanitary wastes, fertilizer, pesticides, oil and grease, truck washout debris, and construction debris.

The Town of Hickory Creek currently has institutional controls related to stormwater at construction sites. The continued implementation and enforcement of these stormwater runoff controls will be an important element in Hickory Creek's Stormwater Management Program.

The town of Hickory Creek will not be sampling the stormwater during the permit period.

General Permit Requirements:

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

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

- (3) Site inspection and enforcement of control measures to the extent allowable under State and local law.

BMP	MINIMUM CONTROL MEASURE NO. 3	
3.1		

Maintain Hickory Creek Town Ordinance and Enforcement Mechanism to Require Erosion and Sediment Controls at Construction Sites > 1 Acre

Activity

Continue to enforce and maintain a Town ordinance and enforcement mechanism (including sanctions) to require waste, erosion, and sediment controls at construction sites that disturb one acre or more. Ordinance must address waste such as discarded building materials, concrete washout water, litter, and sanitary waste.

Objective

To regulate and control waste, erosion, and sedimentation from construction sites within the Town of Hickory Creek.

Responsible Position

Public Works Director

Work Actions

- i. Continue to implement and revise as necessary the Town ordinance requiring waste, erosion, and sediment controls at construction sites ≥ 1 acre; and
- ii. Continue to enforce the requirements of waste, erosion, and sediment controls at construction sites ≥ 1 acre.

Annual Report Documentation

Discussion of any revisions of ordinance and enforcement mechanism; copy of ordinance and enforcement policy and procedures; discussion of any important issues related to ordinance.

Action Items with Measurable Goals and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Investigate potential violations of ordinance	Investigate 100% of potential violations of current ordinance based on inspections and complaints.	December annually (2019 to 2023)
Review Erosion and Sediment Control ordinance	Review Erosion and Sediment Control ordinance once per calendar year and revise as conditions warrant.	December annually (2019 to 2023)

Helpful Suggestions	The EPA maintains a library of example ordinances adequate to meet the General Permit requirements.
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BMP 3.2	MINIMUM CONTROL MEASURE NO. 3 Construction Site Runoff Controls	
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Require Submittal of Construction Site SWPPP for Review by Town Staff

Activity

Require contractors to submit TCEQ-approved Construction SWPPP for Town review.

Objective

Incorporate site plan review with considerations of water quality impacts

Responsible Position

Public Works Director

Work Actions

- i. Enforce policy and ordinance that requires contractors to submit TCEQ-approved Construction SWPPP;
- ii. Provide construction plan checklist for Town site plan reviewers which has a specific item requiring submittal of Construction SWPPP; and
- iii. Review of all Submitted Construction SWPPP's for compliance with Town ordinance. Ensure that SWPPPs include temporary controls for waste, sediment, and erosion, as well as controls for allowable non-stormwater discharges and post-construction stormwater controls.

Annual Report Documentation

Number of construction SWPPPs reviewed

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Require SWPPPs for construction projects ≥ 1 acre	Require SWPPPs for 100% of construction projects of ≥ 1 acre.	December annually (2019 to 2023)
Review construction project SWPPPs	Review 100% all construction project SWPPPs to ensure compliance with Town ordinance.	December annually (2019 to 2023)
Document construction project SWPPPs	Document 100% of SWPPPs reviewed by the Town each calendar year.	December annually (2019 to 2023)

BMP 3.3	MINIMUM CONTROL MEASURE NO. 3 Construction Site Runoff Controls	 HICKORY CREEK TX
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Conduct Construction Site Inspections of Runoff Controls

Activity

Review and revise as necessary the stormwater runoff inspection procedures for Town inspectors to follow at construction sites. Ensure Town has trained inspectors knowledgeable in the inspection of construction site runoff control measures.

Objective

Reduce stormwater pollution-potential from construction sites.

Responsible Positions

Public Work Director and Town Engineer

Work Actions

- i. Perform regular inspections of construction sites. Ensure controls documented in SWPPP are in-place. Enforcement of control measures should follow those outlined through BMP 3.1.
- ii. Review and update the site inspection procedures, schedule, and checklist as appropriate.
- iii. Ensure Town has adequately trained inspectors in construction site runoff control measures.

Annual Report Documentation

Number of inspections, issues observed, corrective actions taken.

Action Item with Measurable Goal and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Enforce the existing ordinance	Implement and enforce the existing ordinance by conducting construction inspections on 100% of sites on a bimonthly basis during active construction.	December annually (2019 to 2023)
Conduct inspections after rain events	Conduct inspections on construction sites after 100% of rainfall events of greater than one inch within 3 days.	December annually (2019 to 2023)
Review and update procedures	Review and update the procedures, schedule, and checklist each calendar year.	December annually (2019 to 2023)
Train Town inspectors	Each calendar year, ensure 100% of Town inspectors are trained in procedures for ensuring that construction site has required stormwater runoff controls.	December annually (2019 to 2023)
Respond to comments and questions	Each calendar year, respond to 100% of comments and questions with an actional request within two weeks. Document all inspections, issues observed, and corrections actions taken.	December annually (2019 to 2023)

BMP 3.4	MINIMUM CONTROL MEASURE NO. 3 Construction Site Runoff Controls	
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Mechanism to Receive Comments

Activity

Provide mechanism for commenting and review of comments. Determine if incorporation of comment(s) is in the common interest of the Town and Public.

Objective

Ensure the general public has a mechanism to communicate concerns related to the construction site runoff controls with the Town.

Responsible Positions

Public Work Director

Work Actions

- i. Continue to provide and publish contact information for stormwater-related comments. This can be in conjunction with BMPs 1.2, 1.4 and 2.5.
- ii. Solicit and receive verbal and/ or written input from contractors; and
- iii. Address feedback or comments received.

Annual Report Documentation

Comments received and actions taken in response.

Action Item with Measurable Goal and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Provide email for comments on Town's website	Provide email link for comments on Town's Stormwater webpage and check twice per calendar year to ensure that the link remains live.	December annually (2019 to 2023)
Respond to comments from general public	Receive and respond to 100% of comments from general public that are found to have an actionable item for follow up.	December annually (2019 to 2023)
Respond to comments from contractors	Receive and respond to 100% of comments from contractors through the development review process that are found to have an actionable item for follow up.	December annually (2019 to 2023)


3.5 Minimum Control Measure No. 4: Post-Construction Stormwater Management in New Development and Redevelopment

There generally are two forms of substantial impacts from post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in stormwater runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants become suspended in stormwater runoff and have the ability to impact the food chain and eventually impact humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the receiving water body during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. This can result in scouring of natural drainage pathways and flooding of areas resulting in property damage.

General Permit Requirements:

To the extent allowable under State and local law, the Town must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbances of one or more acres, that discharge to the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall:

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

BMP 4.1	MINIMUM CONTROL MEASURE NO. 4 Post Construction Stormwater Management in New Development and Redevelopment	
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Maintain Hickory Creek Ordinance and Enforcement Mechanism to Require Post Construction Stormwater Management in New Development and Redevelopment Sites >1 Acre

Activity

Continue to maintain a Town ordinance and enforcement mechanism to require New Development and Redevelopment sites that disturb one acre or more to have the post construction stormwater management.

Objective

To regulate new development and redevelopment Post Construction Storm Water Management within the town of Hickory Creek.

Responsible Position

Public Works Director

Work Actions


- i. Continue to enforce and revise as necessary the Town Post Construction Stormwater Management Ordinance for new development and redevelopment sites ≥ 1 acre. The ordinance includes sites that are less than 1 acre if they are part of a larger or phased development.
- ii. Continue to enforce the Post Construction Stormwater Management Ordinance during the platting and permitting process;

Annual Report Documentation

Discussion of any revisions of ordinance and enforcement mechanism; copy of ordinance and enforcement policy and procedures; discussion of any important issues related to ordinance.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Enforce existing ordinance	Enforce the current ordinance and enforcement mechanisms to provide corrective actions or penalties for 100% of actionable violations each calendar year.	December annually (2019 to 2023)
Review and update ordinance	Each calendar year, review 100% of ordinances and update as State policy and local practices necessitate.	December annually (2019 to 2023)

BMP 4.2	MINIMUM CONTROL MEASURE NO. 4 Post Construction Stormwater Management in New Development and Redevelopment	
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Conduct Inspections of Post-Construction Stormwater Management Control Measures

Activity

Inspect post-construction stormwater management control measures. Use Town ordinance and enforcement mechanisms to take corrective action for any deficiencies in control measures.

Objective

Maintain post-construction stormwater control measures to prevent pollution and sediment runoff into the Town's stormwater system.

Responsible Positions

Public Works Director and Town Engineer

Work Actions

- i. Develop procedures, schedule, and checklist for inspection of post-construction stormwater management control measures.
- ii. Conduct inspections of control measures on a regular basis.
- iii. Take corrective action for any noted deficiencies in control measures.

Annual Report Documentation

Number of inspections performed, control measures inspected, issues observed, and corrective action taken.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Develop procedures for inspecting controls	Research and develop procedures, schedule, and checklist for inspection of post-construction stormwater management control measures by December 2021.	December 2021
Develop an inventory of control measures	Develop an inventory of control measures requiring regular inspection by December 2021. Review and update inventory each calendar year.	December annually (2022 to 2023)
Inspect control measures	Inspect 50% of control measures each calendar year. Take corrective action on problems found during inspections within two-weeks.	December annually (2022 to 2023)
Document inspections and corrective actions	Document 100% of inspections and corrective actions taken each calendar year.	December annually (2022 to 2023)

3.6 Minimum Control Measure No. 5: Pollution Prevention/Good Housekeeping for Municipal Operations

The Town of Hickory Creek recognizes that any Stormwater Management Program requires good housekeeping and pollution prevention to be successful.

The Town of Hickory Creek will maintain a pollution prevention/good housekeeping checklist for municipal operated parks, fleet maintenance service, and public works storage yard.

The town contracts all public works construction and maintenance (i.e. street maintenance, storm system maintenance). Water is provided and maintained by Lake Cities Municipal Utility Authority (LCMUA).

General Permit Requirements:

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

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

- (1) Park and open space maintenance;
- (2) Street, road, or highway maintenance;
- (3) Fleet and building maintenance;
- (4) Stormwater system maintenance;
- (5) New construction and land disturbances;
- (6) Municipal parking lots;
- (7) Vehicle and equipment maintenance and storage yards;
- (8) Waste transfer stations; and
- (9) Salt/ sand storage locations.

(b) Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing stormwater pollution from municipal operations. Materials may be developed, or obtained from the EPA, states, or other organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent

with maintaining the effectiveness of the BMP. The SWMP must list all of the following

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

(d) Disposal of Waste

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

- (1) Dredge spoil;
- (2) Accumulated sediments; and
- (3) Floatables.

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

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

The Town owns the Town Hall property and Public Works Yard, and it maintains three (3) parks within the USACE property. Many of the good housekeeping BMPs shown on the permit are not applicable to the town. The following is a summary of the good housekeeping items from the permit and which are applicable:

- (a) Composting facilities: Not Applicable. The Town does not own or operate a composting facility
- (b) Equipment storage and maintenance facilities: Not Applicable. The Town does not own an equipment storage or maintenance facilities. There are some items stored at the Public Works Yard (refer to Public Work Yard portion).
- (c) Fuel storage facilities: Not Applicable. The Town does not own a fuel storage tank. All fueling of vehicles and equipment is done offsite.
- (d) Hazardous waste disposal facilities: Not Applicable. The Town does not own hazardous waste facilities.
- (e) Hazardous waste handling and transfer facilities: Not Applicable. The Town does not own a hazardous waste handling and transfer facilities.
- (f) Incinerators: Not applicable. The Town does not own an incinerator
- (g) Landfills: Not applicable. The Town does not own a Landfill. Garbage pickup is provided by a 3rd party waste management company. The Town

- has a bulk collection pick up in the contract with the waste management company
- (h) Materials storage yards: Mulch and flexbase are stored at the Public Works Yard.
 - (i) Pesticide storage facilities: Not applicable. The Town does not own pesticides storage facilities.
 - (j) **Buildings, including schools, libraries, police stations, fire stations, and office: The Town owns the Town Hall building, Public Works Building and maintains three (3) parks within the USACE property.**
 - (k) **Parking lots: The Town owns the parking lot at the Town Hall,**
 - (l) Golf courses: Not applicable. The Town does not own any golf courses.
 - (m) Swimming pools: Not applicable. The Town does not own any swimming pools
 - (n) **Public works yards: The Town has a Public Works Yard. The Public Works Yard has stockpiles of flexbase and mulch for roadway and park maintenance. A used oil tank is also located in the public works yard that is properly disposed by a 3rd party company.**
 - (o) Recycling facilities: Not applicable. The town has a used oil tank in the Public Works Yard but does not own a recycling facility
 - (p) Salt storage facilities: Not applicable. The Town does not store or salts the Town roads prior or after winter storms.
 - (q) Solid waste handling and transfer facilities: Not applicable. The Town does not own any of these types of facilities.
 - (r) **Street repair and maintenance sites: The Town contracts the street repairs and maintenance and does not repair streets in house. The contractor does need to comply with same operating methods as new construction to ensure the reduction of pollutants into the storm system. The Public Works Director is the Town's inspector and does oversee contractor operations and ensures necessary pollution reduction BMPs are used during road repair and maintenance operations.**
 - (s) Vehicle storage and maintenance yards: Not applicable. The Town does not own a vehicle storage yard or maintain their own vehicles. The Town sends the vehicles for maintenance to mechanics offsite.
 - (t) **Structural stormwater controls: The Town owns a detention pond in the town hall property and maintains the pond periodically.**

BMP 5.1	MINIMUM CONTROL MEASURE NO. 5 Pollution Prevention and Good Housekeeping	
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Inspect and Prevent Pollution from Town-Owned Facilities and Operations

Activity

Inspect Town operation and maintenance procedures periodically to identify sources of pollution and take corrective action as necessary. Continue to implement pollution prevention measures that will reduce the discharge of pollutants from Town-owned property and from Town maintenance operations.

