

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT RENEWAL FOR A MUNICIPAL SEPARATE STORM SEWER SYSTEM

PERMIT NO. WQ0004774000

APPLICATION AND PRELIMINARY DECISION. City of Waco, P.O. Box 2570, Waco, Texas 76702 which operates the City of Waco Municipal Separate Storm Sewer System (MS4) has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TPDES Permit No. WQ0004774000 to authorize stormwater point source discharges to surface water in the state from the MS4. TCEQ received this application on February 5th, 2013. Texas Department of Transportation (TxDOT) – Waco District will not continue as a co-permittee in this renewal of Permit No. WQ0004774000. TxDOT has applied to TCEQ for a renewal with major amendment to authorize their MS4 discharges under a proposed TxDOT statewide individual permit TPDES Permit No WQ0005011000.

The MS4 is located within the corporate boundary of the City of Waco, McLennan County, Texas 76701. Discharge is via the MS4 to various ditches and tributaries that eventually reach Waco Lake, North Bosque River, Brazos River Above Navasota River, Middle Bosque/South Bosque River, Brazos River/Lake Brazos in Segment Nos. 1225, 1226, 1242, 1246 and 1256 of the Brazos River Basin. The unclassified receiving waters have a presumed aquatic life use of high for perennial streams, limited for intermittent streams with perennial pools, and minimal for intermittent streams. The designated uses for Segment Nos. 1225, 1226, 1242, and 1256 are primary contact recreation, public water supply and high aquatic life use. The designated uses for Segment No. 1246 are primary contact recreation and high aquatic life use.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Waco City Hall, City Secretary's Office (1st floor), 300 Austin Avenue, Waco, Texas 76701.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address; phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn. **TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; (2) the mailing list for a specific county; or (3) the permanent mailing list for a specific applicant name and permit number and the mailing list for a specific county. If you wish to be placed on the permanent or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

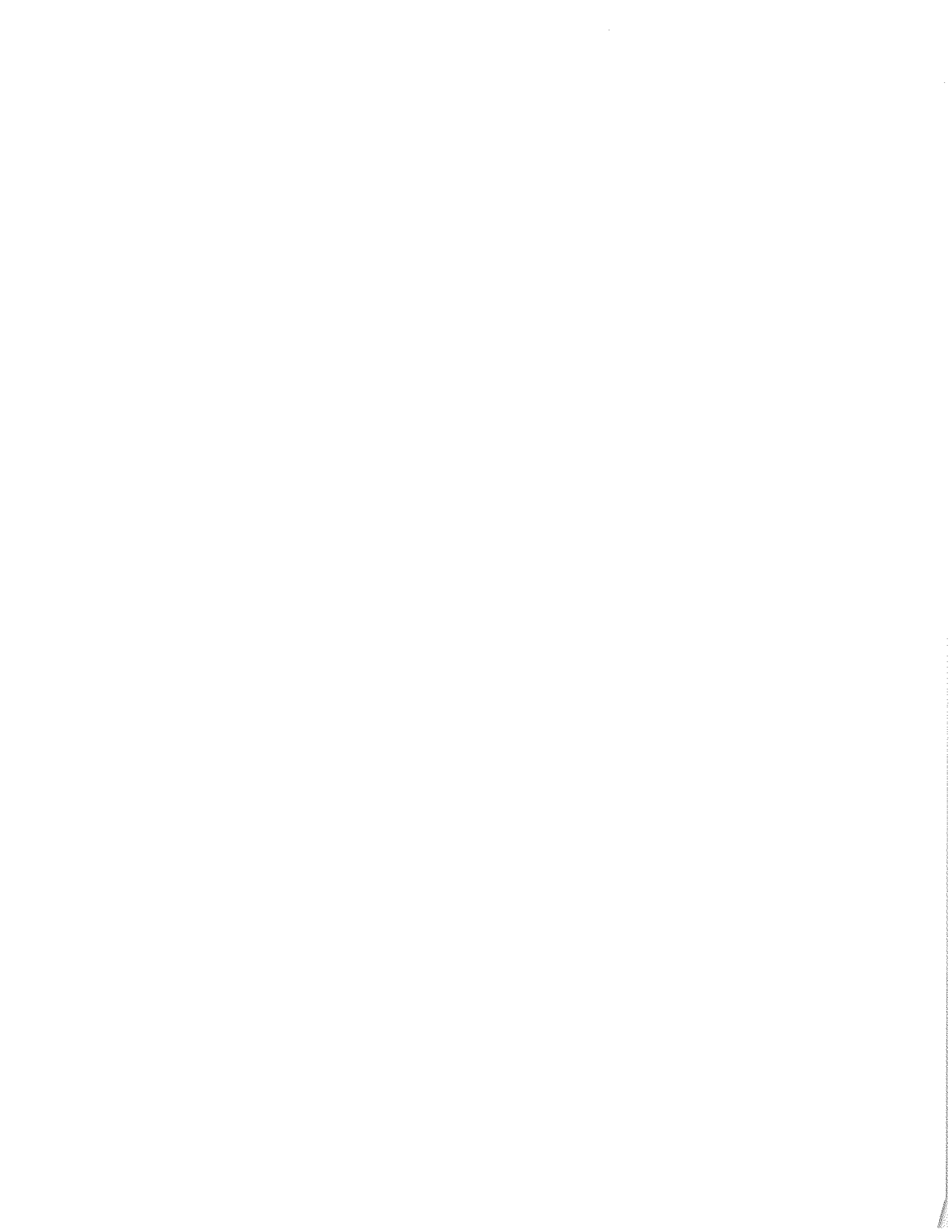
All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or

electronically at www.tceq.texas.gov/about/comments.html within 30 days from the date of newspaper publication of this notice.

AGENCY CONTACTS AND INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Further information may also be obtained from City of Waco at the address stated above or by calling Anna Dunbar at (254)299-2496.

Issuance Date: January 2, 2014



Comisión De Calidad Ambiental Del Estado De Texas



AVISO DE LA SOLICITUD Y DECISIÓN PRELIMINAR PARA EL PERMISO DEL SISTEMA DE ELIMINACIÓN DE DESCARGAS DE CONTAMINANTES (TPDES) PARA EL SISTEMA MUNICIPAL DE DRENAJE PLUVIAL RENOVACIÓN

PERMISO NO. WQ 0004774000

SOLICITUD Y DECISIÓN PRELIMINAR. CIUDAD DE WACO, APARTADO DE CORREOS BOX 2570, WACO, TEXAS 76702 Sistema Municipal de Drenaje Pluvial (MS4) ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) para una renovación para autorizar la descarga del punto de origen de las aguas pluviales a las aguas superficiales del estado desde la Ciudad de Waco MS4. La TCEQ recibió esta solicitud el 5 de febrero de, 2013. Departamento de Transporte de Texas (TxDOT) – Distrito Waco no continuará como cotitular de permiso en esta renovación del Permiso No. WQ0004774000. TxDOT ha aplicado a la TCEQ para una renovación con modificación importante para autorizar sus descargas MS4 bajo una propuesta de TxDOT en todo el estado permiso individual TPDES Permiso No WQ0005011000.

El MS4 está ubicado dentro de los límites corporativos de la Ciudad de Waco en el condado de McLennan, Texas. La descarga es por vía del MS4 a varias zanjas y tributarios que eventualmente llegarán al Lago Waco, Río del Norte Bosque, Río Brazos por encima de Navasota Río, Oriente Bosque / South River Bosque, Brazos Río / Lago Brazos en el segmento Nos. 1225, 1226, 1242, 1246 y 1256 de la Cuenca del Río Brazos. Se presume que las aguas no clasificadas recibidas tienen un uso elevado en la vida acuática para las corrientes de agua permanentes, uso limitado de vida acuática para corrientes intermitentes con estanques permanentes, y sin uso significativo para la vida acuática para corrientes de agua intermitentes. Las aguas receptoras no clasificados tienen un uso de vida acuática presunta del alto para cursos de agua permanentes y limitadas para los flujos intermitentes con piscinas perennes y mínimos para los flujos intermitentes. Los usos designados para el Segmento Nos. 1225, 1226, 1242, y 1256 son recreación de contacto primario, suministro público de agua y el uso de alta vida acuática. Los usos designados para el Segmento No. 1246 son el contacto primario recreación y el alto uso de vida acuática.

El Director Ejecutivo de la TCEQ ha completado la revisión técnica de la solicitud y ha preparado un borrador del permiso. El borrador del permiso, si es aprobado, establecería las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha tomado una decisión preliminar que si este permiso es emitido, cumple con todos los requisitos normativos y legales. La solicitud del permiso, la decisión preliminar del Director Ejecutivo y el borrador del permiso están disponibles para leer y copiar en Waco Ayuntamiento, Oficina de Secretaría del Ayuntamiento (1ª planta), 300 Austin Avenue, Waco, Texas 76701.

CAMBIO EN LA LEY: La Legislatura de Texas promulgó el Proyecto de Ley 709 del Senado, efectivo a partir del 1º de septiembre de 2015, que modifica los requisitos para comentarios y audiencias de caso impugnado. Esta solicitud está sujeta a esos cambios en la ley.

COMENTARIO PUBLICO / REUNIÓN PUBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO. Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia

administrativa de lo contencioso. Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS: su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios. Si ciertos criterios se cumplen, la TCEQ puede actuar sobre una solicitud para renovar un permiso para descargar aguas residuales sin proveer una oportunidad de una audiencia administrativa de lo contencioso.]

ACCIÓN DEL DIRECTOR EJECUTIVO. El Director Ejecutivo puede emitir una aprobación final de la solicitud a menos que exista un pedido antes del plazo de vencimiento de una audiencia administrativa de lo contencioso o se ha presentado un pedido de reconsideración. Si un pedido ha llegado antes del plazo de vencimiento de la audiencia o el pedido de reconsideración ha sido presentado, el Director Ejecutivo no emitirá una aprobación final sobre el permiso y enviará la solicitud y el pedido a los Comisionados de la TCEQ para consideración en una reunión programada de la Comisión.

LISTA DE CORREO. Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o mas de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos del solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

Todos los comentarios escritos del público y los pedidos una reunión deben ser presentados durante los 30 días después de la publicación del aviso a la Oficina del Secretario Principal, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 o por el internet a www.tceq.texas.gov/about/comments.html.