Objective

To reduce pollution in Hickory Creek's stormwater system from municipally owned properties. The good housekeeping items that are applicable are:

- a. Buildings
- b. Parking Lot
- c. Public Works Yard
- d. Street repair and maintenance
- e. Parks.

Responsible Positions

Public Works Director and Town Engineer

Work Actions

- a. Continue annual inspections of Town-owned facilities to identify and take corrective action against sources of pollution.
- b. Identify any new sources of pollution and revise inspection and prevention procedures as necessary.
- c. Continue to implement pollution prevention measures that will reduce discharge of pollutants from operations and maintenance at the Town owned property
- d. Continue to implement pollution preventions measures and oversight for street repairs and maintenance performed by contractors.

Annual Report Documentation

Inspections of Town-owned facilities and operations, including the date, location, type of facility or operation, sources of pollution checked and/or observed, and corrective action taken.

Action Items with Measurable Goals and Schedules

Action Item	Measurable Goal	Deadline/Frequency
Inspect Town-owned facilities	Twice each calendar year (by June and December), inspect 100% of all Town-owned facilities and operations and identify any potential new sources of pollution.	June and December annually (2019 to 2023)
Document corrective action taken	Following inspections, document any corrective action taken, if needed, to ensure 100% of facilities and operations comply with pollution prevention measures identified in this SWMP.	December annually (2019 to 2023)
Review and revise procedures	Review and revise the inspection and prevention procedures to account for new sources of pollution once per calendar year.	December annually (2019 to 2023)

BMP 5.2	MINIMUM CONTROL MEASURE NO. 5 Pollution Prevention and Good Housekeeping	
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Train Town Staff and Contractors on Pollution Reduction from Town-Owned Facilities and Operations

Activity

Ensure Town staff and contractors working on behalf of the Town are properly trained in identification and reduction of pollutants from Town-owned facilities and operations.

Objective

To reduce pollution in Hickory Creek's stormwater system from municipally owned properties. The good housekeeping items that are applicable are:

- a. Buildings
- b. Parking Lot
- c. Public Works Yard
- d. Street repair and maintenance
- e. Parks.

Responsible Positions

Public Works Director and Town Engineer

Work Actions

- i. Train the Public Works Director and Town Staff on procedures for detecting possible pollutants and enforcing the Town's plan for reducing possible pollutants from operations at Town-owned facilities and operations.
- ii. Train contractors on the Town's plan to reduce possible pollutants during street repairs and maintenance.
- iii. Update training as necessary to incorporate any changes in potential pollutants identified in BMP 5.1.

Annual Report Documentation

Date(s), subject matter, and number of employees and contractors trained.

Action Items with Measurable Goals and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Train Town staff	Conduct training of 100% of Town employees.	December annually (2019 to 2023)
Provide training material to contractors	Provide training materials to 100% of contractors in the reduction of pollution from Town-owned facilities and operations.	December annually (2019 to 2023)
Review and revise training materials	Review training materials at a minimum, once per calendar year and update training as needed to incorporate any changes in potential pollutants identified in BMP 5.1.	December annually (2019 to 2023)

<p>Helpful Suggestions</p>	<p>The EPA has stormwater training materials available for municipalities to use with minor modifications. Also, to reduce costs and resource commitments, it is possible to develop materials and train a regional group in combination with other local Phase II MS4's to help manage costs.</p>
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BMP	MINIMUM CONTROL MEASURE NO. 5	
5.3	Pollution Prevention and Good Housekeeping	

Written Policy, Procedures, and Schedule for Periodic Inspection and Maintenance of Stormwater System

Activity

Implement policy, procedures, and schedule for annual maintenance of stormwater system including cleaning and disposal of floatables and debris.

Objective

Reduce pollutants from Town-owned facilities by having written policy for maintenance procedures for Hickory Creek’s stormwater system.

Responsible Positions

Public Works Director and Town Engineer

Work Actions

- i. Implement and revise as necessary the policy, procedures, and schedule for system maintenance including proper disposal of waste removed from MS4.

Annual Report Documentation

Policy, procedures, and schedule for system maintenance. Inspections performed on the Town’s stormwater system.

Action Items with Measurable Goals and Schedule

Action Item	Measurable Goal	Deadline/Frequency
Continue inspections under current procedures	Continue 100% of inspections under current policy, procedures, and schedule.	December annually (2019 to 2021)
Review and revise procedures	Review policy, procedures, and schedule, and revise as necessary each calendar year.	December annually (2022 to 2023)
Document inspections	Document 100% of inspection follow-up action items if applicable. Review documentation each calendar year.	December annually (2019 to 2023)

4.0 REFERENCES

Texas Commission on Environmental Quality, TPDES General Permit No. TXR040000, General Permit to Discharge Under the Texas Pollutant Discharge Elimination System, January 2019.

North Central Texas Council of Governments, Stormwater Management Program Webpage, <https://www.nctcog.org/envir/watershed-management/stormwater>

United States Environmental Protection Agency, National Pollutant Discharge Elimination System Stormwater Website, <https://www.epa.gov/npdes/npdes-stormwater-program>

Town of Hickory Creek, Texas, Code of Ordinances referenced on the Town of Hickory Creek website, <https://www.hickorycreek-tx.gov/27/Government>

5.0 DEFINITIONS

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.

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.

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.

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 firefighting activities.

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

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

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

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under the 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 municipal separate storm sewer discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S.

Permittee - The MS4 operator authorized under the general permit.

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

Point Source - (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, 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 - Include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Redevelopment - Alterations of a property that changes 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.

Small Construction Activity - Construction activities including clearing, grading, and excavating that result 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. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar stormwater conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities.

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, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, Town, 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 § 208 of the CWA; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system; and (vi) Which does not include very discrete systems such as those serving individual buildings. For the purpose of this permit, a very discreet system includes storm drains associated with municipal office and education complexes, where the complexes serve a transient (nonresidential) population, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

Stormwater - Stormwater 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 activity 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, 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 non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

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

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

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Appendix A

TPDES General Permit TXR 040000

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 December 13, 2013

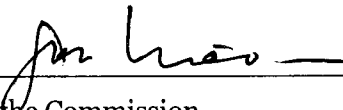
Small Municipal Separate Storm Sewer Systems
located in the state of Texas
may discharge directly to surface water in the state

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

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

EFFECTIVE DATE: 1-24-19

ISSUED DATE: 1-24-19



For the Commission

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

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Part I. Definitions

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

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

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

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

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

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

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

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

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

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

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

- (a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

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

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

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

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

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

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

- (a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (b) For individual lots in a residential construction site by either:
 - (1) The homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

- (c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.
- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

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

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

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

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

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

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

Impaired Water - A surface water body that is identified as impaired on the latest approved CWA §303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

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

Indian Country - Defined in 18 USC § 1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the

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

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

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

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

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

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

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

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

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

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

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

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

Outfall - A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-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 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 are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

Part II. Permit Applicability and Coverage

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

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

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

1. Small MS4s Located in an Urbanized Area

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

2. Designated Small MS4s

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

3. Operators of Previously Permitted Small MS4s

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXR040000, issued and effective on December 13, 2013) must reapply for permit coverage, or must obtain a waiver if applicable (see Part II.B, related to Obtaining a Waiver.)

4. Regulated Portion of Small MS4

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

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

5. Categories of Regulated Small MS4s

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

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

- (a) Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within a UA;
- (b) Level 2: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served;
- (c) Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within a UA;
- (d) Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within a UA.

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

Section B. Available Waivers from Coverage

The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or 2 below. To obtain Waiver Option 1, the MS4 operator must submit the request on a waiver form provided by the executive director, or, starting from December 21, 2020, complete the form electronically via the online e-permitting system available through the TCEQ website.

To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions. A provisional waiver from permitting requirements begins 30 days after an administratively complete waiver form is postmarked for delivery to the TCEQ, or starting from December 21, 2020, complete the form electronically via the online e-permitting system available through the TCEQ website.

Following review of the waiver form, the executive director may: (1) Determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number; (2) Determine that the waiver form is incomplete and deny the waiver until a completed waiver form is submitted; or (3) Deny the waiver and require that permit coverage be obtained.

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

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

At any time the TCEQ can request to review any waivers granted to MS4 operators to determine whether any of the information required for granting the waiver has changed. At

a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

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

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

1. Waiver Option 1:

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

- (a) The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES stormwater program (40 CFR § 122.32(d)); and
- (b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern.

2. Waiver Option 2:

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

- (a) The TCEQ has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
- (b) For all such waters, the TCEQ has determined that stormwater controls are not needed based on wasteload allocations that are part of an approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and
- (c) The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas surface water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.
- (d) For the purpose of this paragraph (2.), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section C. Allowable Non-Stormwater Discharges

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

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

Section D. Limitations on Permit Coverage**1. Discharges Authorized by Another TPDES Permit**

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

- (a) The discharges meet the applicability and eligibility requirements for coverage under this general permit;
- (b) A previous application or permit for the discharges has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the regulated small MS4; and
- (c) The executive director has not determined that continued coverage under an individual permit is required based on consideration of an approved total maximum daily loading (TMDL) model and implementation plan, anti-backsliding policy, history of substantive non-compliance or other 30 TAC Chapter 205 considerations and requirements, or other site-specific considerations.

2. Discharges of Stormwater Mixed with Non-Stormwater

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

3. Compliance with Water Quality Standards

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

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

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

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

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

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

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

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

(1) Targeted Controls

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

(2) Measurable Goals

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

(3) Identification of Benchmarks

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

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

- a. If the MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.4(a)(6).
- b. Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark value for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark has

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

(4) Annual Report

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

(5) Impairment for Bacteria

If the pollutant of concern is bacteria, the permittee shall implement BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (I-Plan) is available, the permittee may refer to the I-Plan for appropriate BMPs. The SWMP and annual report must include the selected BMPs. 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) Maintenance and operation of decorative ponds; and
- (iv) Proper disposal of pet waste.

(6) Monitoring or Assessment of Progress

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

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

(i) Evaluating Program Implementation Measures

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

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

(ii) Assessing Improvements in Water Quality

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

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

(7) Observing no Progress Towards the Benchmark

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

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

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

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

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

(1) Discharging a Pollutant of Concern

- a. The permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
- b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
- c. In addition, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.E.6 to include any additional BMPs to address the pollutant(s) of concern. This requirement does not apply to BMPs implemented to address impaired waters that are listed after permit authorization pursuant to Part II.D.4.

(2) Impairment of Bacteria

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

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

5. Discharges to the Edwards Aquifer Recharge Zone

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

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

runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit.