CONTACTOS E INFORMACIÓN DE LA TCEQ. Si necesita más información en Español sobre esta solicitud para un permiso o el proceso del permiso, por favor llame a la oficina de Asistencia al Público de la TCEQ, sin cobro, al 1-800-687-4040. La información general sobre la TCEQ puede ser encontrada en nuestro sitio de la red: www.tceq.texas.gov.

También se puede obtener información adicional de la Ciudad de Waco a la dirección indicada arriba o llamando a Anna Dunbar al (254) 299-2496.

Fecha de emisión: 02 de enero de 2014

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004774000 (TXS002001) for the Municipal Separate Storm Sewer System (MS4) to discharge to surface water in the state.

ISSUING OFFICE:

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

APPLICANT(S):

City of Waco
P.O. Box 2570
Waco, Texas 76702

PREPARED BY:

Hanne Lehman Nielsen
Wastewater Permitting Section (MC-148)
Water Quality Division
(512) 239-6524

DATE: June 14, 2013

PERMIT ACTION: Renewal

I. EXECUTIVE DIRECTOR RECOMMENDATION

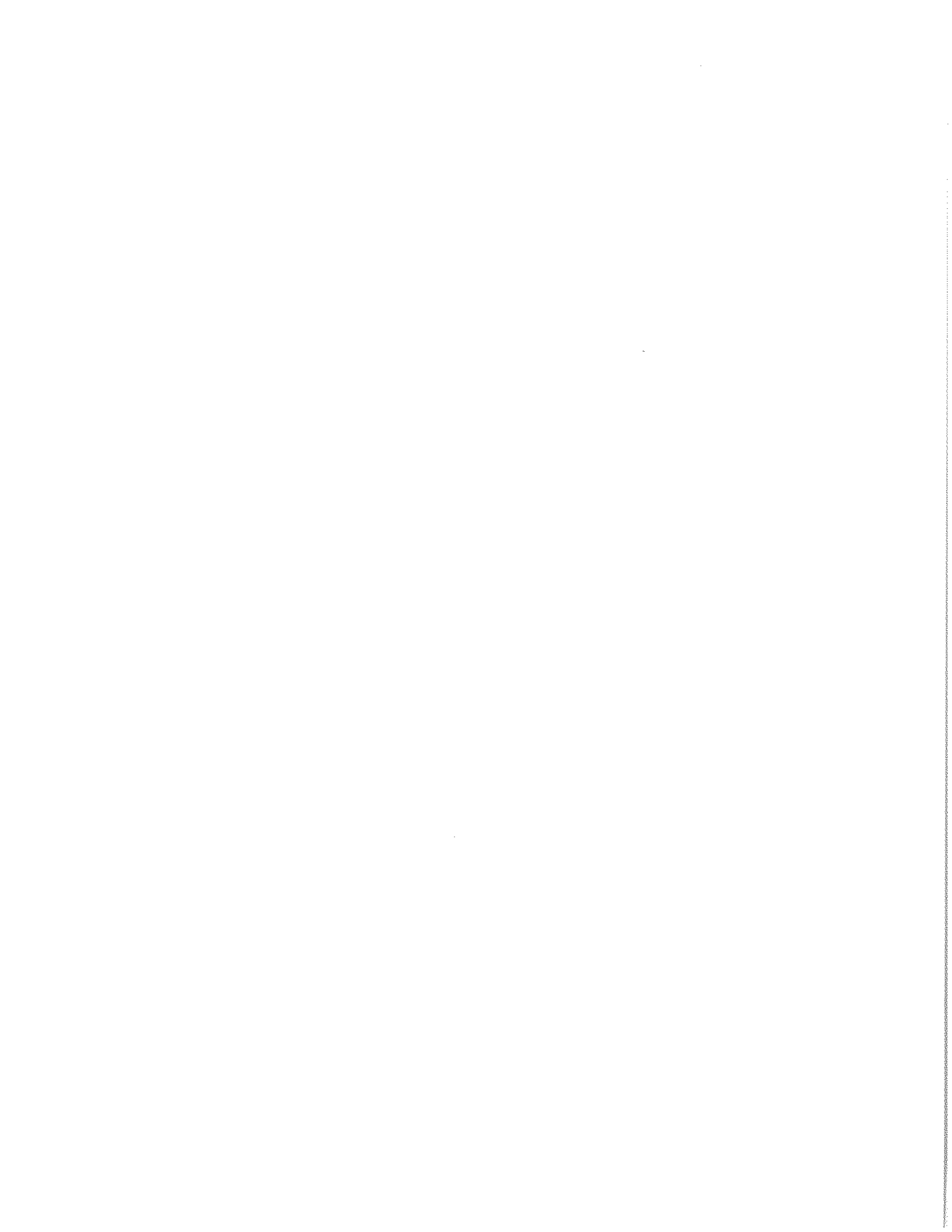
The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed the permit be issued to expire five years from the date of issuance, following the requirements of 30 Texas Administrative Code (TAC) Chapter 305.

II. APPLICANT ACTIVITY

The applicant currently operates the City of Waco Municipal Separate Storm Sewer System (MS4).

III. DISCHARGE LOCATION

As authorized by the Clean Water Act (CWA) § 402(p), this permit is proposed on a system-wide basis. This permit covers all areas, except for any agricultural lands, within the right-of-way of the city served by, or otherwise contributing to discharges from MS4s owned or operated by the applicant listed above. As described in the application, the MS4 is located within the corporate boundary of the City of Waco, McLennan County, Texas 76702. Discharge is via the MS4 to various ditches and tributaries that eventually reach Waco Lake, North Bosque River, Brazos River Above Navasota River, Middle



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Bosque/South Bosque River, Brazos River/Lake Brazos in Segment Nos. 1225, 1226, 1242, 1246 and 1256 of the Brazos River Basin.

IV. RECEIVING STREAM USES

The unclassified receiving waters have a presumed aquatic life use of high for perennial streams, limited aquatic life use for intermittent streams with perennial pools, and minimal significant life use for intermittent streams. The designated uses for Segment Nos. 1225, 1226, 1242 and 1256 are primary contact recreation, public water supply and high aquatic life use. The designated uses for Segment No. 1246 are primary contact recreation and high aquatic life use.

V. STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in 30 TAC §§ 307.1 - 307.10.

VI. DISCHARGE DESCRIPTION**A. Discharges Authorized**

1. The draft permit authorizes the discharge of stormwater from all existing or new stormwater point sources to surface water in the state from the MS4 owned or operated by the permittee, except that the following discharges, whether discharged separately or commingled with municipal stormwater, are not authorized by the permit:
 - a. non-stormwater; any stormwater discharges associated with industrial activity; or other stormwater discharges required by the TCEQ to obtain a TPDES permit; and
 - b. discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage (provisional discharge authorization does not extend to parties responsible for the spill nor relieve the responsible parties of any statutory or regulatory requirements or liability for the spill).
2. Subsections a and b do not 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. The permit does not transfer liability for the act of discharging without, or in violation of, a National Pollutant Discharge Elimination System (NPDES) or a TPDES permit from the responsible party(ies) of the discharge to the permittee(s).
3. As part of the application, the applicant included detailed information on programs it has implemented in order to address these discharges as required in the existing TPDES permit.

B. Stormwater Management Program (SWMP)

The applicant has submitted a Stormwater Management Program (SWMP) with the application to address the requirements of the existing TPDES permit.

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The draft permit authorizes discharges to surface water in the state in accordance with the Texas Water Code (TWC) §26.027. Consistent with the federal stormwater regulations (see 40 CFR §122.26(a)), the TCEQ requires that the SWMP be implemented to address all portions of the MS4 with discharges that reach waters of the United States (U.S.). Waters of the U.S. do not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition). This exclusion applies only to manmade bodies of water that neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland.

The Executive Director's review of the permit application and attached SWMP indicates that all programs have been implemented according to the permit requirements. The Executive Director has determined that if the SWMP is implemented as detailed in the application, it will reduce the discharge of pollutants from the MS4. The Executive Director has proposed additional conditions to better ensure that pollutants continue to be reduced to the Maximum Extent Practicable (MEP) (see Sections VII.A and VIII.C. of this fact sheet).

Specific SWMP requirements are:

1. **Structural Controls.** The existing permit requires that the permittee operate the MS4 and any stormwater structural controls associated with the MS4 in a manner to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP).

- a. The City of Waco (City) meets this program requirement by maintaining and operating structural stormwater controls. This includes maintaining publicly owned natural drainage ditches, borrow ditches, culverts and improved drainage ditches. The City's maintenance tasks include: stabilization of slopes by grading and mowing; removal of sediment, debris, and litter; and cleaning of curb inlets and storm drains. Maintenance is scheduled regularly and concentrated on areas that tend to accumulate the most litter. Privately owned flood control and detention structures are inspected semi-annually. Outfall protectors are installed and maintained at key locations on Lake Brazos. Forty two inlet protectors are being installed and maintained. Structural controls are installed and maintained by the City's Parks and Recreation Department and the City's Streets Department.

The City reported in its most recent annual report covering the period August 1, 2011 to July 31, 2012 (the fourth report due under the existing TPDES permit, referred to as reporting year (RY) 4) that it had cleaned out 379,640 feet of curbs and gutters; cleaned out 17,450 feet of storm drains; cleaned out 235 inlets; removed 302.47 cubic yards of debris; and installed 76 inlet protection devices.

- b. **Areas of New Development and Significant Redevelopment.** The existing permit requires a comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant redevelopment after construction activities are completed.

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- i. The City meets this program requirement through the enforcement of development ordinances that not only meets the requirements of the Construction General Permit (CGP) TXR150000, but also extends the requirements to sites of less than one acre. Bi-weekly inspections are conducted in order to ensure compliance with the Ordinance and the CGP.

Review of water quality data reveals that the City's development ordinances are effective and data will continue to be reviewed to determine whether reevaluation is necessary.

The City reported, in its RY 4 annual report, that it had conducted 2,856 construction site inspections, issued 836 notices of violation, and distributed 315 letters of enforcement.

- c. Roadways. The existing permit requires the permittee to operate and maintain public streets, roads, and highways in a manner to minimize discharge of pollutants, including pollutants related to deicing or sanding activities.

- i. The City meets this program requirement by implementing an ongoing street sweeping program that sweeps the central business district streets twice a week, high traffic roads once every four weeks, and residential roads are swept five times per year. The City also attempts to fill any construction holes in the streets within 24 hours, or monitors the site until it has been filled. These programs are implemented by the City's Streets Department.

The City reported, in its RY 4 annual report, that it had swept 8,225.24 curb miles of roadway.

2. Flood Control Projects. The existing permit requires the permittee to assess all flood control projects to determine the impacts on receiving water quality. Where feasible, new flood control structures must be designed and constructed to provide pollutant removal from stormwater. If applicable, the retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater must be implemented, to the MEP.

- a. The City meets this program requirement by continually evaluating water quality data to determine the need for retrofitting current flood control projects to enhance water quality. The City also inspects projects to ensure proper plan implementation.

The City reported, in its RY 4 annual report, that no new projects had been undertaken.

3. Pesticide, Herbicide, and Fertilizer Application. The existing permit requires the permittee to implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied to public property.

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- a. The City meets this program requirement by employing 14 state licensed pesticide applicators including one licensed aquatic pest control applicator. The City uses a brush crew to clear out overgrown creeks, and herbicides are used by licensed employees with a licensed supervisor.

The City has regularly scheduled public education and outreach on pesticides, herbicides, and fertilizers.

The City reported, in its RY 4 annual report, that 250.24 acres were treated with herbicides and pesticides by the City's Parks and Recreation Department.

4. **Illicit Discharges and Improper Disposal.**

- a. **Non-stormwater.** The existing permit requires the permittee to implement an ongoing program to detect and eliminate illicit discharges and improper disposal into the MS4.
 - i. The City conducts inspections of industrial facilities and construction sites as well as continually implementing wet and dry weather monitoring programs in order to detect illicit non stormwater discharges.
- b. **Overflows and Infiltration.** The existing permit requires the permittee to implement controls where necessary and where feasible, to prevent dry weather and wet weather sanitary sewer overflows into the MS4 and to limit the infiltration of seepage from municipal sanitary sewers into the MS4.
 - i. The City meets this program requirement by encouraging the public to report suspicious discharges. The Resource Management Group Issues work orders and maintains records of wastewater systems. Public outreach and education aims to reduce Fats, Oils, and Grease, which can contribute to overflows.

The City reported, in its RY 4 annual report, that there had been 131 sanitary sewer overflows, all of which were corrected.

- c. **Floatables.** The existing permit requires the permittee to reduce the discharge of floatables, such as litter and other human generated solid refuse, into the MS4.
 - i. The City meets this program requirement by monitoring floatables collected in drainage ways. Keep Waco Beautiful conducts an annual photometric index survey to gauge the success of litter abatement programs. Floating booms have been placed around outlets of small channels into Lake Brazos, as well as inlet protectors at key locations.

The City reported, in its RY 4 annual report, the successful continuation of the aforementioned program.
- d. **Household Hazardous Waste and Used Motor Vehicle Fluids.** The existing permit prohibits the discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal wastes into

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the MS4. The permit requires the implementation of programs to collect used motor vehicle fluids for recycle, reuse, or proper disposal and to collect household hazardous waste materials for recycle, reuse, or proper disposal.

- i. The City meets this program requirement by conducting annual household waste collections and through cooperation with automotive retailers to accept used oil and batteries. Public outreach and education is conducted via brochures, a photo calendar, and through Keep Waco Beautiful. These outreach and education programs aim to inform the public of the benefits of proper handling of such substances and offer current information about recycling centers and materials they accept.

The City reported, in its RY 4 annual report, that it had not held its annual household waste collection day due to budget cuts. The report did not indicate the status of other programs associated with household hazardous waste and used motor vehicle fluids.

- e. MS4 Screening and Illicit Inspections. The existing permit requires the permittee to implement a program to locate and eliminate illicit discharges and improper disposal into the MS4. The program must include dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal. Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; or other relevant factors. The program must establish priorities and schedules for screening the entire MS4, but not necessarily each individual outfall, at least once every five years. Facility inspections may be carried out in conjunction with other programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the permittee.

- i. The City meets this program requirement through the enforcement of ordinances. Identifying illicit connections is done through combined efforts of the following five programs: dry-weather screening, public education, employee reporting, industrial facility inspections, and data monitoring. If a potential illicit discharge is identified, an investigation to determine the cause will be undertaken. Once the origin of the discharge is determined corrective action will be initiated to eliminate this discharge. Civil and criminal charges may be perused if it is warranted.

The City reported, in its RY 4 annual report, that the Stormwater program collected 15 samples and conducted inspections which did not reveal any illicit discharges.

- f. Elimination of Illicit Discharges and Improper Disposal. The existing permit requires the permittee to eliminate illicit discharges as expeditiously as possible. If the elimination of an illicit discharge within 30 days is not possible, the permittee must require an expeditious schedule for removal of the discharge and the permittee must require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

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- i. The City meets this program requirement by working with the responsible party to eliminate the illicit discharge. The City may take action such as the suspension of municipal services (water, sanitary sewer, and MS4 access) to encourage the timely elimination of the illicit discharge.

The City reported, in its RY 4 annual report, that it had responded to 12 environmental complaints.

- 5. Spill Prevention and Response. The existing permit requires the permittee to implement a program to prevent, contain, and respond to spills that may discharge into the MS4.
 - a. The City meets this program requirement by training every employee to safely handle and use chemicals. The Fire Marshal will conduct annual inspections of entities that store or use hazardous materials.

In the event of a spill, The City's Hazardous Material (HAZMAT) team will work with the Waco-McLennan County Emergency Response Coordinator to ensure proper clean up and notification of the TCEQ. For spills that are below the reportable level, the city will work with the responsible party to ensure cleanup either through voluntary action or enforcement proceedings.

The City reported, in its RY 4 annual report, that it had developed the Local Emergency Preparedness Committee working with the Waco-McLennan County Emergency Response Coordinator in order to develop plans to educate, communicate, and protect the local community in case of a chemical release. The Fire Department had responded to 602 Hazardous Materials Clean Ups.

- 6. Industrial & High Risk Runoff.
 - a. The existing permit requires implementation of a program to identify and control pollutants in stormwater discharges to the MS4 from:
 - i. municipal landfills;
 - ii. other treatment, storage, or disposal facilities for municipal waste;
 - iii. hazardous waste treatment, storage, disposal and recovery (TSDR) facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313;
 - iv. industrial or commercial facilities operated by the permittee; and
 - v. any other industrial or commercial facilities that the permittee determines is contributing a substantial pollutant loading to the MS4. The program needs to include inspections and a monitoring program (described in Part III.B.11.c of the permit).
 - b. These requirements are met by the City as follows:

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- i. City meets this program requirement by operating one municipal landfill.

The City keeps a list of all facilities that are subject to Superfund Amendment and Reauthorization Act of 1986 (SARA) Title III, Section 313 and it conducts annual inspections of those facilities. The City will maintain a list of all industrial stormwater discharges within the MS4 that may contribute a substantial pollutant load to the MS4.

If the City becomes aware of a facility that is potentially discharging stormwater in violation of federal regulations or laws the City will notify the TCEQ. In addition, if the City becomes aware of industries within its MS4 service area that are unsure whether they need to be permitted under the TPDES Multi Sector General Permit (MSGP) TXR050000, the City will refer them to TCEQ in order to resolve any issues. The city will accept no exposure certifications for facilities that are not exposed to stormwater, these sites will be inspected at a minimum of once per permit term.

The City reported, in its RY 4 annual report, that there were 5273 motor vehicle accidents, 662 fires, and that the fire department added 14 Certified Hazmat Response Firefighters. The Fire Department responds to reported releases and is available in the event of fire, extrication of individuals, or containment of fluids. The City surveyed approximately 91 MSGP industries and received 62 Notices of Intent (NOI's) and one (Notice of Termination) NOT during this period.

7. Construction Site Runoff.

- a. The existing permit requires the permittee to implement a program to reduce the discharge of pollutants from construction sites including: requirements for the use and maintenance of appropriate structural and nonstructural control measures to reduce pollutants discharged to the MS4 from construction sites; requirements for construction site operators to address the control of site waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at construction sites; inspection of construction sites and enforcement of control measures requirements; education and training for construction site operators; and notice to applicants for building permits of their potential responsibilities under the NPDES or TPDES permitting program for construction site runoff.

- i. The City meets this program requirement through city ordinances. The ordinances restrict the conveyance of sediment from a construction site as a result of construction activity. The ordinances also require specific sediment controls to be identified, and for the use of specific control practices including: sediment barriers, storm drain inlet protectors, detention basins, flow diversion, temporary seeding, mulching, and surface roughening. The ordinances require that contractor comply with the TPDES Construction General Permit (CGP), and that sites of less than acre develop an erosion control plan.

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- b. For all other construction activities which may impact the permittee's MS4, the existing permit requires implementation of a program to reduce the discharge of pollutants from construction sites including: inspection of construction sites and enforcement of violations; review of site plans to consider water quality impacts; procedures that demonstrate how information submitted by the public about conditions and activities at a construction site are received and considered; education and training for construction site operators; and notice to applicants for building permit applicants of their potential responsibilities under the NPDES or TPDES permitting program for construction site runoff.
- i. The City meets this program requirement by enforcing the City's ordinances. Construction sites will be subject to inspection by city employees. If a potential problem is observed the City will; work with the contractor to achieve voluntary compliance, and/or issue a stop-work order, and/or bring monetary enforcement action. The City ordinances also provide city employees the authority to review Stormwater Pollution Prevention Plans (SWP3s) and associated Best Management Practices (BMPs).

The City provides written material describing the City's policies concerning water quality at construction sites. The city has also developed guidance documents, inspection forms, and notices. These documents are to be made available to contractors/builders/developers when they submit their site plans.

The City reported, in its RY 4 annual report, that there have been a total of 45 single family and commercial NOIs, 20 Construction Site Notices and two NOTs received at the City. There had also been 365 permits issued for single family and commercial construction sites. There had been 2856 inspections performed, 836 letters of violation issued and 315 letters of enforcement were sent. All violations were resolved by the construction inspector without court action. The Engineering Department performed 500 site inspections.