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

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

Contact:

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

Counties: Williamson, Travis, and Hays

Contact:

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

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Home Rule Municipalities

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

8. Indian Country Lands

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

9. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may

be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI and SWMP. If adverse impact is determined after submittal of the NOI and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

10. Other

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

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

Section E. Obtaining Authorization

1. Application for Coverage

When submitting a notice of intent (NOI) and SWMP, for coverage under this general permit, as described in Parts II.E.3., II.E.8, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.16 of this general permit.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form or starting from December 21, 2020, must be submitted electronically via the online e-permitting system available through the TCEQ website.

Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and the NOI and SWMP are approved, 2) The NOI or SWMP are incomplete and deny coverage and require that a new complete NOI and SWMP be submitted, 3) Approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) Deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Where the executive director approves the submittal, either with or without changes, the applicant must then carry out the public participation provisions in Part II.E.12. Following the completion of the public participation process, the applicant is authorized to discharge upon notification by TCEQ, at which point the permittee is subject to the terms of this permit and the approved terms of the SWMP. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

(a) **Small MS4s Located in a 2000 or 2010 UA (Previously regulated Small MS4s)**

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

(b) Designated Small MS4s

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

(c) Individual Permit Alternative

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

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

2. Late Submission of the NOI and SWMP

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

3. SWMP General Requirements

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

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

4. SWMP Review

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

5. SWMP Updates Required by TCEQ

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

6. SWMP Updates

Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI.

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

(a) Changes that do not require an NOC

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

- (1) Adding (but not subtracting or replacing) components, controls, or requirements to the SWMP;
- (2) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the MS4, or subtracting areas, such as by de-annexing lands;
- (3) Adding impaired water bodies that are identified pursuant to Part II.D.4; and
- (4) Minor modifications to the SWMP that include administrative or non-substantial changes as follows:
 - a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;
 - b. Minor clarifications to the existing BMPs;
 - c. Correction of typographical errors;
 - d. Other similar administrative or non-substantive comments.

(b) Changes that require an NOC

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

- (1) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP would be considered a replacement). The SWMP update must include documentation of the following:
 - a. An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
 - b. Expectations of the effectiveness of the replacement BMP; and
 - c. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced;
- (2) Requirement for more frequent monitoring or reporting by the permittee; and

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

(c) Changes that require an NOC and Public Notice

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

- (1) After receiving an NOC, the TCEQ evaluates if the requested change(s) can be approved and might request additional information from the permittee during the review process. If the request can be approved, the MS4 is required to post the notice of the Executive Director's preliminary determination of the NOC and the revised terms of the SWMP on the MS4's website. If the MS4 does not have a website, the MS4 must notify TCEQ and TCEQ will post the notice on the TCEQ website at <https://www.tceq.texas.gov/>.
- (2) The public comment period begins on the first day the notice is posted on the MS4 or the TCEQ website and ends 30 days later. If the 30th calendar day falls on a date that TCEQ is not open for business, then the public comment period is extended until 5 pm on the next TCEQ business day. If there is a decision to hold a public meeting, then the public comment period will continue until the public meeting has been held. The public may submit comments regarding the proposed changes to the TCEQ Water Quality Division.
- (3) The Executive Director will hold a public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)) if it is determined there is significant public interest. The Executive Director will post a notice of the public meeting on the TCEQ website at <https://www.tceq.texas.gov/>. The notice of a public meeting will be posted at least 30 days before the meeting and will be held in the county where the MS4 is located or primarily located. TCEQ staff will facilitate the meeting and provide a sign in sheet for attendees to register their names and addresses. The public meeting held under this general permit is not an evidentiary proceeding. If a public meeting is held, the comment period will end at the conclusion of the public meeting.
- (4) The Executive Director, after considering public comment, shall incorporate the NOC changes into the SWMP. Once the revised terms are incorporated into the SWMP, the Executive Director will notify the permittee and the public on the revised terms and conditions of the SWMP.

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

The permittee shall implement the SWMP:

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

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

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

8. Contents of the NOI

The NOI must contain the following minimum information:

- (a) MS4 Operator Information
 - (1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and
 - (2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).
- (b) Site Information
 - (1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
 - (2) County or counties where the small MS4 is located;
 - (3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;
 - (4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
 - (5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;
 - (6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;
 - (7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;
 - (8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;
 - (9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;
 - (10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and
 - (11) Any other information deemed necessary by the executive director.

9. Notice of Change (NOC)

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

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

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

10. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous operator must submit a Notice of Termination (NOT) and the new operator must submit an NOI and SWMP. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI, but must comply with Part II.E.7.

11. Notice of Termination (NOT)

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

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

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

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

13. Fees

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

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

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

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

14. Permit Expiration

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

15. Suspension of Permit Coverage

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

16. Public Notice Process for NOI submittal

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

- (a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:
 - (1) BMPs the applicant will implement for each of the six MCMs and program elements pursuant to Part II.D (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements), as appropriate;

- (2) The measurable goals for each of the BMPs and program elements pursuant to Part II.D.4 (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements), including, as appropriate the months and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and
 - (3) The person or persons responsible for implementing or coordinating the applicants SWMP.
- (b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary decision on the NOI and SWMP.
 - (c) The notice will include the following information, at a minimum:
 - (1) The legal name of the MS4 operator;
 - (2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;
 - (3) The address of the applicant;
 - (4) A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;
 - (5) The location and mailing address where the public may provide comments to the TCEQ;
 - (6) The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
 - (7) If required by the executive director, the date, time, and location of the public meeting.
 - (d) This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)) will be held if the TCEQ determines that there is significant public interest.
 - (e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.
 - (f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant shall publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.

- (g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
- (h) The applicant shall file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.
- (i) The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
- (j) Persons whose names and addresses appear legibly on the sign-in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

Section F. Permitting Options

1. Authorization Under the General Permit

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

(a) Participants

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

(b) Responsibilities

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

2. Alternative Coverage under an Individual TPDES Permit

An MS4 operator eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a MS4 operator, authorized by

this general permit, to apply for an individual TPDES permit because of: the conditions of an approved TMDL or TMDL implementation plan; a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

Part III. Stormwater Management Program (SWMP)

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

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

A permittee that implements BMPs consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in the previous permit effective December 13, 2013.

Section A. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing regulated small MS4s

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

(b) Implementation of the SWMP

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

Designated small MS4s must achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation.

2. Content of the SWMP

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

- (a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.
- (b) A measurable goal that includes the development of ordinances or other regulatory mechanisms allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;
- (c) The measurable goals selected by the permittee must be clear, specific, and measurable.
- (d) A summary of written procedures describing how the permittee will implement the provisions in Parts III and IV of this general permit.
- (e) A description of a program or a plan of compliance with the requirements in Part II.D.4. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements)
- (f) Identification of any impaired waters that have been added in accordance with Part II.D.4.

3. Legal Authority

- (a) Traditional small MS4s, such as cities
 - (1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.
 - (2) To be considered adequate, this legal authority must, at a minimum, address the following:
 - a. Authority to prohibit illicit discharges and illicit connections;
 - b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;
 - c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
 - d. Authority to require installation, implementation, and maintenance of control measures;
 - e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
 - f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;

- g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);
 - h. Authority to assess penalties, including monetary, civil, or criminal penalties; and
 - i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.
- (b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons, and universities
- (1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.
 - (2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:
 - a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,
 - b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this permit.

5. Effluent Limitations

The controls and BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B, which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

Permittees with enforcement authority (i.e. traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, or the source of the illicit discharge is outside the MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

Section B. Minimum Control Measures

Operators of small MS4s seeking coverage under this general permit shall develop and implement a SWMP that includes the following six minimum control measures (MCMs), as applicable.

All program elements must be implemented according to the schedule mentioned in Part III.A. All six MCMs apply to all MS4s regardless of their level as described in Part II.A.5. Specific program elements under each MCM shall be implemented by all MS4 operators, unless it is specifically stated that particular program elements only are applicable for certain levels of small MS4s.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not feasible as described in each MCM.

1. Public Education, Outreach, and Involvement

(a) Public Education and Outreach

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

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

- a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);
 - b. Identify the target audience(s);
 - c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;
 - d. Determine cost effective and practical methods and procedures for distribution of materials.
- (2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.
 - (3) If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part IV.B.2. or a summary of the annual report on the permittee's website. The SWMP must be posted no later than 30 days after the approval date, and the annual report no later than 30 days after the due date.
 - (4) All permittees shall annually review and update the SWMP and MCM implementation procedures required by Part III.A.2., as necessary. Any changes

must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

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

(b) Public Involvement

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

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

- (1) Consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;
- (2) Create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities;
- (3) Ensure the public can easily find information about the SWMP.

2. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

- (1) All permittees shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

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

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

- a. An up-to-date MS4 map (see Part III.B.2.(c)(1));
- b. Methods for informing and training MS4 field staff (see Part III.B.2.(c)(2));
- c. Procedures for tracing the source of an illicit discharge (see Part III.B.2.(c)(5));
- d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));

- e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
 - f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (see Part III.B.2.(e)(1));
 - g. For Level 4 small MS4s, field screening to detect illicit discharges (see Part III.B.2.(e)(2)); and
 - h. For Level 4 small MS4s, procedures to reduce the discharge of floatables in the MS4. (see Part III.B.2.(e)(3).)
- (2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ Regional Office of the possible illicit connection or illicit discharge.
 - (3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).
 - (4) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.
- (b) Allowable Non-Stormwater Discharges

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

(c) Requirements for all Permittees

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

(1) MS4 mapping

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

- a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;
- b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
- c. Priority areas identified under Part III.B.2.(e)(1), if applicable.

(2) Education and Training

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

(3) **Public Reporting of Illicit Discharges and Spills**

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

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

(5) **Source Investigation and Elimination**

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

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

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

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

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

c. **Corrective Action to Eliminate Illicit Discharge**

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

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

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

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

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

Source Investigation and Elimination

Permittees who operate Level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The

permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

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

(1) Identification of Priority Areas

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

(2) Dry Weather Field Screening

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

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

- a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.
- b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures must include the basis used to determine which outfalls will be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits, or stains.
- c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

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

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

3. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

- (1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.
- (2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.
 - a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.
 - b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures. In arid, semiarid, and drought-stricken areas, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed.

The permittee shall develop written procedures that describes initiating and completing stabilization measures for construction sites.

- c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:
 - (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
 - (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
 - (iii) Minimize the discharge of pollutants from spills and leaks.
 - d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed and described in the written procedure required in item (2)b. above. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.
- (3) Prohibited Discharges - The following discharges are prohibited:
- a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
 - b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - d. Soaps or solvents used in vehicle and equipment washing; and
 - e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

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

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

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

(5) Construction Site Inspections and Enforcement

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

- a. The permittee shall conduct inspections based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- b. Inspections must occur during the active construction phase.
 - (i) All permittees shall develop and implement updated written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on-site or in the SWMP and be made available to TCEQ.
 - (ii) Inspections of construction sites must, at a minimum:
 1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage;
 2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements;
 3. Assess compliance with the permittee's ordinances and other regulations; and
 4. Provide a written or electronic inspection report.
- c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office according to Part III.A.3(b).

(6) Information submitted by the Public

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

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to

conduct these activities. The training may be conducted by the permittee or by outside trainers.

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

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

Construction Site Inventory

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

4. Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

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

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

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

(b) Requirements for all Permittees

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

- (1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be

included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

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

(c) Additional Requirements for Level 4 small MS4s

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

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

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

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

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

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

regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1.(c))

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

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

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

(2) Training and Education

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

- (3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.
- (4) Contractor Requirements and Oversight
 - a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(b)(2)-(6).
 - b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be maintained on-site and made available for inspection by TCEQ.
- (5) Municipal Operation and Maintenance Activities
 - a. Assessment of permittee-owned operations

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

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

be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections and how they will be conducted.

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

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

(1) Storm Sewer System Operation and Maintenance

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

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

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

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

(3) Mapping of Facilities

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

(4) Facility Assessment

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

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

(5) Development of Facility Specific SOPs

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

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

(6) Stormwater Controls for High Priority Facilities

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

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

(7) Inspections

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

(d) Additional Requirements for Level 4 small MS4s:

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

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

- a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.
- b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:
 - (i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.
 - (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:
 - (a) Use of native plants or xeriscaping;

- (b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;
 - (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;
 - (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.
- c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.
 - d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.
- (2) Evaluation of Flood Control Projects

The permittee shall assess the impacts of the receiving water(s) for all flood control projects. New flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the maximum extent practicable.

6. Industrial Stormwater Sources

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

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

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

The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non-stormwater from construction activities where the MS4 operator meets the definition of a construction site operator in Part I of this general permit.