8. **Public Education:** The current permit requires the permittee to implement a public education program to promote, publicize, and facilitate: public reporting of the presence of illicit discharges or improper disposal of materials into the MS4; the proper management and disposal of used oil and household hazardous wastes; and the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.
- a. The City meets this program requirement through the implementation of a public education and outreach program. The City encourages public reporting and monitoring of illicit discharges. To report illicit discharges the City operates a 24-hour service line, which is promoted on utility bills. The City also develops at least two public service announcements to encourage reporting of illicit discharges that are distributed on local television stations and newspapers.

The City, in conjunction with Keep Waco Beautiful, organizes community clean up volunteers in its annual "Trash Off", and participates in the "Adopt a Highway" program in conjunction with Texas Department of Transportation.

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Keep Waco Beautiful also sponsors annual award for Water Conservation, Beautification, and Recycling.

In an effort to inform the public about proper disposal of household hazardous waste the City offers a brochure detailing information about the benefits of proper handling of such substances and current information about recycling points along with the matter they accept.

The City integrates detailed information about the proper use of pesticides, herbicides, and fertilizers into the public outreach presentation as well as work with local gardening clubs to promote efficient use and efficient use of gardening chemicals.

The City reported, in its RY 4 annual report, that the Storm Water Program provided pollution prevention educational material to 3,540 citizens from various public and private schools, neighborhood associations, church organizations and workshops in the city.

9. **Monitoring and Screening Programs:**

The existing permit requires that the permittee implement the following monitoring or screening programs: (a) Dry Weather Screening; (b) Wet Weather Screening; and (c) Industrial and High Risk Runoff Monitoring. In addition, the existing permit requires comprehensive Storm Event Discharge Monitoring as well as Floatables Monitoring.

a. **Dry Weather Screening.**

- i. The City meets this program requirement by conducting dry weather screening for all of its subsurface outfalls. The dry-weather screening will consist of visual inspection, where upon the inspector will observe the odor, color, clarity, floatables, deposits/stains, and vegetation. Based on these factors, if the inspector believes the sample contains significant contaminants the sample will be analyzed by a laboratory to identify illicit discharges.

b. **Wet Weather Screening.**

- i. The City meets this program requirement by conducting wet weather screening. The City will regularly inspect wet weather flows by sampling at each representative outfall using internal sampling station and in stream monitoring.

c. **Industrial and High Risk Runoff Monitoring.**

- i. The City meets this program requirement by conducting annual inspections of industrial facilities. The purpose of inspections is to identify potential illicit discharges.

d. **Storm Event Discharge Monitoring.**

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- i. The City meets this program requirement by conducting monitoring of Lake Brazos on a quarterly basis. The City has done this since 2005 and the data reflect climatic influences and help define stormwater flow impacts. The City has three monitoring stations: (MLK) to represent upstream data, (Herring) to represent mid lake data, and (LaSalle) to represent downstream conditions in Lake Brazos, which receives more than 90 percent of the City's stormwater flows.
- e. Floatables Monitoring.
 - i. The City meets this program requirement by cleaning drainage channels and installing booms to capture floatables. These activities are conducted by the City's Parks and Recreation Department. In addition, the City's Streets Department removes floatable by sweeping operations.

VII PROPOSED DISCHARGE LIMITATIONS

The requirements in the draft permit are based on the CWA § 402(p)(3)(B) which provides that a permit for discharges from a MS4 must effectively prohibit the discharge of non-stormwater to the MS4. The permit must also provide controls to reduce pollutants in discharges from the MS4 to the MEP. Permit conditions include: best management practices (BMPs); control techniques; system, design and engineering methods; and other appropriate conditions.

A. SWMP

1. Existing SWMP Requirements. The draft permit includes a series of BMPs in the form of a comprehensive SWMP, rather than numeric effluent limitations. The details of the existing SWMP are discussed above in Section V.B. of this fact sheet.
2. Proposed SWMP Requirements. The draft permit continues the existing requirements reorganized for clarity. The draft permit also adds new requirements from the TPDES general permit for small MS4s (TXR040000), which is based on the Federal Phase II MS4 (40 CFR § 122.34). Except as specifically mentioned in Paragraph 2.a., a compliance period of one year is established for each new permit condition to allow the permittee time to revise its SWMP and adopt new regulations and procedures to comply with the added requirements. The new SWMP requirements require the City to:
 - a. *Update Storm Sewer System Map.* To address the mapping requirements for the Phase II MS4 minimum control measure (MCM) related to Illicit Discharge Detection and Elimination from the federal Phase II rule 40 CFR §122.34(b)(3)(ii)(A), the draft permit requires the permittee to:
 - i. revise the MS4 map to include the location of all outfalls, the names and locations of all waters of the U.S. that receive discharges from the outfalls, and any additional information needed by the permittee to implement its SWMP;

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- ii. beginning one year from the effective date of the permit, develop procedures to map all new outfalls; and
 - iii. within three years from the effective date of the permit, evaluate all existing areas of the MS4 to add any outfalls that are currently not included in the MS4 map, to the extent practicable.
- b. *Expand Regulations for Post Construction Stormwater Management in New Development and Redevelopment.* To address the provisions related to post construction site runoff management in new development and redevelopment from the Federal Phase II rule (40 CFR §122.34(b)(5)(i) and (ii)) the draft permit requires the permittee(s) to 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 disturbance of one or more acres, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. Specifically, the permittee must:
- i. develop and implement strategies that include a combination of structural and nonstructural BMPs appropriate for the community;
 - ii. use an ordinance or other regulatory mechanism to address post-construction runoff from post construction, new development and redevelopment projects; and
 - iii. ensure adequate long-term operation and maintenance of BMPs .
- c. *Update Construction Site Runoff Program.* To address the construction site runoff control provisions in the Federal Phase II rule (40 CFR §§122.34(b)(4)(i) and (ii)), the permittee must ensure that the existing construction program:
- i. regulates sites that will 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 disturbance of one or more acres, that discharge into the MS4;
 - ii. addresses construction waste;
 - iii. includes plan review that takes into account water quality impacts; and
 - iv. establishes procedures to receive and consider information submitted by the public concerning construction activities.

Based on the SWMP and annual reports (see Section VI.B.7 of this fact sheet), it is clear that the City is already implementing its construction program to include these smaller sites; therefore, the draft permit does not include any additional compliance period for this element.

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- d. *Develop and Implement a Good Housekeeping Program for Municipal Operations.* To address the pollution prevention and good housekeeping requirements for municipal operations in the Federal Phase II rule (40 CFR §122.34(b)(6)(i)) the draft permit requires the permittee to implement a program that addresses all municipal operations within the MS4, and that includes Good Housekeeping and BMPs as well as training. For example, the draft permit includes a new requirement to reduce the discharge of pollutants to the MEP from road repair, equipment yards, and material storage facilities, or maintenance facilities.
 - e. *Update Public Education Component.* To address the public involvement and participation program requirement in the Federal Phase II rule (40 CFR §122.34(b)(2)(i)) the permittee must develop and implement a public involvement and participation program. Additionally, the existing public education program must be revised, if needed, to address specific entities (for example, residents and visitors) and to document activities conducted and materials used.
3. Combined Requirements -- Eight Minimum Control Measures (MCMs).

The draft permit SWMP contains the following eight program elements, or "minimum control measures" (MCMs), which combine the existing requirements and the new Phase II requirements listed in item 2 above:

- i. MS4 Maintenance Activities;
- ii. Post-Construction Stormwater Control Measures;
- iii. Illicit Discharges Detection and Elimination;
- iv. Pollution Prevention and Good Housekeeping for Municipal Operations;
- v. Industrial and High Risk Runoff;
- vi. Construction Site Runoff;
- vii. Public Education, Outreach Involvement and Participation; and
- viii. Monitoring, Evaluation and Reporting.

B. Monitoring Requirements

1. Storm Event Discharge Monitoring. The draft permit continues the existing requirement for the permittee to select and complete one of the two monitoring options listed below, each option is further described in Part VIII, Section D.2.e of this fact sheet. The headings of each of the sampling options have been updated in the draft permit, as have the general headings for the monitoring section.
 - a. *Representative Monitoring (Option 1):* The permittee may monitor storm sewer discharge at the five outfalls listed in Part IV, Section A.1.d of the draft permit for the pollutants listed in Part VIII, Section D.2.e.(i)(a) of this fact sheet, at a frequency of once per season.
 - b. *Rapid Bioassessment Monitoring (Option 2):* As an alternative to the option above, the permittee may develop and implement a representative rapid bioassessment program in accordance with Part IV, Section A.2 of the permit.

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2. Floatables Monitoring: As described in Part IV, Section B of the permit, the permittee is required to conduct monitoring for floatable material discharging from the MS4.

C. Legal Authority

The permittee is required to have the legal authority necessary to successfully enforce, implement, and complete the various activities described in the permit and SWMP. According to the permit application, the permittee has indicated that it has adequate legal authority to:

1. implement the permit;
2. control the contribution of pollutants to the MS4;
3. control the quality of stormwater from industrial sites contributing to the storm sewer system;
4. prohibit illicit discharges to the storm sewer system;
5. control spills, dumping or improper disposal to the storm sewer system;
6. control of contribution of pollutants from one portion of the storm sewer system to the other;
7. require compliance with applicable ordinances through inter-local agreements; and
8. perform site inspections and monitoring.

D. Support Capabilities and Staffing

The draft permit requires the permittee to provide adequate support capabilities to implement its activities under the SWMP which shall be demonstrated by the permittee's ability to fully implement the SWMP, monitoring programs, and other permit requirements. The draft permit does not require specific funding or staffing levels, which provides the permittee the ability and incentive to adopt the most efficient and cost effective methods to comply with permit requirements.