When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and Part III.B.3 of this permit.

The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring

coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit.

This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, an NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit.

Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit.

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

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

The MCM must include:

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

Section C. General Requirements

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

1. A list of any public or private entities assisting with the development or implementation of the SWMP;
2. If applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
3. A list of all BMPs and measurable goals for each of the MCMs;
4. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake

required actions, including interim milestones and the frequency of the action throughout the permit term.

5. A description of how each measurable goal will be evaluated; and
6. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

Part IV. Recordkeeping and Reporting

Section A. Recordkeeping

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

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

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

- (1) A description of the noncompliance and its cause;
- (2) The potential danger to human health or safety, or the environment;
- (3) The period of noncompliance, including exact dates and times;
- (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

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

(b) Other Information

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

2. Annual Report

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

The first reporting year for annual reporting purposes shall begin on the permit effective date and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year immediately following the issuance date of this permit. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2019.

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

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;
- (d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;
- (e) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For waters that are listed as impaired after discharge authorization pursuant to Part II.D.4, include a list of such waters and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part II.D.4.b.;
- (g) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);

- (h) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and
- (i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

MS4s authorized under the previous version of the permit must prepare an annual report whether or not the NOI and SWMP have been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI and SWMP, then the annual report may include that information.

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

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

The annual report must be submitted to the following address:

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

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

Effective December 21, 2020, annual reports must be submitted using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

Part V. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.
- B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon

request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.

- E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
 - 1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
 - 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- J. The permittee shall implement its SWMP on any new areas under its jurisdiction that are located in a UA or that are designated by the TCEQ. Implementation of the SWMP in these areas is required three (3) years from acquiring the new area, or five (5) years from the date of initial permit coverage.

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

The MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the MS4 operator that results in a land disturbance of one (1) acre or more of land or less than one (1) acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the MS4 operator may develop the SWMP to include the optional seventh (7th) stormwater MCM listed in Part III.B.7 of this general permit if the eligibility requirements in Part VI.A. below are met.

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

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

Section A. Eligible Construction Sites

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

Section B. Discharges Eligible for Authorization**1. Stormwater Associated with Construction Activity**

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

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

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

3. Non-Stormwater Discharges

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

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

4. Other Permitted Discharges

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

Section C. Limitations on Permit Coverage

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

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

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

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

Section E. Stormwater Runoff from Concrete Batch Plants

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

1. Benchmark Sampling Requirements

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

Table 1. Benchmark Monitoring

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease (*1)	15 mg/L	1/quarter (*2)(*3)	Grab (*4)
Total Suspended Solids (*1)	50 mg/L	1/quarter (*2)(*3)	Grab (*4)
pH (*1)	6.0-9.0 S.U.	1/quarter (*2)(*3)	Grab (*4)
Total Iron (*1)	1.3 mg/L	1/quarter (*2)(*3)	Grab (*4)

- (*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(1)(iv).
- (*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- (*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.
- January through March
 - April through June
 - July through September
 - October through December

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

- (*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.
- (b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

- (1) Any additional potential sources of pollution, such as spills that might have occurred;
- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and
- (4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

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

2. BMPs and SWP3 Requirements

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

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

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

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

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

3. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck washout at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

4. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under this section of the general permit, provided the following requirements are

met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

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

Section F. Effective Date of Coverage

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

Section G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

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

Section H. Plan Review and Making Plans Available

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

Section I. Keeping Plans Current

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

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

Section J. Contents of SWP3

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

1. Site Description

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

- (a) A description of the nature of the construction activity, potential pollutants and sources;
- (b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
- (c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
- (d) Data describing the soil type or the quality of any discharge from the site;
- (e) A map showing the general location of the site (e.g. a portion of a city or county map);
- (f) A detailed site map indicating the following:
 - (1) Drainage patterns and approximate slopes anticipated after major grading activities;
 - (2) Areas where soil disturbance will occur;
 - (3) Locations of all major structural controls either planned or in place;
 - (4) Locations where temporary or permanent stabilization practices are expected to be used;
 - (5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;
 - (6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;
 - (7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and
 - (8) Vehicle wash areas.
- (g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;
- (h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and
- (i) A copy of Part VI of this TPDES general permit.

2. Structural and non-structural controls

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

Erosion and Sediment Controls

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

3. Stabilization Practices

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

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:
 - (1) The dates when major grading activities occur;
 - (2) The dates when construction activities temporarily or permanently cease on a portion of the site; and
 - (3) The dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.
 - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 - (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These

conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

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

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

5. Permanent Stormwater Controls

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

6. Other Controls

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

7. Effluent Limits

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

8. Approved State and Local Plans

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

9. Maintenance

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

10. Inspections of Controls

- (a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion

control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

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

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

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

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

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

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
- (f) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

11. Pollution Prevention Measures

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

Section K. Additional Retention of Records

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

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

Appendix B

Notice of Intent (NOI) for Coverage Under TPDES Permit



**3Notice of Intent (NOI) for Small Municipal
Separate Storm Sewer Systems (MS4) authorized
under TPDES Phase II MS4 General Permit
TXR040000**

IMPORTANT:

Use the [INSTRUCTIONS](#) to fill out each question in this form.

Once approved, your permit authorization can be viewed at:

<http://www.tceq.texas.gov/goto/wq-dpa>

APPLICATION FEE:

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

Payment and NOI must be mailed to separate addresses.

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

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

Provide your payment information below, for verification of payment:

Mailed Check/Money Order Number: 3847
Check/Money Order Amount: \$400.00
Name Printed on Check: Town of Hickory Creek

EPAY Voucher Number:
Is a copy of the Payment Voucher enclosed? Yes

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

Is the copy attached? Yes

REASON FOR APPLICATION:

Select the reason you are submitting this application:

- New authorization
 Renewal of authorization number: TXR040566

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

Section 1. OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN 601535081
- b) What is the exact Legal Name of the entity (applicant) applying for this permit?
Town of Hickory Creek
- c) Complete and attach a Core Data Form (TCEQ-10400) for this customer.

Section 2. ANNUAL BILLING CONTACT

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

Provide the name and contact information of the billing contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: John Smith

Title: Town Administrator

Organization Name: Town of Hickory Creek

Phone Number: (940) 497-2528

Fax Number: (940) 497-3531

Email: john.smith@hickorycreek-tx.gov

Mailing Address: 1075 Ronald Reagan Avenue

City, State, and Zip Code: Hickory Creek, TX 75065

Section 3. APPLICATION CONTACT

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

Provide the name and contact information of the application contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: John Smith

Title: Town Administrator

Organization Name: Town of Hickory Creek

Phone Number: (940) 497-2528

Fax Number: (940) 497-3531

Email: john.smith@hickorycreek-tx.gov

Mailing Address: 1075 Ronald Reagan Avenue

City, State, and Zip Code: Hickory Creek, TX 75065

Section 4. REGULATED ENTITY (RE) INFORMATION FOR SITE

- a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN 105611545
- b) Name of site as known by the local community:
Town of Hickory Creek
- c) Name of the urbanized area(s) the Phase II MS4 is located within:
Denton-Lewisville Urbanized Area
- d) Provide a brief description of the regulated MS4 boundaries: *Example: Area within the City of XXXX limits that is located within the xxx urbanized area:*
Area within the Town of Hickory Creek limits that is located within the Denton-Lewisville Urbanized Area

Section 5. GENERAL CHARACTERISTICS

- a) Is this site located on Indian Country Lands?
- Yes, do not submit this form. You must obtain authorization through U.S. EPA Region 6.
- No, continue to item b
- b) Has TCEQ formally “designated” the small MS4 as needing coverage under this general permit?
- Yes. Attach a copy of the documentation sent to the MS4 by TCEQ.
- No
- c) Select the MS4 level, which is based on the population served within the urbanized area (UA) **based on the most recent Decennial Census at the time of issuance of the general permit.**
- Level 1:** Traditional small MS4s with a population of less than 10,000.
- Level 2:** Traditional small MS4s with a population of at least 10,000 but less than 40,000.
- Non-traditional MS4s: This level also includes all non-traditional small MS4s regardless of population unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage. *Examples of non-traditional small MS4s include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts.*
- Level 3:** Traditional small MS4s with a population of at least 40,000 but less than 100,000.
- Level 4:** Traditional small MS4s with a population of 100,000 or more.
- d) What is the estimated current population served by your MS4 (regulated area?)
3,247 People

e) Is the MS4 part of a coalition?

Yes

No

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

- | | | | |
|----|----------------------|-------|----------------------|
| 1. | <input type="text"/> | TXR04 | <input type="text"/> |
| 2. | <input type="text"/> | TXR04 | <input type="text"/> |
| 3. | <input type="text"/> | TXR04 | <input type="text"/> |
| 4. | <input type="text"/> | TXR04 | <input type="text"/> |
| 5. | <input type="text"/> | TXR04 | <input type="text"/> |
| 6. | <input type="text"/> | TXR04 | <input type="text"/> |

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

g) What is your annual reporting year?

Calendar year

Small MS4 General Permit year

MS4 Fiscal year - What is the last month and day of the fiscal year?

h) Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this NOI has been developed according to the provisions of the Small MS4 General Permit TXR040000. Yes
2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP. Yes
3. Have the program elements in the previous SWMP been re-assessed and modified and new program elements been developed and implemented, as necessary?
 Yes
 No. This facility did not have a previous authorization.
4. Is the optional 7th Minimum Control Measure (MCM) for Municipal Construction Activities selected and included with the attached SWMP?
 No. Continue to Question 5.
 Yes.
If yes, is MCM 7 limited to the regulated area within the urbanized area?
 Yes. Continue to Question 5.
 No

If No, then MCM 7 is included in the geographic area or boundary outside of the urbanized area. Note: *In this case, you must incorporate the entire area*

(urbanized and non-urbanized areas) in the SWMP and implement all MCMs 1-7 in the urbanized and non-urbanized areas.

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

Prefix (Mr. or Ms.): Mr.

First and Last Name: Jeffrey McSpedden

Title: Director of Public Works

Organization Name: Town of Hickory Creek

Phone Number: (940) 497-2524

Fax Number: (940) 497-4524

Email: Jeffrey.mcspedden@hickorycreek-tx.gov

Mailing Address: 1075 Ronald Reagan Ave

City, State, and Zip Code: Hickory Creek, TX 75065

i) Discharge Information

1. What is the name of the waterbody(ies) receiving stormwater discharges from the MS4? Lake Lewisville (Hickory Creek Arm)
2. What is the classified segment number(s) that the discharges will eventually reach? Lake Lewisville (Segment No. 0823)

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

Directly

Indirectly

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

Yes

What is the name of the impaired waterbody(ies) receiving the discharge from the small MS4? [REDACTED]

What is/are the pollutants(s) of concern? [REDACTED]

No

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

Yes

What is/are the pollutants with a TMDL? [REDACTED]

No

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

Yes

What is the name of the MS4 operator? Town of Flower Mound and Town of Copper Canyon

No

6. Edwards Aquifer Rule

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

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

No

- j) Public Participation Process

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

Prefix (Mr. or Ms.): Mr.

First and Last Name: Jeffrey McSpedden

Title: Director of Public Works

Company: Town of Hickory Creek

Phone Number: (940) 497-2524

Fax Number: (940) 497-4524

Email: Jeffrey.mcspedden@hickorycreek-tx.gov

Mailing Address: 1075 Ronald Reagan Avenue

Internal Routing (Mail Code, Etc.):

City, State, and Zip Code: Hickory Creek, TX 75065

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

Name of Public Place: Hickory Creek Town Hall

Address of Public Place: 1075 Ronald Reagan Avenue, Hickory Creek, TX 75065

County of Public Place: Denton County

3. Provide the address for the website where the MS4's SWMP and annual report will be posted. <https://www.hickorycreek-tx.gov/209/Stormwater>

Do not have a website.

Section 6. CERTIFICATION

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

Yes

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

Yes

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

Yes

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

Yes

Operator Certification

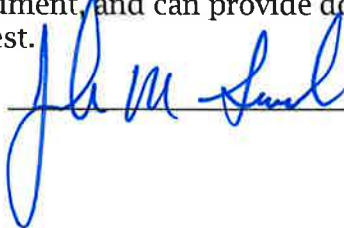
Operator Signatory Name: John Smith

Operator Signatory Title: Town Administrator

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

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

Signature (use blue ink):



Date:

7/17/19

Appendix C

Legal Authorities

From the
Town of Hickory Creek
Code of Ordinances

Description		MCM(s) Covered
Sec. 3.07.082	General prohibitions	2, 3, 4, 5
Sec. 3.07.083	Specific prohibitions and requirements	2, 3, 4, 5
Sec. 3.07.084	Release reporting and cleanup	2, 5
Sec. 3.07.085	Stormwater discharges from construction activities	3, 4
Sec. 3.07.086	Stormwater discharges associated with industrial activity	2
Sec. 3.07.087	Compliance monitoring	2, 3, 4, 5
Sec. 3.07.088	Citizen participation and publication	1, 2
Sec. 3.07.089	Administrative enforcement remedies	2, 3, 4
Sec. 3.07.090	Right to reconsideration, hearing, and appeal	2, 3, 4
Sec. 3.07.091	Judicial enforcement remedies	2, 3, 4
Sec. 3.07.092	Supplemental enforcement action	2, 3, 4
Sec. 3.07.093	Charges and fees	2, 3, 4

Division 3. - Stormwater

Sec. 3.07.081. - Purposes; administration; abbreviations and definitions.

(a) *Purposes.* The purposes and objectives of this division are as follows:

- (1) Maintain and improve the quality of surface water and groundwater within the town.
- (2) Prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the town.
- (3) Promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the town.
- (4) Encourage recycling of used motor oil and safe disposal of other hazardous consumer products.
- (5) Facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the town.
- (6) Enable the town to comply with all federal and state laws and regulations applicable to stormwater discharges.

(b) *Administration.* Except as otherwise provided herein, the town engineer shall administer, implement, and enforce the provisions of this division. Any powers granted to or duties imposed upon the town engineer may be delegated to other town personnel.

(c) *Abbreviations.* The following abbreviations when used in this division shall have the designated meanings:

BMP	=	Best management practices
BTEX	=	Benzene, toluene, ethylbenzene, and xylene
CFR	=	Code of Federal Regulations
EPA	=	U.S. Environmental Protection Agency
HHW	=	Hazardous household waste
mg/l	=	Milligrams per liter
MS4	=	Municipal separate storm sewer system
NOI	=	Notice of intent
NOT	=	Notice of termination
NPDES	=	National Pollutant Discharge Elimination System

ppb	=	Parts per billion
PST	=	Petroleum storage tank
RLA	=	Registered landscape architect
RPE	=	Registered professional engineer
RQ	=	Reportable quantity
SWPPP	=	Stormwater pollution prevention plan
TPH	=	Total petroleum hydrocarbons
USC	=	United States Code

(d) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

Agricultural stormwater runoff. Any stormwater runoff from orchards, cultivated crops, pastures, rangelands, and other nonpoint source agricultural activities.

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

Commencement of construction. The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Director of public works. The person appointed to the position of director of public works by the town council or his/her duly authorized representative.

Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

Extremely hazardous substance. Any substance listed in the appendices to 40 CFR part 355, Emergency Planning and Notification.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fertilizer. A solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

Final stabilization. The status when all soil-disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

Fire department. The Lake Cities Fire Department or any duly authorized representative thereof.

Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Harmful quantity. The amount of any substance that will cause pollution of water in the state.

Hazardous household waste (HHW). Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR part 261.

Hazardous substance. Any substance listed in table 302.4 of 40 CFR part 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

Herbicide. A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

Motor vehicle fuel. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

Municipal separate storm sewer system (MS4). The system of conveyances (including roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the town and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

Nonpoint source. Any source of any discharge of a pollutant that is not a point source.

Notice of intent (NOI). The notice of intent that is required by either the industrial general permit or the construction general permit.

Notice of termination (NOT). The notice of termination that is required by either the industrial general permit or the construction general permit.

NPDES general permit for stormwater discharges. Associated with industrial activity (or industrial general permit). The industrial general permit issued by EPA on August 27, 1992, and published in volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent modifications or amendments thereto.

NPDES general permit for stormwater discharges from construction sites (or construction general permit). The construction general permit issued by EPA on August 27, 1992, and published in volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

NPDES permit. A permit issued by EPA or by the state under authority delegated pursuant to 33 USC section 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, meet the following two criteria:

- (1) They have operational control over the facility specifications (including the ability to make modifications in specifications); and
- (2) They have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility or part of a facility.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

Pesticide. A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (as these terms are defined in section 76.001 of the Texas Agriculture Code).

Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank (PST). Any one or combination of aboveground or underground storage tanks that contains petroleum products and any connecting underground pipes.

Point source. Any discernable, 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. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tailwater or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Qualified personnel. Persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally accepted industry standards for such activity.

Registered landscape architect (RLA). A person who has been duly licensed and registered to practice landscape architecture by the state board of architectural examiners.

Registered professional engineer (RPE). A person who has been duly licensed and registered by the state board of registration for professional engineers to engage in the practice of engineering in the state.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

Reportable quantity (RQ). For any "hazardous substance," the quantity established and listed in table 302.4 of 40 CFR part 302; for any "extremely hazardous substance," the quantity established in 40 CFR part 355 and listed in appendix A thereto.

Rubbish. Nonputrescible solid waste, excluding ashes, that consist of:

- (1) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and
- (2) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary sewer (or sewer). The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated.

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service station. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into the town sanitary sewer system and passes through the sanitary sewer system to the LCMUA sewage treatment plant for treatment.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR section 122.26(b)(14), and which is not excluded from EPA's definition of the same term.

Stormwater pollution prevention plan (SWPPP). A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

Town. The town or the town council.

Town engineer. The person appointed to the position of town engineer by the town council or his/her duly authorized representative.

Uncontaminated. Not containing a harmful quantity of any substance.

Used oil (or used motor oil). Any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

Water in the state (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water quality standard. The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in chapter 307 of title 31 of the Texas Administrative Code.

Waters of the United States. 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; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

(1999 Code, § 11.801)

Sec. 3.07.082. - General prohibitions.

- (a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:
 - (1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);
 - (2) A discharge or flow resulting from firefighting by the fire department;
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
 - (4) Agricultural stormwater runoff;
 - (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
 - (6) A discharge or flow from lawn watering, or landscape irrigation;
 - (7) A discharge or flow from a diverted stream flow or natural spring;
 - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (9) Uncontaminated groundwater infiltration, as defined as 40 CFR section 35.2005(20), to the MS4;
 - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
 - (11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

- (12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, air scrubber, emissions filter, or any other source of pollutant;
 - (13) A discharge or flow from individual residential car washing;
 - (14) A discharge or flow from a riparian habitat or wetland;
 - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
 - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
 - (17) Swimming pool water that has been dechlorinated so that it contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning.
- (c) No affirmative defense shall be available under subsection (b) of this section if the discharge or flow in question has been determined by the town engineer to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than 15 days beyond such notice. The correctness of the town engineer's determination that a discharge is a source of a pollutant or pollutants may be reviewed in any administrative or judicial enforcement proceeding.

(1999 Code, § 11.802)

Sec. 3.07.083. - Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in section 3.07.082.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the town to violate a water quality standard, the town's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;
 - (7) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (8) Any wastewater from commercial floor, rug, or carpet cleaning;

- (9) Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum substance has occurred, unless all harmful quantities of such released material have been previously removed;
 - (10) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
 - (11) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
 - (12) Any runoff or washdown water from any commercial animal pen, kennel, or fowl or livestock containment area;
 - (13) Any filter backwash from a swimming pool, fountain, spa or water well;
 - (14) Any swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 - (15) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
 - (16) Any fire protection water containing oil or hazardous substances or materials;
 - (17) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (18) Any substance or material that will damage, block, or clog the MS4;
 - (19) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - (A) Compliance with all state and federal standards and requirements;
 - (B) No discharge containing a harmful quantity of any pollutant; and
 - (C) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (e) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.
- (f) No person shall cause or allow any pavement washwater from a service station to be discharged into the MS4 unless such washwater has passed through a properly functioning and maintained grease, oil, and sand interceptor before discharge into the MS4.
- (g) Regulation of pesticides, herbicides, and fertilizers.
- (1) Any sale, distribution, application, labeling, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must comply fully with all state and federal statutes and regulations including, without limitation, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and all federal regulations promulgated pursuant to FIFRA; chapters 63, 75, and 76 of the Texas Agriculture Code and all state regulations promulgated pursuant thereto; and any other state or federal requirement.

- (2) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide or fertilizer presented to the town engineer or his/her delegate and any town law enforcement officer for examination
 - (3) No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
 - (4) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
 - (5) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
- (h) Used oil regulation.
- (1) No person shall:
 - (A) Discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse;
 - (B) Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill;
 - (C) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.
 - (2) All businesses that change motor oil for the public shall serve as public used oil collection centers as provided by state statute in section 371.024 of the Texas Health and Safety Code.
 - (3) A retail dealer who annually sells directly to the public oil in containers for use off premises shall at the town's request post in a prominent place a sign provided by the town or by the state informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.

(1999 Code, § 11.803)

Sec. 3.07.084. - Release reporting and cleanup.

- (a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States shall immediately telephone and notify the town engineer concerning the incident:
 - (1) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR part 302;
 - (2) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR part 355;
 - (3) An amount of oil that either:
 - (A) Violates applicable water quality standards; or
 - (B) Causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining

shoreline; or

- (4) Any harmful quantity of any pollutant.
- (b) The immediate notification required by subsection (a) shall include the following information:
- (1) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
 - (2) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
 - (3) The time and duration (thus far) of the release;
 - (4) An estimate of the quantity and concentration (if known) of the substance released;
 - (5) The source of the release;
 - (6) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
 - (7) Any precautions that should be taken as a result of the release;
 - (8) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
 - (9) The names and telephone numbers of the person or persons to be contacted for further information.
- (c) Within 15 days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall, unless waived by the town engineer, submit a written report containing each of the items of information specified above in subsection (b), as well as the following additional information:
- (1) The ultimate duration, concentration, and quantity of the release;
 - (2) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
 - (3) Any known or anticipated acute or chronic health risks associated with the release;
 - (4) Where appropriate, advice regarding medical attention necessary for exposed individuals;
 - (5) The identity of any governmental/private sector representatives responding to the release; and
 - (6) The measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.
- (d) The notifications required by subsections (b) and (c) above shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the town, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this division or to state or federal law.
- (e) Any person responsible for any release as described in subsection (a) above shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.
- (f) Any person responsible for a release described in subsection (a) above shall reimburse the town for any cost incurred by the town in responding to the release.

(1999 Code, § 11.804)

Sec. 3.07.085. - Stormwater discharges from construction activities.

(a) *General requirements.*

- (1) All operators of construction sites shall use best management practices to control and reduce the

discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the demolition, clearing, grading, excavation, landfilling, and other construction activities to the maximum extent practicable, including any BMPs capable of installation and/or implementation prior to commencement of construction at the site or in compliance with a schedule for installation and/or implementation in the applicable SWPPP. Permanent BMPs required for post-construction water quality by the NPDES or TPDES General or other ordinances may be used during construction, as appropriate, for erosion, sediment or other pollutant control. They shall be restored to their post-construction function before development or redevelopment activities are completed. Such best management practices and erosion control measures are detailed in the North Central Texas Council of Governments (NCTCOG) iSWM criteria manual for site development and construction and may include, but not be limited to, the following measures:

- (A) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
- (B) Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
- (C) Minimization of the tracking of sediments off site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
- (D) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
- (E) Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
- (F) Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;
- (G) Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition;
- (H) Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following: stormwater detention structures (including wet ponds), stormwater retention structures, flow attenuation by use of open vegetative swales and natural depressions, other velocity dissipation devices, infiltration of runoff on site, and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated; and
- (I) The washing out of concrete trucks at construction sites shall be permitted, provided the following requirements are met:
 - (i) Direct discharge of concrete truck washout water to the MS4 or surface water in the state is

- prohibited;
- (ii) Concrete truck washout water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to the MS4 or surface water in the state or to areas that have a minimal slope that allow infiltration and filtering of washout water to prevent direct discharge. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with a slow rate release, or other reasonable measures to prevent runoff from the construction site;
 - (iii) Washout of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck washout water is prohibited at all times and the operator shall ensure that its BMPs are sufficient to prevent the discharge of concrete truck washout water as a result of rain;
 - (iv) The discharge of washout water shall not cause or contribute to groundwater contamination;
 - (v) If a SWPPP is required to be implemented, the SWPPP shall include concrete washout areas on the associated map.
- (J) Vehicular traffic onto and off of the construction site shall be prohibited during rainy conditions or when muddy conditions exist, unless measures are in place that prevent mud from being tracked off site;
- (K) All best management practices shall be installed and maintained in accordance with the details and specifications listed in the NCTCOG ISWM criteria manual for site development and construction.
- (2) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is one-half inch or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be revised as appropriate, and as soon as is practicable.
- (A) The owner or operator of any site shall perform maintenance as necessary to maintain the continued effectiveness of storm water controls within 48 hours of discovery of failure, damage, or compromise and prior to the next rain event.
 - (B) Should the control measures at a site fail, in part or in total, the owner or operator shall remove all sediment and siltation accumulation caused by BMP failure from the town's MS4, including streets and rights-of-way, within 48 hours of discovery or prior to the next rain event. Removal includes sweeping streets, sidewalks, and other infrastructure and removing sediment from the MS4.
- (3) The town engineer may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (1) above that will be implemented at the construction site. The town may deny approval of any building permit, grading permit, site development plan, or any other town approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by the town engineer are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.
- (4) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally

responsible for compliance with the requirements in this subsection.