E. Changes from the existing permit:

1. The SWMP requirements are reorganized so that similar program items are together.
2. New requirements 3-8 below are included in the SWMP based on the Federal Phase II MS4 rules in order to achieve the goals of the CWA related to the MEP standard. The draft permit provides a one year compliance period, except as noted.
3. A provision was added requiring the permittee to revise the MS4 map to include all outfalls (Part III, Section B.2.c.xiii) of draft permit). Existing areas

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4. must be evaluated and outfalls mapped within three years from the effective date of the permit; all new areas must be mapped according to procedures developed and implemented within one year from the effective date of the permit.
5. A requirement was added requiring the permittee to implement a pollution prevention and good housekeeping program for municipal operations. This includes a requirement to reduce the discharge of pollutants to the MEP from road repair, equipment yards, material storage facilities, and maintenance facilities (Part III, Section B.2.d.i.B) of the draft permit).
6. The construction runoff program was revised to require the permittee to implement the following new requirements:
 - i. address the control of site waste at construction sites;
 - ii. review construction site plans to consider the potential of water quality impacts;
 - iii. implement procedures to receive and consider information submitted by the public concerning the conditions and activities conducted at a construction sites; and
 - iv. implement the existing requirements from the Construction Site Runoff section of the permit at all construction sites that are one or more acres in size, including smaller sites that are part of a larger common plan of development or sale that are greater than or equal to one acre in size (Part III, Section B.2.f. of the draft permit).
7. The Public Education and Outreach section of the SWMP has been revised to require the permittee to implement the following new requirements: (1) specify how the MCMs address residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel, or provide justification for any group not addressed by the program; and (2) document that the activities conducted and materials used in the Public Education and Outreach program, and provide details that demonstrate the amount of educational and outreach resources and materials used to address each group (Part III, Section B.2.g.i. of the draft permit).
8. Require that the permittee develop and implement a new MCM related to public involvement and participation (Part III, Section B.2.g.ii. of the draft permit).
9. The new development and redevelopment program requirement has been revised to incorporate requirements of the Phase II Post Construction Runoff Control requirements for sites that are greater than or equal to one acre in size, including smaller sites that are part of a larger common plan of development or sale that is greater than or equal to one acre in area (Part III, Section B.2.b. of the draft permit).

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10. In part IV. Monitoring and Reporting Requirements of the permit, Diazinon was replaced with Atrazine, because Atrazine is a better indicator of residential pesticide use for representative monitoring.
11. A new provision is included allowing the permit to be amended to include requirements and conditions, specific to the stormwater discharges from the MS4 and to the pollutants of concern, consistent with an approved TMDL and the implementation plan.
12. The draft permit includes a requirement to develop an interim bacteria reduction plan (IBRP) describing how the SWMP addresses the discharge of bacteria to impaired water bodies. (Part III, Section B.3 of the draft permit).
13. The annual report requirement is updated to require reporting for compliance with requirement 11 above, related to discharge of bacteria to impaired waters (Part IV, Section C.4 of the draft permit).
14. The language regarding HHW collection centers operated in accordance with the IDDE program was revised to clarify that the activity of collecting HHW is not an industrial activity needing separate coverage under the MSGP unless the activity occurs at a facility that can be described by an SIC code that is regulated under the MSGP (Part III, Section B.2.c.ix.B.) of the draft permit).
15. The draft permit adds an option for the permittee to remove an ineffective BMP without replacement, if approved in writing by the TCEQ. This is consistent with changes being made to other MS4 permit to provide additional flexibility to revise the SWMP based on experiences gained during the permit term (Part III, Section G.2.c. of the draft permit).
16. The draft permit clarifies how the permittee may change outfall or sampling locations, and when such a change would require a permit amendment (Part IV, Section A.1.d. of the draft permit).
17. The draft permit adds a requirement for the permittee to develop a list of priority areas likely to have illicit discharges within one year from the date of permit issuance. The permittee shall continue to evaluate and update this list each year and report the results in the annual report. (Part III, Section B.2.c.xi. of the draft permit).
18. In the previous permit terms, the permittee shared the authorization under this permit with Texas Department of Transportation (TxDOT). On March 18, 2013, TxDOT applied for a statewide individual permit and is therefore not part of this draft permit.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**VIII. DRAFT PERMIT RATIONALE**

The following section sets forth the statutory and regulatory requirements considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific discharge limitations and conditions, including a citation to the applicable effluent limitation guidelines and water quality standards.

A. REASON FOR PERMIT ISSUANCE

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TPDES Permit No. WQ0004774000, which authorizes stormwater point source discharges to surface water in the state from the City's MS4.

B. WATER QUALITY SUMMARY**1. *Discharge Information***

The discharge route is via the MS4 to various ditches and tributaries that eventually reach Waco Lake, North Bosque River, Brazos River Above Navasota River, Middle Bosque/South Bosque River, Brazos River/Lake Brazos, Segment Nos. 1225, 1226, 1242, 1246 and 1256 of the Brazos River Basin. The receiving water uses are described in Part IV of this fact sheet. Effluent limitations or conditions established in the draft permit are in compliance with state water quality standards and the applicable water quality management plan. The effluent limits and conditions in the draft permit will maintain and protect the existing instream uses.

Additional discussion of the water quality aspects of the draft permit can be found at Part VIII, Section D of this fact sheet.

2. *Endangered/Threatened Species*

There is no priority watershed of critical concern with respect to endangered and threatened species in Segment Numbers 1225, 1226, 1242, 1246 and 1256 in McLennan County. Therefore, no endangered or threatened aquatic or aquatic dependent species (including proposed species) occur in this area. This determination was made by referencing Appendix A of the U.S. Fish and Wildlife Service biological opinion, dated September 14, 1998, and the October 21, 1998 update, on the State of Texas authorization of the Texas Pollutant Discharge Elimination System.

3. *Impaired Surface Waters*

None of the classified Segment Nos. 1225, 1226, 1242, 1246 and 1256 are currently listed on the State's 2010 inventory of impaired and threatened waters (the Clean Water Act Section 303(d) list).

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Without the exception of Cottonwood Branch (1242B) which is listed for bacteria on the Clean Water Act Section 303(d) list, there are no unclassified water bodies within the segments' watershed within the MS4 boundary.

Issuance of this permit should not have an adverse effect on the listed receiving waters, as this is a renewal permit that does not authorize the discharge of wastewater that could be a source of impairment. The MS4 could, however, serve as a conduit for illicit sources of pollutants to the receiving waters. Additionally, the MS4 could be a conduit for waste from pets, recreational livestock, and wild animals, to reach water in the state which may contribute to water quality problems. The permit requires continuous improvement of stormwater discharges from the MS4 through the development and implementation of a SWMP. Elements of the SWMP that could result in the reduction or elimination of these sources include (1) illicit discharge and improper disposal detection and elimination programs; (2) overflow and infiltration programs; (3) public education programs; (4) households hazardous waste and used motor vehicle fluids programs; and (5) dry weather screening. This permit may be amended to include requirements and conditions, specific to these discharges and to the pollutants of concern, consistent with an approved TMDL and the TMDL Implementation Plan (I-Plan).

4. *Total Maximum Daily Load (TMDL)*

There is one TMDL project for Segment No. 1226.

Two TMDLs for phosphorous in the North Bosque River for Segment Nos. 1226 and 1255 have been adopted within this permit's watershed.

Additional requirements for the TMDL watersheds may be implemented, at a minimum, within that portion of the regulated MS4 which is located within the watershed of a water body with an approved TMDL and Implementations Plan where stormwater sources have been identified as contributing the impairment of water quality.

Proceeding with the activities listed in the permit as this time supports the statutory and regulatory requirements for MS4 permits to (1) reduce the discharge of pollutants to the MEP, (2) effectively prohibit the discharge of non-stormwater into the MS4, (3) ensure discharges do not cause to contribute to violations of water quality standards and, in the future as they are completed, (4) comply with the wasteload allocations and assumptions of any applicable TMDL. Consistent with EPA policy regarding water quality and TMDL controls in MS4 permits, BMPs are still expected to be the primary control mechanism in the permit.

Additional requirements for TMDL watersheds may be described in an Implementation Plan and phased into the Storm Water Management Plan (SWMP) as deemed appropriate.

C. TECHNOLOGY-BASED DISCHARGE LIMITATIONS/CONDITIONS

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1. General Comments:

Permits issued to MS4s are specifically required by the CWA § 402(p)(3)(B) to "...include a requirement to effectively prohibit non-stormwater discharges into the storm sewers..." The regulation [40 CFR § 122.26(d)(2)(iv)(B)(1)] allows the permittee to accept certain non-stormwater discharges where they have not been identified as significant sources of pollutants. Any discharge subject to its own NPDES or TPDES permit is not subject to the prohibition on non-stormwater, and may be accepted to the MS4 and subsequently discharged.

TCEQ has determined that the requirements of this permit will meet the MEP standard required in the CWA while being consistent with the Federal Phase I MS4 regulations at 40 CFR § 122.26 and incorporating provisions of the Federal Phase II MS4 regulations at 40 CFR § 122.34.

2. Specific Recommendations:

No numeric effluent limits are included in the draft permit. As discussed in Part VII of this fact sheet, the permit includes a series of BMPs, in the form of a comprehensive SWMP, in lieu of numeric limitations.

The draft permit requires that the SWMP meets the MEP standard. The Executive Director has determined that if a permittee implements the SWMP as detailed in the application and implements the revisions called for in the draft permit, it will meet the MEP standard. Since the application of the MEP standard is iterative, this permit contains provisions which allow the permittee or the TCEQ to update the SWMP as necessary to meet the MEP standard.

The permit also requires that the permittee chooses and complete one of the two monitoring options listed in Part VIII, Section D.2.e of this fact sheet and in Part IV, Section A of the draft permit. The monitoring requirements are technology-based and are consistent with federal rules related to discharges from MS4s.

Two types of monitoring are required by the permit, completion of one of the monitoring options listed in Part VII, Section B.1 of this fact sheet and in Part IV, Section A of the draft permit, and floatables monitoring. The monitoring of the discharge of representative outfalls during actual storm events will provide information on the quality of runoff from the MS4, a basis for estimating annual pollutant loads, and a mechanism to evaluate reductions in pollutants discharged from the MS4. The outfalls chosen for sampling for this MS4 provide information on a variety of land use, impervious cover, and acreage.

Discharge monitoring requirements (see Part VII, Section B.1. and Part VIII, Section D.2.e of this fact sheet) are required for the permittee to:

- a. characterize the quality of the discharges from the MS4;
- b. monitor the Ms4 to provide the data necessary to assess the effectiveness and adequacy of SWMP control measures;

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- c. estimation of annual cumulative pollutant loadings from the MS4;
- d. estimate event mean concentrations and seasonal pollutants in discharges from major outfalls or sub-watersheds;
- e. identify and prioritize portions of the MS4 requiring additional controls; and
- f. identify water quality improvements, or degradations, and progress toward any measurable goals or measured reductions in pollutants.