- (5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, including inspections, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the town to violate a water quality standard, the town's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (b) *One-acre or more disturbances.* All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of one or more acres of total land area, or that are part of a common plan of development or sale within which five or more acres of total land area are disturbed, or who are required to obtain an NPDES or TPDES permit for stormwater discharges associated with construction activity, shall comply with the following requirements, in addition to those in division 2 of this article, chapter 10, and subsection (a) above:
- (1) Any operator who intends to obtain coverage for stormwater discharges from a construction site under the NPDES or TPDES general permit for stormwater discharges from construction sites ("the construction general permit") shall submit a signed copy of its notice of intent (NOI) provided to the EPA or TCEQ to the town engineer at least two days prior to the commencement of construction activities. If the construction activity is already underway upon the effective date of this division, the NOI shall be submitted within 30 days. For stormwater discharges from construction sites where the operator changes, an NOI shall be submitted at least two days prior to when the operator commences work at the site.
 - (2) A stormwater pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES or TPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this division and any other town ordinance.
 - (3) The SWPPP shall be prepared, signed, and sealed by a registered professional engineer. The signature and seal of the registered professional engineer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the EPA or TCEQ regulations, the NPDES or TPDES construction general permit, or with any applicable individual or group NPDES or TPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this division.
 - (4) The SWPPP shall be completed prior to the submittal of the NOI to the town engineer and, for new construction, prior to the commencement of construction activities. The SWPPP shall be updated and modified as appropriate and as required by the construction general permit and this division.
 - (5) A copy of any NOI that is required by subsection (1) above shall be submitted to the town in conjunction with any application for a building permit, grading permit, site development plan approval, and any other town approval necessary to commence or continue construction at the site. Copies of any required NOC shall be submitted to the town.
 - (6) The town engineer may require any operator who is required by subsection (2) above to prepare an SWPPP to submit the SWPPP, and any modifications thereto, to the town engineer for review. Such submittal and review of the SWPPP may be required by the town engineer prior to commencement of or during construction activities at the site.
 - (7) Upon the town engineer's review of the SWPPP and any site inspection that he/she may conduct, the

town may deny approval of any building permit, grading permit, site development plan, or any other town approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the construction general permit, any individual or group NPDES or TPDES permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this division. Also, if at any time the town engineer determines that the SWPPP is not being fully implemented, the town may similarly deny approval of any building permit, grading permit, site development plan or any other town approval necessary to commence or continue construction, or to assume occupancy, at the site.

- (8) Any significant modification to the SWPPP shall be prepared, signed, and sealed by a registered professional engineer as required for the original SWPPP by subsection (3) above.
- (9) The SWPPP, with any modifications attached, shall be retained at the construction site from the date of commencement of construction through the date of final stabilization.
- (10) The operator shall make the SWPPP and any modification thereto available to the town engineer upon request (as well as to EPA and state inspectors).
- (11) The town engineer may notify the operator at any time that the SWPPP does not meet the requirements of the construction general permit, any applicable individual or group NPDES permit issued for stormwater discharges from the construction site, or any additional requirement imposed by or under this division. Such notification shall identify those provisions of the permit or ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven days of such notification from the town engineer (or as otherwise provided by the town engineer), the operator shall make the required changes to the SWPPP and shall submit to the town engineer a written certification that the requested changes have been made.
- (12) The operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges associated with construction activity. In addition, the SWPPP shall be amended to identify any new contractor and/or subcontractor that will implement a measure in the SWPPP.
- (13) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of the storm that is one-half inch or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
- (14) Based on the results of the inspections required by subsection (13) above, the site description and/or the pollution prevention measures identified in the SWPPP shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven calendar days following the inspection.

- (15) A report summarizing the scope of any inspection required by subsection (13) above, and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with subsection (14) above shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP, the facility's NPDES or TPDES permit, and this division. The report shall be certified and signed by the person responsible for making it.
 - (16) The operator shall retain copies of any SWPPP and all reports required by this division or by the NPDES permit for the site, and records of all data used to complete the NOI, for a period of at least three years from the date that the site is finally stabilized.
 - (17) Where a site has been finally stabilized and all stormwater discharges from construction activities that are authorized by this division and by the NPDES permit for those construction activities are eliminated, or where the operator of all stormwater discharges at a facility changes, the operator of the construction site shall submit to the town engineer a notice of termination (NOT) that includes the information required for notices of termination by part VIII of the construction general permit.
 - (18) Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit written certification to the town engineer that the site has been finally stabilized. (See definition of final stabilization in this division.) The town may withhold an occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the town engineer has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.
 - (19) The operator shall submit a post construction stormwater management plan that incorporates the BMP to minimize water quality impacts prior to issuance of any permits.
- (c) *Terminating authorization to discharge stormwater.* Operators who have submitted an NOI shall terminate authorization for discharges associated with construction activity by submitting a notice of termination (NOT) in accordance with the requirements of the construction permit. The NOT shall be submitted to the permitting authority, and a copy of the signed and certified NOT provided to the control authority within 30 days after:
- (1) Final stabilization has been achieved on all portions of the construction site that are the responsibility of the operator; or
 - (2) Another permitted operator has assumed control over all areas of the construction site that have not been finally stabilized; and
 - (3) All silt fences and other temporary erosion controls have been removed, scheduled for removal as defined in the SWPPP, or transferred to a new operator, if the new operator has sought permit coverage. Operators are not required to remove, or schedule the removal of, erosion controls, which are designed to remain in place for an indefinite period, such as mulches and erosion mats. Operators of small construction activities shall also meet the requirements listed in subsections (1)—(3), above in order to consider their automatic permit coverage to be terminated. Notification of the termination of automatic permit coverage shall be made to the control authority in accordance with the requirements of the construction permit;
 - (4) Operators of large and small construction activities shall remove the NOI and/or construction site notice immediately following termination of permit coverage.
- (d) *Final acceptance and certificate of occupancy.* The public works department shall not recommend that small

or large construction activities be approved for final acceptance unless those construction activities are in compliance with this article. If the operator seeking final acceptance will not be associated with any further construction activity after final acceptance is granted, the construction activity shall also meet the requirements necessary to qualify for termination of permit coverage. A final certificate of occupancy shall not be recommended until final stabilization has been achieved on all disturbed areas, all potential pollutants associated with the construction activity have been removed, and the construction activity meets any additional requirements necessary to qualify for termination of permit coverage. A final certificate of occupancy may be granted prior to meeting the above conditions, on a case-by-case basis, provided that the signatory authority certifies in writing that the construction activity will maintain compliance with the construction permit and/or this article until the construction activity has been completed. Recommendation for final acceptance or a final certificate of occupancy for all other construction activities shall not be made until final stabilization has been achieved on all disturbed areas. Final acceptance may be recommended, where final stabilization has not yet occurred, provided that either the disturbed soils have been temporarily stabilized or a new operator, owner or contractor has assumed control over the construction activity and the construction site will not remain inactive for more than 21 days. Final acceptance and a final certificate of occupancy may also be withheld in the event of outstanding violations or enforcement actions. A final certificate of occupancy may be granted prior to meeting the above conditions, on a case-by-case basis, provided that the signatory authority provides written documentation to the control authority certifying that the construction activity will maintain compliance with the construction permit and/or this article until the construction activity has been completed.

- (e) *Signatory authority.* All applications, notices, reports, and all other applicable documents required under the construction permit shall be signed in accordance with the signatory requirements set forth in title 30, section 305.44 of the Texas Administrative Code as it now exists or as hereafter amended. The authority to sign documents other than the NOI, NOT, NOC letter and construction site notice may be delegated to other qualified personnel provided that the requirements set forth in title 30, section 305.128 of the Texas Administrative Code, as it now exists or as hereafter amended, are met. All operators, owners and contractors shall designate an authorized representative on a form provided by the control authority. The authorized representative will be the point of contact for all pollution prevention matters for the site. If no authorized representative is designated for a small or large construction activity, the signatory authority for the NOI or construction site notice shall be the default authorized representative. For all other construction activities, the default authorized representative shall be the property owner. All communications and enforcement actions shall be addressed to the authorized representative.
- (f) *Recordkeeping requirements.* Operator shall retain a copy of the SWPPP, all reports, notices, applications, monitoring and inspection records and other documents required by the construction permit or this article, for the construction site, and records of all data used to complete the NOI, for a period of at least three years from the date that an NOI is submitted. For activities that are not required to submit an NOI (e.g. small construction activities that are not required to submit an NOI), records shall be retained for a period of at least three years from the date that either: final stabilization has been achieved on all portions of the construction site that are the responsibility of the operator; or another permitted operator has assumed control over all areas of the construction site that have not been finally stabilized. The operator shall make all documents and data, required by the construction permit or this article, readily available to the control authority, upon request.

(Ord. 2012-05-685, § 3.02, 5-15-12)

(Ord. No. 2019-02-808, § 3.01, 2-26-2019)

Sec. 3.07.086. - Stormwater discharges associated with industrial activity.

- (a) All operators of industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. section 11023, and industrial facilities that the town engineer determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity, shall comply with all federal, state and local rules and regulations in addition to the following requirements:
- (1) Any operator who intends to obtain coverage for stormwater discharge associated with industrial activity under the NPDES or TPDES general permit for stormwater discharges associated with industrial activity ("the industrial general permit") shall submit a signed copy of its notice of intent (NOI) to the town engineer at least two days prior to the commencement of the industrial activity at the facility. If industrial activity is already underway upon the effective date of this division the NOI shall be submitted within 30 days. Where the operator of a facility with a stormwater discharge associated with industrial activity which is covered by the industrial general permit changes, the new operator of the facility shall submit an NOI at least two days prior to the change.
 - (2) A stormwater pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the industrial general permit or any individual or group NPDES or TPDES permit issued for stormwater discharges from the industrial facility, and with any additional requirement imposed by or under this division and any other town ordinance. A no exposure certification, as defined by EPA and TCEQ regulations, may be submitted with the SWPPP.
 - (3) The SWPPP shall be prepared, signed, and sealed by a registered professional engineer. The signature and seal of the registered professional engineer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the industrial general permit, or with any applicable individual or group NPDES permit issued for stormwater discharges from the industrial facility, and within any additional requirement imposed by or under this division.
 - (4) The SWPPP shall be completed prior to the submittal of the NOI to the town engineer and, for a new industrial operation, prior to the commencement of the industrial activity at the facility. The SWPPP shall be updated and modified as appropriate and as required by the industrial general permit and this division.
 - (5) A copy of any NOI that is required by subsection (1) above shall be submitted to the town in conjunction with any application for a permit or any other town approval necessary to commence or continue operation of the industrial facility.
 - (6) The town engineer may require any operator who is required by subsection (2) above to prepare a SWPPP to submit the SWPPP, and any modifications thereto, to the town engineer for review. Such submittal and review of the SWPPP may be required by the town engineer prior to commencement of or during industrial activity at the facility.
 - (7) Upon the town engineer's review of the SWPPP and any site inspection that he/she may conduct, the town may deny approval of any application for a permit or any other town approval necessary to commence or continue operation of the facility, on the grounds that the SWPPP does not comply with the requirements of the industrial general permit, any individual or group NPDES permit issued for stormwater discharges from the industrial facility, or any additional requirement imposed by or under

this division. If at any time the town engineer determines that the SWPPP is not being fully implemented, the town may deny approval of any application for a permit or other town approval necessary to commence or continue operation of the industrial facility.

- (8) Any significant modification to the SWPPP shall be prepared, signed, and sealed by a registered professional engineer, as required for the original SWPPP by subsection (3) above.
- (9) The SWPPP, with the registered professional engineer's signature and seal affixed, and with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required notice of termination (NOT) has been submitted.
- (10) The operator shall make the SWPPP and any modification thereto available to the town engineer upon request, as well as to EPA and state inspectors.
- (11) The town engineer may notify the operator at any time that the SWPPP does not meet the requirements of the industrial general permit, any applicable individual or group NPDES permit issued for stormwater discharges from the industrial facility, or any additional requirement imposed by or under this division. Such notification shall identify those provisions of the permit or ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within 30 days of such notification from the town engineer (or as otherwise provided by the town engineer), the operator shall make the required changes to the SWPPP and shall submit to the town engineer a written certification that the requested changes have been made.
- (12) The operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges associated with industrial activity.
- (13) Qualified personnel (provided by the operator) shall inspect equipment and areas of the facility specified in the SWPPP at appropriate intervals. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.
- (14) Qualified personnel (provided by the operator) shall conduct comprehensive site compliance evaluations as required by part IV.D.4 of the industrial general permit at intervals of no less than once per year. Based on the results of the compliance evaluation, the description of potential pollutant sources and the pollution prevention measures and controls identified in the SWPPP shall be revised as appropriate within two weeks of such evaluation and shall provide for implementation of any changes to the SWPPP in a timely manner, but in no case more than 12 weeks after the compliance evaluation.
- (15) A report summarizing the scope of the comprehensive site compliance evaluation required by subsection (14) above, personnel making the compliance inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with necessary and appropriate plan revisions shall be made and retained as part of the SWPPP for at least one year after all stormwater discharges from the facility are eliminated and the required NOT has been submitted. The report shall identify any incidence of noncompliance; or, if the report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance

with the SWPPP, the applicable NPDES permit, and this division. The report shall be signed by the individual responsible for the comprehensive site compliance evaluation and it shall be submitted to the town engineer within ten days of its completion.

- (16) If the industrial facility is required the industrial general permit to conduct semiannual monitoring, a signed copy of each semiannual monitoring report shall be submitted to the town engineer.
- (17) If the industrial facility is required by part VI.B.3 of the industrial general permit to conduct annual monitoring, records of the monitoring results shall be retained at the facility and made available to the town engineer upon request. If expressly required by the town engineer, a written report of the annual monitoring shall be prepared and submitted to the town engineer.
- (18) By written notice, the town engineer may require any industrial facility identified in accordance with this section to implement a monitoring program that includes the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing NPDES permit for the facility; oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv). The town engineer may require written reports of any such monitoring to be submitted to him/her.
- (19) By written notice, the town engineer may require any industrial facility identified in this section to conduct semiannual or annual monitoring of stormwater discharges, or the town engineer may specify an alternative monitoring frequency and/or specify additional parameters to be analyzed. The town engineer may require written reports of any such additional monitoring to be submitted to him/her.
- (20) The operator shall retain the SWPPP until at least one year after stormwater discharges associated with industrial activity at the facility are eliminated, or that operator is no longer operating the facility, and a notice of termination (NOT) in compliance with subsection (23) below has been submitted. The operator shall retain all records of all monitoring information, copies of all required reports, and records of all data used to complete the NOI, until at least one year after all stormwater discharges associated with industrial activity at the facility are eliminated, or the operator ceases to operate that facility, and the required notice of termination (NOT) has been submitted.
- (21) For discharges subject to the semiannual or annual monitoring requirements of part VI.B of the industrial general permit, in addition to the records-retention requirements of the subsection above, operators are required to retain, for a six-year period from the date of sample collection, records of all monitoring information collected. Operators must submit such monitoring results, and/or a summary thereof, to the town engineer upon his/her request.
- (22) No discharge shall contain any of the following hazardous metals in a concentration exceeding the maximum allowable concentrations (in mg/l) of each of the hazardous metals listed below:

Total	Monthly Average	Daily Composite	Single Grab
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2

Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	0.1	0.2
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

- (23) Where all stormwater discharges associated with industrial activity that are authorized by this division, and by the NPDES permit for those discharges from industrial activities, are eliminated, or where the operator of stormwater discharges associated with industrial activity at a facility changes, the operator of the facility shall submit to the town engineer a notice of termination (NOT) that includes the information required for notices of termination by part IX of the industrial general permit.
- (b) Any owner of a facility with a stormwater discharge associated with industrial activity to which subsection (a) applies, whether or not he/she is an operator of the facility, is jointly and severally responsible for compliance with the best management practices (BMP) measures required in the SWPPP for the facility and for compliance with the effluent limitations for hazardous metals specified in subsection (a)(22) above.
- (c) Upon request by the town engineer, all owners and operators of any facility that experiences a problem complying with the requirements of this division, the industrial general permit, or any applicable individual or group NPDES permit issued for stormwater discharges from the industrial facility shall consult with the town engineer, any other representative of the town, and any third party designated by the town in an attempt to achieve compliance as soon as practicable. If compliance is not achieved to the town's satisfaction, the town may, in its discretion, report the noncompliance to EPA and/or the state, and/or the town may itself undertake any enforcement action authorized by sections 3.07.089, 3.07.091, and 3.07.092 of this division. Exercise of the town's option for consultation under this subsection shall not be a bar against, or prerequisite for, taking any other enforcement action against any owner or operator of the facility.

(Ord. 2012-05-685, § 3.03, 5-15-12)

Sec. 3.07.087. - Compliance monitoring.

- (a) *Right of entry for inspection and sampling.* The town engineer shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United

States to determine if the discharger is complying with all requirements of this division, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the town engineer ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the town engineer, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this division and with any state or federal discharge permit.

- (1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the town engineer will be permitted to enter without delay for the purposes of performing his/her responsibilities.
 - (2) The town engineer shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.
 - (3) The town engineer may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.
 - (4) The town engineer may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the town engineer and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
 - (6) Unreasonable delays in allowing the town engineer access to the discharger's premises shall be a violation of this division.
- (b) *Search warrants.* If the town engineer has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this division (or any state or federal discharge permit, limitation, or requirement), or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this division or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the town engineer may seek issuance of a search warrant from any court of competent jurisdiction.

(1999 Code, § 11.807)

Sec. 3.07.088. - Citizen participation and publication.

- (a) *Citizen reports of violations.*
 - (1) All citizens are encouraged to report to the town engineer or his/her delegate any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this division of which they become aware.
 - (2) The town engineer will designate an individual or office to receive all such citizen reports by telephone, in writing, and in person. A written record of each citizen report will be prepared and kept on file for a period of two years, and a copy of the town's record of the report will be furnished to the reporting

citizen upon request. Also upon request, the town engineer will inform the reporting citizen of any action undertaken by the town in response to the citizen's report.

- (b) *Publication of dischargers in significant noncompliance.* The town engineer may periodically publish, in the newspaper of record, a list of owners and operators of discharges to the MS4 or waters of the United States from sites of construction and industrial activity which, during the previous 12 months, were in significant noncompliance with the requirements of this division. The term "significant noncompliance" shall mean:
- (1) Introducing or causing to be introduced into the waters of the United States any discharge that violates a water quality standard;
 - (2) Introducing or causing to be introduced into the MS4 any discharge that causes or contributes to causing the town to violate a water quality standard, the town's NPDES permit, or any state-issued discharge permit for discharges from the town's MS4;
 - (3) Any connection of a line conveying sanitary sewage, domestic or industrial, to the MS4, or allowing any such connection to continue;
 - (4) Any discharge of pollutants to the MS4 or waters of the United States that has caused an imminent or substantial endangerment to the health or welfare of persons or to the environment, or has resulted in the exercise of the town's emergency authority to halt or prevent such a discharge;
 - (5) Any violation that has resulted in injunctive relief, civil penalties, or criminal fine being imposed as a judicial remedy under section 3.07.091 of this division;
 - (6) Any other violation(s) which the town engineer determines to be chronic or especially dangerous to the public or to the environment;
 - (7) Any failure to comply with a compliance schedule, whether imposed by the town or by a court.

(1999 Code, § 11.808)

Sec. 3.07.089. - Administrative enforcement remedies.

- (a) *Warning notice.* When the town engineer finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, the town engineer may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the town engineer to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.
- (b) *Notification of violation.* When the town engineer finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, the town engineer may serve upon that person a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions, shall be submitted by the alleged violator to the town engineer. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the town engineer within ten days of receipt of the notice. Submission of an explanation and/or plan in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the town engineer to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

- (c) *Consent orders.* The town engineer may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance with any provision in this division or any order issued hereunder. Such documents may include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (e), (f) and (g) of this section and shall be judicially enforceable.
- (d) *Show cause hearing.* The town engineer may order any person who has violated, or continues to violate, any provision of this division, or any order issued hereunder, to appear before the town engineer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the alleged violator specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the alleged violator show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the alleged violator. The hearing shall be conducted pursuant to the rights and procedures specified in section 3.07.090(a)(7) of this division. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the alleged violator.
- (e) *Compliance orders.* When the town engineer finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, the town engineer may issue an order to the violator directing that the violator come into compliance within a specified time limit. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the United States. A compliance order may not extend the deadline for compliance established by a state or federal standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the violator.
- (f) *Remediation, abatement, and restoration orders.* When the town engineer finds that a person has violated, or continues to violate, any provision of this division, or any order issued hereunder, and that such violation has adversely affected the MS4, the waters of the United States or any other aspect of the environment, the town engineer may issue an order to the violator directing him/her to undertake and implement any appropriate action to remediate and/or abate any adverse effects of the violation upon the MS4, the waters of the United States, or any other aspect of the environment, and/or to restore any part of the MS4, the waters of the United States, or any other aspect of the environment that has been harmed. Such remedial, abatement, and restoration action may include, but not be limited to: monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, and/or restoration action; confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination; prevention, minimization, and/or mitigation of any damage to the public health, welfare, or the environment that may result from the violation; restoration or replacement of town property or natural resources damaged by the violation. The order may direct that the remediation, abatement, and/or restoration be accomplished on a specified compliance schedule and/or be completed within a specified period of time. An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation. Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.
- (g) *Emergency cease and desist orders.* When the town engineer finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, or that the person's past violations are

likely to recur, and that the person's violations have caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the town engineer may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the town engineer may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The town engineer may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the town engineer that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this division. A person who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the town engineer within ten days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

- (h) *Red tags.* Whenever the town engineer finds that any operator of a construction site has violated, or continues to violate, any provision of section 3.07.085 of this division, or any order issued thereunder, the town engineer may order that a red tag be issued to the operator, posted at the construction site, and distributed to all town departments and divisions whose decisions affect any activity at the site. Unless express written exception is made by the town engineer, the red tag shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the town associated with a building permit, grading permit, subdivision plat approval, site development plan approval, or any other town approval necessary to commence or continue construction or to assume occupancy at the site. Issuance of a red tag order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(1999 Code, § 11.809)

Sec. 3.07.090. - Right to reconsideration, hearing, and appeal.

- (a) *Reconsideration and hearing.*

- (1) Any person subject to a compliance order under section 3.07.089(e), a remediation, abatement, or restoration order under section 3.07.089(f), an emergency cease and desist order under section 3.07.089(g), or a red tag order under section 3.07.089(h) of this division may petition the town engineer to reconsider the basis for his/her order within five days of the affected person's notice of issuance of such an order.
- (2) Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.
- (3) In its petition, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, and whether the petitioning party

requests a hearing on its petition.

- (4) The effect of any compliance order under section 3.07.089(e), remediation, abatement, or restoration order under section 3.07.089(f), and any red tag order under section 3.07.089(h) shall be stayed pending the town engineer's reconsideration of the petition, and any hearing thereon, unless the town engineer expressly makes a written determination to the contrary. The effectiveness of any emergency cease and desist order under section 3.07.089(g) shall not be stayed pending the town engineer's reconsideration, or any hearing thereon, unless the town engineer expressly and in writing stays his/her emergency order.
- (5) Within ten days of the submittal of a petition for reconsideration, the town engineer shall either:
 - (A) Grant the petition and withdraw or modify the order accordingly;
 - (B) Deny the petition, without hearing if no material issue of fact is raised; or
 - (C) If a hearing has been requested and a material issue of fact has been raised, set a hearing on the petition.
- (6) Written notice of any hearing set by the town engineer pursuant to subsection (5) above shall be served on the petitioning party personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the petitioning party.
- (7) The town engineer may himself/herself conduct the hearing and take evidence, or he/she may designate any employee of the town or any specially designated attorney or engineer to:
 - (A) Issue in the name of the town notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;
 - (B) Take evidence;
 - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the town engineer for action thereon.