The permit requires that the permittee conduct any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4.

This data will be used in future permitting decisions and as evidence of pollutant reductions. If monitoring during the proposed permit term proves insufficient to show evidence of pollutant reductions, numeric effluent limitations may be required in the future.

Floatables monitoring will indicate trends in water quality issues and the success of the SWMP in reducing and eliminating floatables discharged from the MS4.

As discussed in Parts VI, Sections B.1-9 of this fact sheet, the permittee developed and implemented the required SWMP, and continues to revise the SWMP as necessary.

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS**1. General Comments:**

The Texas Surface Water Quality Standards (TSWQS) found at 30 TAC Chapter 307 states that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards" is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based discharge limits or controls reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based discharge limitations or conditions may be incorporated in future permit actions. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

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In general, TPDES stormwater permits do not contain water quality-based effluent limits (WQBELs); rather, they emphasize requirements that permittees must prevent or effectively reduce exposure of stormwater to pollution. As stated in 30 TAC § 307.8(e), controls on the quality of permitted stormwater discharges are largely based on implementing best management practices or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on stormwater are needed. The evaluation of instream monitoring data for standards attainment shall include the effects of stormwater as described in 30 TAC §307.9. The procedures used are based on those described in the EPA's Interim Permitting Approach guidance document titled "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Stormwater Permits." Implemented properly, the requirements in this permit will provide substantial compliance with the TSWQS as specified in 30 TAC §§ 307.1.-307.10.

2. Specific Recommendations:

As stated above, no numeric effluent limitations are proposed at this time. The following narrative provisions are required as part of the permit to comply with 30 TAC Chapter 307.

- a. No discharge of toxics from the MS4 in toxic amounts. 30 TAC Chapter 307 requires that "Surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life."
- b. No discharge of pollutants in quantities that would cause a violation of State water quality standards.
- c. No degradation or loss of designated uses of receiving waters as a result of stormwater discharges from the MS4 (unless authorized in accordance with the Antidegradation Policy).
- d. Area-Specific Requirements: None.
- e. Discharge Monitoring Requirements:
 - i. *Storm Event Discharge Monitoring Program.* The permittee must comply with option (a) or (b) below:
 - (a) Representative Storm Event Monitoring Option: The permittee may instead monitor for the parameters listed below at outfalls 001, 002, 003, 004, and 005. Sampling of the following parameters is required at a frequency of once per season as described in the draft permit:

BOD₅
 COD
 Oil and Grease
 TSS

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TDS
Total Kjeldahl Nitrogen
Nitrate + Nitrite
Ammonia-Nitrogen
Total Phosphorus
Dissolved Phosphorus
Total Arsenic
Total Cadmium
Hexavalent Chromium
Total Chromium
Total Copper
Total Lead
Total Mercury
Total Nickel
Total Silver
Total Zinc
E. coli
pH
Hardness (as CaCO₃)
Temperature
Atrazine

These parameters are consistent with federal regulations at 40 CFR § 122.26(d)(2)(iii) to provide estimates of pollutant loadings for each major outfall.

No changes in parameters were included in this permit renewal, except that the sampling requirement for Diazinon was replaced with Atrazine.

- (b) Representative Rapid Bioassessment Monitoring Option: Biological monitoring techniques offer the ability to indirectly assess the quality of stormwater discharges from the municipal separate storm sewer systems by assessing the "health" of the receiving water. Rapid bioassessment protocols evaluate the number, diversity, and relative "pollution tolerance" of aquatic species in the receiving water bodies (e.g. streams, rivers, lakes, estuaries, etc.). Either fish or benthic organisms (bottom-dwelling insects, etc. that serve as food supply for higher organisms) can be studied. Comparing the types and numbers of organisms collected from water bodies receiving discharges from the MS4 to those collected from a "reference site" relatively unimpacted by urban runoff, provides an indication of how degraded the water body is. For example, a healthy stream would typically have greater species diversification and a higher number of species that require clean water to survive and reproduce. A degraded stream would have relatively fewer species and a larger proportion of species that are tolerant of pollution.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

While rapid bioassessments do not directly measure the quality of stormwater discharges, they can be an important (and cost effective) tool in tracking trends in water quality. The permittee will be given the option of replacing a portion of the pollutant specific monitoring required by the permit with a rapid bioassessment monitoring program. The program must include an appropriate bioassessment monitoring protocol (e.g., based on EPA published protocol) and the permittee shall provide written notification to the TCEQ's Stormwater & Pretreatment Team at least 14 days prior to commencing a rapid bioassessment monitoring program. Upon approval by the TCEQ, the permittee may replace or reduce frequency of pollutant specific monitoring with rapid bioassessment of at least two receiving waters plus a reference site. Should a permittee elect to use the rapid bioassessment option, pollutant specific monitoring of actual stormwater discharges will still be required during Years One and Four.

- ii. **Floatables Monitoring:** The permittee must perform floatable surveys to investigate trends in water quality issues related to manmade debris and floatables. The comparison of yearly survey results will allow the permittee and the TCEQ to assess the impact of the SWMP elements as they relate to the reduction and elimination of floatables discharged from the MS4. A minimum of two monitoring locations for removal of floatable material in discharges to or from the MS4 must be established within the MS4 and estimates of weight, volume, etc. must be reported annually.

IX. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice must also be posted in a public place. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

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After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit, raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact Hanne Lehman Nielsen at (512) 239-6524.

X. ADMINISTRATIVE RECORD

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. PERMIT

TPDES Permit No. WQ0004774000 (TXS002001) issued and effective on August 1st, 2008 with an expiration date of July 31st, 2013.

B. APPLICATION

"TPDES Application for Permit - Medium/Large Municipal Separate Storm Sewer Systems," Form 20214, received February 5th, 2013.

C. 40 CFR CITATIONS

40 CFR Parts 122 and 124

D. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION

Letter dated April 4, 2013 to Mr. Thomas Conry, Program Manager, City of Waco from Deirdrd Sheppard, Team Leader, Applications Review and Processing Team, TCEQ. Letter dated March 28, 2013 to David W. Galindo, Director, Water Quality Division (TCEQ) from Carlos Swonke, Director, Environmental Affairs, Texas

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

Department of Transportation (TxDOT). Letter dated February 20, 2013 to Thomas Conry, City of Waco from Pauline Cantu, Applications Review and Processing Team, TCEQ. Letter dated February 4, 2013 from Thomas Conry, City of Waco to Water Quality Division, TCEQ.

E-mail dated March 26, 2013 from John Hart to Jaya Zyman-Ponebshek (Division Director, Water Quality Division, TCEQ). Email dated March 27, 2013 from Jaya Zyman-Ponebshek, TCEQ to John Hart. Email dated March 28, 2013 from Rodney Concienne, TxDOT to Jaya Zyman-Ponebshek, TCEQ. Emails dated February 25, 28 2013 from Tom Conry, City of Waco to Pauline Cantu, TCEQ. Emails dated February 28, 2013 from Pauline Cantu, TCEQ to Tom Conry, City of Waco.

TCEQ Interoffice Memoranda dated May 28 and April 25, 2013 and from the TCEQ's Water Quality Standards Implementation Team Lili Murphy to the Stormwater and Pretreatment Team.

TCEQ Interoffice Memorandum dated May 13, 2013 from the TCEQ's Total Maximum Daily Load Team (Ron Stein) to the Stormwater and Pretreatment Team (Jaya Zyman-Ponebshek).

The 2011 – 12 Annual Report for reporting period August 1, 2011 thru July 31, 2012 prepared by Thomas M. Conry, Program Manager, City of Waco prepared on September 14, 2012.

E. MISCELLANEOUS

Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Commission on Environmental Quality, December 1996.

Texas Surface Water Quality Standards, 30 TAC Chapter 307 (effective July 22, 2010).

"Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.

"MS4 Permit Improvement Guide," U.S. EPA, Office of Water, Office of Wastewater Management, Water Permits Division, EPA 833-R-10-001 (April 2010).

2010 Texas 303(d) List," Texas Commission on Environmental Quality, November 18, 2011 (approved by EPA on November 18, 2011).

"Interim Permitting Approach for Water Quality-Based Effluent Limitations in Stormwater Permits," EPA-833-D-96-001 (September 1996)



TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY
P. O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO.
WQ0004774000
[For TCEQ office use only - EPA
I.D. No. TXS002001]

This is a renewal of, TPDES
Permit No. WQ0004774000,
issued on August 1st, 2008.

PERMIT TO DISCHARGE UNDER THE TEXAS
POLLUTANT DISCHARGE ELIMINATION SYSTEM
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

PART I: AUTHORIZATION

City of Waco
P.O. Box 2570
Waco, Texas 76702

is authorized to discharge from the City of Waco Municipal Separate Storm Sewer System (SIC 9111)

including all areas, except for any agricultural lands, located within the corporate boundary of the City of Waco served by, or otherwise contributing to discharges to the MS4 owned or operated by the permittee, located in McLennan County, Texas, 76702

via the MS4 to various ditches and tributaries that eventually reach Waco Lake, North Bosque River, Brazos River Above Navasota River, Middle Bosque/South Bosque River, Brazos River/Lake Brazos in Segment Numbers 1225, 1226, 1242, 1246 and 1256 of the Brazos River Basin

only according to conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this 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 described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this 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 permit shall expire at midnight, five years from the date of issuance.

ISSUED DATE:

For the Commission

PART II: DISCHARGES AUTHORIZED BY THIS PERMIT

- A.** This permit authorizes existing or new stormwater point source discharges to surface water in the state from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittee.
- B.** The following discharges, whether discharged separately or commingled with municipal stormwater, are not authorized by this permit:
1. discharges of non-stormwater;
 2. stormwater discharges associated with industrial activity;
 3. stormwater discharges that must be authorized by a Texas Pollutant Discharge Elimination System (TPDES) permit; and
 4. discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage.
- C.** This permit does not negate any person's ability to assert the force majeure (Act of God, war, strike, riot, or other catastrophe) defenses found in 30 Texas Administrative Code (TAC) § 70.7.
- D.** This permit does not transfer liability for discharging without, or in violation of, a National Pollutant Discharge Elimination System (NPDES) or a TPDES permit from the responsible party of the discharge to the permittee.

PART III: STORMWATER MANAGEMENT PROGRAM

- A.** Overview.
1. To control the quality of stormwater discharged from the MS4 that reach waters of the U.S., the permittee shall continue implementation of the comprehensive Stormwater Management Program (SWMP) revising and modifying as needed. The SWMP needs to include:
 - a. pollution prevention measures;
 - b. treatment or pollutant removal techniques;
 - c. stormwater monitoring;
 - d. use of legal authority; and
 - e. other appropriate measures.
 2. Existing elements of the SWMP must be modified or revised as needed to include measurable goals, whenever feasible. New elements of the SWMP must be developed to include measurable goals.
 3. The SWMP, taken as a whole, must include controls necessary to effectively prohibit the discharge of non-stormwater into the MS4 (except as described in Part III. Section B.2.c. of this permit), and reduce the discharge of pollutants from the MS4 to

the maximum extent practicable.

4. The SWMP must cover the term of the permit and must be updated as necessary or as required by the TCEQ, to ensure compliance with Section 402 of the Clean Water Act (CWA), Chapter 26 of the Texas Water Code, applicable EPA and TCEQ regulations, and the requirements of this TPDES permit. Any modifications to the SWMP shall be made in accordance with Part III. Section G.2. of this permit. Compliance with the SWMP is defined as compliance with Part III. Section B. The SWMP and all approved updates are incorporated by reference.
5. The controls and Best Management Practices (BMPs) included in the SWMP constitute effluent limitations for the purposes of compliance with the requirements of 30 TAC Chapter 319, Subchapter B, related to Hazardous Metals, unless otherwise limited in the permit.

B. SWMP Components.

1. The SWMP must contain the following minimum control measures (MCMs) for:
 - a. MS4 maintenance activities;
 - b. post-construction stormwater control measures;
 - c. detection and elimination of illicit discharges;
 - d. pollution prevention and good housekeeping for municipal operations;
 - e. limiting industrial and high risk stormwater runoff;
 - f. limiting stormwater runoff from construction sites;
 - g. public education, outreach, involvement and participation; and
 - h. monitoring, evaluation and reporting.
2. The permittee shall ensure that the following list of MCMs are implemented.
 - a. MCM 1, MS4 Maintenance Activities.
 - i. Structural Controls. To the maximum extent practicable (MEP), the permittee shall continue to operate and maintain the MS4, including any stormwater structural controls in such a manner as to reduce erosion and the discharge of pollutants.
 - ii. Floatables. The permittee shall continue implementation of the program to reduce the discharge of floatables (for example litter and other human generated solid refuse) into the MS4. The permittee shall include source controls at a minimum, and structural controls and other appropriate controls where necessary.
 - iii. Roadways. The permittee shall continue to operate and maintain public streets, roads, and highways to minimize the discharge of pollutants, including pollutants related to deicing or sanding activities.

- b. MCM 2, Post-Construction Stormwater Control Measures.
- i. The permittee shall continue implementation and enforcement of the controls to minimize the discharge of pollutants from areas of new development and significant redevelopment, after construction is completed. The goals of such controls must include:
 - A) limiting increases in erosion and the discharge of pollutants in stormwater as a result of new development; and
 - B) reducing erosion and the discharge of pollutants in stormwater from areas of redevelopment.
 - ii. Within one year of permit issuance, the requirement to implement a comprehensive master planning process (or equivalent) shall be expanded to include all new development and redevelopment projects that disturb one acre or more of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one acre or more.
 - iii. The permittee shall evaluate the existing SWMP as necessary to ensure that this MCM includes a regulatory mechanism such as an ordinance to implement and enforce the new requirements of this program, and shall ensure that the SWMP includes strategies for structural and non-structural controls (i.e., BMPs) appropriate for the community. In addition, the permittee shall provide for adequate long-term operation and maintenance of BMPs.
 - iv. The permittee shall assess the impacts on the receiving waters for all flood control projects. Where feasible, new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. If applicable, the retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented, to the maximum extent practicable.
- c. MCM 3, Illicit Discharge Detection and Elimination.
- i. The permittee shall prohibit illicit non-stormwater discharges from entering the MS4. The permittee shall develop a program, including a schedule to detect and eliminate illicit discharge and improper disposal into the MS4. This program shall include:
 - A) A description of the program, including inspections, to implement and enforce ordinances, orders or similar means to prevent illicit discharges to the MS4;
 - B) A description of procedures to conduct on-going field screening activities including areas or locations that will be evaluated by such field screens;
 - C) A description of procedures to be followed to investigate portions of the MS4 that indicate a reasonable potential of containing illicit discharges or other sources of non-storm water;

- D) A description of procedures to prevent, contain, and respond to spills that may discharge into the MS4;
 - E) A description of a program to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges from the MS4;
 - F) A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and
 - G) A description of controls to limit infiltration of seepage from municipal sanitary sewers to the MS4 where necessary.
- ii. For the purposes of this permit, the following discharges need not be addressed as illicit discharges by the permittee nor prohibited from entering the MS4:
- A) discharges regulated by a separate NPDES or TPDES permit;
 - B) discharges for which an NPDES or TPDES permit application has been submitted or neither an NPDES nor TPDES permit is required; and
 - C) miscellaneous non-stormwater discharges.
- iii. The SWMP must identify all categories of miscellaneous, non-stormwater discharges that may be discharged into the MS4, and include a description of any local controls or conditions placed on discharges exempted from the prohibition on non-stormwater.
- iv. Miscellaneous, non-stormwater discharges that may be authorized by the permittee(s) include:
- A) water line flushing;
 - B) landscape irrigation;
 - C) diverted stream flows;
 - D) rising ground waters;
 - E) uncontaminated ground water infiltration;
 - F) uncontaminated pumped ground water;
 - G) discharges from potable water sources;
 - H) foundation drains;
 - I) air conditioning condensation;

- J) irrigation water;
 - K) springs;
 - L) water from crawl space pumps;
 - M) footing drains;
 - N) lawn watering;
 - O) street wash water;
 - P) individual residential vehicle washing;
 - Q) wash waters using only potable water, and which are similar in quality and character to street wash water or individual residential vehicle washing but without the use of detergents or surfactants; flows from riparian habitats and wetlands;
 - R) dechlorinated swimming pool discharges;
 - S) other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1); other allowable non-stormwater discharges as listed in the TPDES Construction General Permit No. TXR150000 and TPDES Multi-Sector General Permit No. TXR050000; and
 - T) other similar occasional incidental non-stormwater discharges.
- v. Program descriptions must address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants.
- vi. The permittee shall prohibit any individual non-stormwater discharge otherwise exempted under this paragraph from the prohibition on non-stormwater that is determined by the permittee to be contributing significant amounts of pollutants to the MS4.
- vii. Elimination of Illicit Discharges and Improper Disposal.
- A) The permittee shall continue requiring the operator of an illicit discharge or improper disposal practice to eliminate the illicit discharge or stop the improper disposal practice as quickly as reasonably possible. If the elimination of an illicit discharge within 30 days is not possible, the permittee shall continue to require the operator of the illicit discharge to remove the discharge according to an expeditious schedule. Until the illicit discharge or improper disposal is eliminated the permittee shall continue to require the operator of the illicit discharge to take all reasonable measures to minimize the discharge of pollutants to the MS4.
 - B) The permittee shall continue:

- 1) to keep a list of techniques to detect illicit discharges and revise the list as necessary; and
 - 2) using appropriate actions and enforcement procedures for removing the source of an illicit discharge and revise as necessary.
- viii. **Overflows and Infiltration.** The permittee shall continue implementation of controls where necessary and feasible to prevent dry weather and wet weather overflows from sanitary sewers into the MS4. The permittee shall continue to limit the infiltration of seepage from municipal sanitary sewers into the MS4.
- ix. **Household Hazardous Waste and Used Motor Vehicle Fluids.** The permittee shall prohibit the discharge or disposal of used motor vehicle fluids, household hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into the MS4.
- A) The permittee shall continue to ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) and household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycling, reuse, or proper disposal. Such programs shall be readily available to the residential sector within the MS4 and shall be publicized and promoted on a regular basis.
 - B) Household hazardous waste collection centers which are operated by the permittee as a SWMP element are not an industrial activity requiring a separate TPDES authorization for the discharge of stormwater.
- x. **MS4 Screening and Illicit Discharge Inspections.** The permittee shall continue implementation of the Dry Weather Screening Program described in Part III, Section B.2.h.i. of this permit, to locate portions of the MS4 with suspected illicit discharges and improper disposals. Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized on the basis of magnitude and the nature of the suspected discharge; sensitivity of the receiving water; or other relevant factors. The entire MS4, but not necessarily each individual outfall, shall continue to be screened at least once per five years.
- xi. **Priority Areas.** Within one year from the date of permit issuance, the permittees shall develop a list of priority areas likely to have illicit discharges. The permittees shall continue to evaluate and update this list each year and report the results in the annual report.
- xii. **NPDES and TPDES Permittee List.** The permittee shall maintain an updated list of dischargers that discharge directly to the MS4 and that have been issued an NPDES or a TPDES permit. The list shall include the name, location and permit number (if known) of the discharger.

xiii. MS4 Map.

- A) The permittee shall maintain a current, accurate MS4 map of: the location of all MS4 outfalls; the names and locations of all waters of the U.S. that receive discharges from the outfalls; and any additional information needed by the permittee to implement its SWMP. Where possible, utilize the Global Positioning System (GPS) to locate outfalls and photographs for documenting baseline conditions.
- B) The permittee shall document the source information used to develop the MS4 map, including how the outfalls are verified and how the map will be regularly updated.
- C) New MS4 Areas: Within one year from the date of permit issuance, the permittee shall develop and implement procedures to insure that the above requirements are met for all new portions of the MS4.
- D) Existing MS4 Areas: Within three years from the date of permit issuance, the permittee shall demonstrate that it has evaluated all existing portions of the MS4 and that the new mapping requirements have been implemented to the maximum extent practicable.

xiv. Spill Prevention and Response. The permittee shall continue to implement existing programs which prevent, contain, and respond to spills that may discharge into the MS4. The spill response programs may include:

- A) a combination of spill response actions by the permittee or another public or private entity, and
- B) legal requirements for private entities within the jurisdiction of the permittee.

d. MCM 4, Pollution Prevention and Good Housekeeping for Municipal Operations.