At any hearing held pursuant to this subsection, testimony taken shall be under oath and recorded. Any party is entitled to present his/her case or defense by oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. A transcript will be made available to any party to the hearing upon payment of the usual charges thereof.

- (8) After the town engineer has reviewed the evidence, he/she shall:
 - (A) Grant the petition;
 - (B) Deny the petition; or
 - (C) Grant the petition in part and deny it in part.

The town engineer may modify his/her order as is appropriate based upon the evidence and arguments presented at the hearing and his/her action on the petition. Further orders and directives as are necessary and appropriate may be issued.

(b) *Appeal.*

- (1) Any person whose petition for reconsideration by the town engineer has not been granted in its entirety and who remains adversely affected by the town engineer's order, or who is subject to an order of the town engineer issued following a show cause hearing under section 3.07.089(d), may appeal the action of the town engineer to the town council by filing a written appeal with the town council within ten days of the person's notice of the adverse action on the petition for reconsideration, or within ten days of the person's notice of the issuance of the order following the show cause hearing, as the case may be.

- (2) Failure to submit a timely written appeal to the town council shall be deemed to be a waiver of further adm review.
- (3) In its written appeal to the town council, the appealing party shall indicate the particular provisions of the order objected to, the particular determinations of the town engineer that are contested, the reasons that the town engineer's order and/or determinations are contested, and any alternative order that the appealing party would accept.
- (4) The effect of the town engineer's order, as issued or modified, shall not be stayed pending the appeal to the town council, unless the town council expressly so states.
- (5) Within 30 days of the submittal of a written appeal to the town council, the town council shall hear and consider the appeal in open meeting. The appellant shall be notified at least ten days in advance of the date and time of the town council meeting at which the appeal will be heard and considered.
- (6) The appellant shall have the right to public appearance before the town council to present oral and written statements in support of his/her appeal. If the town council wishes to consider testimony of witnesses or other evidence beyond that in the record of any hearing before the town engineer, the town council may remand the matter to the town engineer for the taking of additional testimony or other evidence.
- (7) Upon consideration of any written and oral statements made to the town council, as well as the record made before the town engineer, the town council shall act on the appeal by affirming, vacating, or modifying the order of the town engineer, and/or by remanding the matter to the town engineer for further action.
- (8) Following final action by the town council on the appeal, any adversely affected party may challenge such action by the town council in an appropriate court of competent jurisdiction.

(1999 Code, § 11.810)

Sec. 3.07.091. - Judicial enforcement remedies.

(a) *Civil remedies.*

- (1) Whenever it appears that a person has violated, or continues to violate, any provision of this division that relates to:
 - (A) The preservation of public safety, relating to the materials or methods used in construction of any structure or improvement of real property;
 - (B) The preservation of public health or to the fire safety of a building or other structure or improvement;
 - (C) The establishment of criteria for land subdivision or construction of buildings, including street design;
 - (D) Dangerously damaged or deteriorated structures or improvements;
 - (E) Conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
 - (F) Point source effluent limitations or the discharge of a pollutant, other than from a nonpoint source, into the MS4;

The town may invoke sections 54.012-54.017 of the Texas Local Government Code and petition the state district court or the county court at law, through the town attorney, for either the injunctive relief specified in subsection (2) below or the civil penalties specified in subsection (3) below, or both the specified injunctive relief and civil penalties.

- (2) Pursuant to section 54.016 of the Texas Local Government Code, the town may obtain against the owner or a facility a temporary or permanent injunction, as appropriate, that:
- (A) Prohibits any conduct that violates any provision of this division that relates to any matter specified in subsections (1)(A)—(F) above; or
 - (B) Compels the specific performance of any action that is necessary for compliance with any provision of this division that relates to any matter specified in subsections (1)(A)—(F) above.
- (3) Pursuant to section 54.017 of the Texas Local Government Code, the town may recover a civil penalty of not more than \$1,000.00 per day for each violation of any provision of this division that relates to any matter specified in subsection (1)(A)—(E) above, and a civil penalty of not more than \$5,000.00 per day for each violation of any provision of this division that relates to any matter specified in subsection (1)(F) above, if the town proves that:
- (A) The defendant was actually notified of the provisions of this division; and
 - (B) After the defendant received notice of the provisions, the defendant committed acts in violation of this division or failed to take action necessary for compliance with this division.
- (b) *Criminal penalties.*
- (1) Any person who has violated any provision of this division, or any order issued hereunder, shall be strictly liable for such violation regardless of the presence or absence of a culpable mental state and shall, upon conviction, be subject to a fine in accordance with the general penalty in section 1.01.009 of this code per violation, per day, or any greater fine authorized by state statute.
 - (2) Any person who has knowingly made any false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this division shall, upon conviction, be subject to a fine in accordance with the general penalty in section 1.01.009 of this code per violation, per day. In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.
- (c) *Civil suit under Texas Water Code.* Whenever it appears that a violation or threat of violation of any provision of section 26.121 of the Texas Water Code, or any rule, permit, or order of the state commission on environmental quality, has occurred or is occurring within the jurisdiction of the town, exclusive of its extraterritorial jurisdiction, the town, in the same manner as the state commission on environmental quality, may have a suit instituted in a state district court through its town attorney for the injunctive relief or civil penalties or both authorized in subsection (a) of section 26.123 of the Texas Water Code against the person who committed or is committing or threatening to commit the violation. This power is exercised pursuant to section 26.124 of the Texas Water Code. In any suit brought by the town under this subsection (c), the state commission on environmental quality is a necessary and indispensable party.
- (d) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive of any other remedies that the town may have under state or federal law or other town ordinances. The town may take any, all, or any combination of these actions against a violator. The town is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

Sec. 3.07.092. - Supplemental enforcement action.

- (a) *Performance bonds.* The town engineer may, by written notice, order any owner or operator of a source of stormwater discharge associated with construction or industrial activity to file a satisfactory bond, payable to the town, in a sum not to exceed a value determined by the town engineer to be necessary to achieve consistent compliance with this division, any order issued hereunder, any required best management practice, and/or any SWPPP provision, and/or to achieve final stabilization of the site. The town may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other town permit or approval necessary to commence or continue construction or any industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.
- (b) *Liability insurance.* The town engineer may, by written notice, order any owner or operator of a source of stormwater discharge associated with construction or industrial activity to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value determined by the town engineer, that is sufficient to remediate, restore, and abate any damage to the MS4, the waters of the United States, or any other aspect of the environment that is caused by the discharge.
- (c) *Public nuisances.* A violation of any provision of this division, or any order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the town engineer. Any person(s) creating a public nuisance shall be subject to the provisions of the town code governing such nuisances, including reimbursing the town for any costs incurred in removing, abating, or remedying said nuisance.

(1999 Code, § 11.812)

Sec. 3.07.093. - Charges and fees.

- (a) The town may adopt reasonable fees for reimbursement of costs of constructing, operating, and maintaining the town's MS4, and for reimbursement of costs of implementing its stormwater management program as required by EPA or the state, and the cost of implementing this division, which costs may include, but not be limited to, the following:
 - (1) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
 - (2) Fees for spill and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and
 - (3) Other fees as the town may deem necessary to carry out the requirements contained in this division.
- (b) These fees relate solely to the matters covered by this division and are separate from all other fees, fines, and penalties chargeable by the town.

(1999 Code, § 11.813)

Appendix D

BMP Implementation Schedule

Town of Hickory Creek - BMP Implementation Schedule for 2019 SWMP	
BMP Description	Deadline/Frequency
MCM NO. 1 - Public Education and Outreach	
<u>BMP 1.1 - Distribute Stormwater Educational Material</u> Distribute SWPPP information to developers Distribute stormwater management information via website and social media Distribute printed stormwater management information at events Distribute stormwater management information to employees Present stormwater management information to the business community	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023 December annually; 2021-2023
<u>BMP 1.2 - Stormwater Message(s) with Links on Town of Hickory Creek Website</u> Make SWMP and Annual Reports available to public Make stormwater information available on Town website	December annually; 2019-2023 December annually; 2019-2023
<u>BMP 1.3 - Public Participation Events</u> Hold citizen clean-up event Provide opportunity for household hazardous waste disposal Provide opportunity for prescription drug disposal	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023
<u>BMP 1.4 - Display Stormwater Management Program on Town Website for Public Review and Comment</u> Provide opportunity to comment on SWMP Document and follow up on public review comments	December annually; 2019-2023 December annually; 2019-2023
MCM NO. 2 - Illicit Discharge Detection and Elimination	
<u>BMP 2.1 - Enforce Town Ordinance and Procedures to Prohibit and Remove Illicit Discharges</u> Enforce Town ordinance Review Town ordinance	December annually; 2019-2023 December annually; 2019-2023
<u>BMP 2.2 - Visual Inspection of Selected Stormwater Outfalls During Dry Weather</u> Inspect outfalls in dry weather conditions Investigate and take corrective action	December annually; 2019-2023 December annually; 2019-2023
<u>BMP 2.3 - Development of Storm Sewer Map Showing All Outfalls and Names of Waters of the United States</u> Update outfall map	December annually; 2019-2023
<u>BMP 2.4 - Spill Control and Response</u> Continue spill control and response procedures Review spill control and response procedures Distribute spill control and response procedures to staff	December annually; 2019-2020 December annually; 2021-2023 December annually; 2021-2023
<u>BMP 2.5 Public Reporting</u> Ensure public reporting process is available on the Town's website Educate Town staff on reporting procedures Respond to comments and questions	December annually; 2022-2023 December annually; 2022-2023 December annually; 2019-2023

Town of Hickory Creek - BMP Implementation Schedule for 2019 SWMP	
BMP Description	Deadline/Frequency
MCM NO. 3 - Construction Site Runoff Controls	
BMP 3.1 - Maintain Ordinance and Enforcement Mechanism to Require Erosion and Sediment Control at site>1 Acre Investigate potential violations of ordinance Review Erosion and Sediment Control ordinance	December annually; 2019-2023 December annually; 2021-2023
BMP 3.2 - Require Submittal of Construction Site SWPPP for Review by Town Staff Require SWPPPs for construction projects >=1 acre Review construction project SWPPPs Document construction project SWPPPs	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023
BMP 3.3 - Conduct Construction Site Inspections of Runoff Controls Enforce the existing ordinance Conduct inspections after rain events Review and update procedures Train Town inspectors Respond to comments and questions	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023
BMP 3.4 - Mechanism to Receive Comments Provide email for comments on Town's website Respond to comments from general public Respond to comments from contractors	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023
MCM NO. 4 - Post Construction Stormwater Management in new Development and Redevelopment	
BMP 4.1 - Maintain Hickory Creek Ordinance and Enforcement Mechanism to Require Post Construction Stormwater Management in New Development and Redevelopment Sites >1 Acre Enforce existing ordinance Review and update ordinance	December annually; 2019-2023 December annually; 2019-2023
BMP 4.2 - Conduct Inspections of Post-Construction Stormwater Management Control Measures Develop procedures for inspecting controls Develop an inventory of control measures Inspect control measures Document inspections and corrective actions	December 2021 December annually; 2022-2023 December annually; 2022-2023 December annually; 2022-2023
MCM NO. 5 - Pollution Prevention and Good Housekeeping	
BMP 5.1 - Inspect and Prevent Pollution from Town-Owned Facilities and Operations Inspect Town-owned facilities Document corrective action taken Review and revise procedures	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023
BMP 5.2 - Train Town Staff and Contractors on Pollution Reduction from Town-Owned Facilities and Operations Train Town staff Provide training material to contractors Review and revise training materials	December annually; 2019-2023 December annually; 2019-2023 December annually; 2019-2023
BMP 5.3 - Written Policy, Procedures, and Schedule for Periodic Inspection and Maintenance Of Stormwater System Continue inspections under current procedures Review and revise procedures Review and revise procedures	December annually; 2019-2023 December annually; 2022-2023 December annually; 2019-2023