- i. Pollution Prevention and Good Housekeeping program. Within one year from date of permit issuance, the permittee shall implement a pollution prevention and good housekeeping program for municipal operations. The program must include MCMs that address:
 - A) identification and implementation of good housekeeping and best management practices (BMPs) to reduce pollutant runoff from municipal operations such as street and highway maintenance, parks, municipal office buildings and water treatment plants;
 - B) reduction of discharge of pollutants to the MEP from road repair, equipment yards, and material storage facilities, or maintenance facilities;

- C) training for all employees responsible for municipal operations which includes information on preventing and reducing stormwater pollution from all municipal operations subject to this MCM; and
 - D) structural control maintenance.
- ii. Waste Handling. The permittee shall ensure proper disposal of waste that is removed from the MS4 or from other municipal operations.
 - iii. Pesticide, Herbicide, and Fertilizer Application. The permittee shall continue to implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers, by the permittee's employees or contractors, to public right-of-ways, parks, or other municipal property. The permittee, if it has jurisdiction over lands it does not directly own (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to the commercial application and distribution of pesticides, herbicides, and fertilizers.
 - iv. List of Municipal Facilities. The SWMP must include a list of all municipal operations subject to the municipal operation, maintenance, and training programs listed under this MCM and all municipally owned and operated industrial activities subject to TPDES or NPDES industrial stormwater regulations.
- e. MCM 5, Industrial and High Risk Runoff.
 - i. The permittee shall continue to improve its existing programs to identify and control pollutants in stormwater discharges to the MS4 from: municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; 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 MS4.
 - ii. This MCM must include:
 - A) priorities and procedures for inspections and for establishing and implementing control measures for such discharges; and
 - B) an Industrial and High Risk Monitoring Program as described in Part III, Section B.2.h.iii. of this permit.
 - f. MCM 6, Construction Site Stormwater Runoff.
 - i. The permittee shall continue to implement a program to reduce the discharge of pollutants into the MS4 from construction sites. This MCM must include 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 or local law. *Within one year of date*

of permit issuance, the permittee shall ensure that the existing program is revised as necessary to address construction projects that result in a land disturbance of one acre or more, including activities disturbing less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more.

- ii. This MCM must include:
- A) requirements to use and maintain appropriate erosion and sediment control BMPs to reduce pollutants discharged to the MS4 from construction sites;
 - B) requirements for construction site operators to address the control of site waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste;
 - C) inspection of construction sites and enforcement of control measure requirements;
 - D) appropriate education and training measures for construction site operators; and
 - E) notification to construction site operators of their potential responsibilities under the NPDES or TPDES permitting regulations and permits for construction site runoff;
 - F) procedures for site plan review which incorporate consideration of potential water quality impacts; and
 - G) procedures for receiving and considering input received from the public.
 - H) a description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in stormwater runoff from construction sites to the MS4, which shall include a description of the following:
 - (1) procedures for site planning which incorporate consideration of potential water quality impacts;
 - (2) requirements for nonstructural and structural best management practices;
 - (3) procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and
 - (4) appropriate educational and training measures for construction site operators.

- iii. Lists of Sites. The permittee shall maintain a current list of construction sites that discharge directly to the MS4 and that have been issued an NPDES or a TPDES permit. The list must include the name, location and permit number of the discharges that have been authorized under an NPDES or TPDES stormwater discharges permit for construction activities (if known).
- iv. The permittee shall ensure and demonstrate that this MCM includes the following elements, in addition to those listed above:
 - A) The permittee shall require construction site contractors to implement appropriate erosion and sediment control BMPs and control waste (for example, discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste) at the construction site, that may cause adverse impacts to water quality.
 - B) The permittee shall develop procedures for site plan reviews that incorporate consideration of potential water quality impacts, receipt and consideration of information submitted by the public, and site inspection and enforcement of control measures to the extent allowable under state and local law.
- g. MCM 7, Public Education, Outreach, Involvement and Participation.
 - i. Public Education and Outreach
 - A) Within one year from the date of permit issuance, the permittee shall document and ensure that the SWMP promotes, publicizes, and facilitates public education and outreach to: residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel and provide justification for any group that is not addressed by the program. The permittee must document the activities conducted and materials used to fulfill this program element and provide enough detail to demonstrate the amount of educational and outreach resources and materials used to address each group.
 - B) The permittee shall continue to implement a public education and outreach program component to promote, publicize, and facilitate:
 - 1) public reporting of illicit discharges or improper disposal of materials, including floatables, into the MS4;
 - 2) the proper management and disposal of used oil and household hazardous wastes; and
 - 3) the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.
 - ii. Public Involvement and Participation. Within one year from the date of permit issuance, the permittee shall develop and implement a public

involvement and participation program which complies with State, Tribal, and local public notice requirements. This program element must include opportunities for a wide variety of constituents within the MS4 area to participate in the SWMP development and implementation.

- h. MCM 8, Monitoring, Evaluation and Reporting. The permittee shall continue implementation of the following monitoring or screening programs for dry weather, wet weather, industrial, and high risk runoff modifying as necessary. The permittee shall implement the following monitoring or screening programs for dry weather, wet weather, industrial, and high risk runoff:

- i. Dry Weather Screening Program. This program shall continue efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened at least once during the permit term.

The permittee may utilize modified screening methods based on experience gained during previous field screening activities; the screening methods are not required to conform to the protocol in 40 CFR § 122.26(d)(1)(iv)(D). Sample collection and analysis is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures."

- ii. Wet Weather Screening Program: The permittee shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the MS4.

The wet weather screening program shall:

- A) screen the MS4, as specified in the SWMP; and
 B) specify the sampling and non-sampling techniques to be used for current screening and also for follow-up screening.

Sample collection and analysis for the Wet Weather Screening Program is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures."

- iii. Industrial and High Risk Runoff Monitoring Program.

- A) This program must include monitoring for pollutants in stormwater discharges to the MS4 from: municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g., transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determine is contributing a substantial pollutant loading to the MS4.
- B) The Industrial and High Risk Runoff Monitoring Program must include the collection of quantitative data on parameters which have been identified by the permittee as a pollutant of concern for that facility, and shall:

- 1) coincide with the corresponding industrial sector-specific requirements of the TPDES Multi-Sector General Permit or any applicable general permit issued after September 29, 1995, and is not contingent on whether a particular facility is actually covered by the general permit;
 - 2) coincide with the monitoring requirements of any individual permit for the stormwater discharges from that facility; or
 - 3) include pollutants of concern for the stormwater discharge from that facility as identified by the permittee.
- C) To avoid the duplication of efforts, the permittee may review data collected by a facility as required by any individual or general permit for that facility rather than performing additional sample collection and analysis.
- D) In lieu of the monitoring discussed above, the permittee may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to stormwater and are not expected to be exposed to stormwater for the certification period. Where a permittee accepts a "no exposure" certification, the permittee shall conduct site inspections of the facility not less than once per permit term to verify the "no exposure" exemption; the permittee may waive this inspection for those facilities which participate in the TCEQ's Small Business and Local Government Assistance Compliance Commitment (C2) Program.
- E) The permittee may also waive monitoring requirements under this permit for facilities that it determines are in compliance with the TPDES Multi-Sector General Permit No. TXR050000.
- iv. Storm Event Discharge Monitoring. The permittee shall comply with the monitoring requirements in Part IV of this permit to characterize the discharge from the MS4.
 - v. Floatables Monitoring. The permittee shall implement a floatables program as described in Part IV. Section B of this permit.
3. Discharges to Water Quality Impaired Receiving Waters.

For discharges from the MS4 that will reach one or more surface water bodies that are identified on the latest approved Clean Water Act §303(d) List as not meeting applicable state water quality standards due to bacteria, the permittee shall develop an interim bacteria reduction plan (IBRP). The IBRP must be included in the SWMP and must discuss the management practice and control measures that the permittee will implement to reduce, with the goal of eliminating, the discharge of bacteria that contribute to the impairment of the water body. The IBRP must specifically identify control measures and practices, including monitoring and screening activities, that are used to address the discharge of bacteria.

- C. Deadlines for SWMP Compliance:** Full implementation of the SWMP is required upon permit issuance, except for the new requirements of the permit that include a specific compliance period.
1. Except as described in item c. below, related to the MS4 map, the permittee shall demonstrate that it has fully implemented the new SWMP program elements *within one year from the date of issuance*, as described in Part III, Section B. of this permit:
 - a. Part III, Section B.2.b.ii, related to post-construction stormwater control measures,
 - b. Part III, Section B.2.c.vii.B), related to the detection and elimination of illicit discharges,
 - c. Part III, Section B.2.c.xiii., related to the MS4 outfall mapping requirements, except that existing areas that have previously been mapped must be reviewed within three years from the date of permit issuance to include, to the extent practicable, any outfalls on the MS4 map that were not previously included,
 - d. Part III, Section B.2.d.i., related to the pollution prevention / good housekeeping program for municipal operations,
 - e. Part III, Section B.2.f.i. and ii.A), related to certain construction site runoff control requirements,
 - f. Part III, Section B.2.g.ii., related to public involvement and participation.
 2. Compliance with any new SWMP requirements not given a compliance schedule in the permit is required one year from permit issuance.
 3. Compliance Schedules: The permittee shall comply with the following compliance schedules:
 - a. within one year from the date of permit issuance, the permittee shall fully implement all of the control measures described in this permit, with the exception of paragraph III.B.2.c.xiii. (also see Part III, Section C.1.c. above);
 - b. within three years from the date of permit issuance, the permittee shall fully implement the control measure related to mapping all MS4 outfalls (see Part III, Section B.2.c.xiii.), for all existing portions of the MS4; and
 - c. The permittee shall demonstrate, at a minimum, partial compliance with each new requirement during each permit year.
- D. Roles and Responsibilities of Permittees.** For shared programs, the SWMP shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority.** The permittee shall ensure it has the legal authority to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with municipal entities with existing legal authority to:

1. control the contribution of pollutants to the MS₄ by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
 2. prohibit illicit discharges to the MS₄;
 3. control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes) into the MS₄;
 4. require compliance with conditions in ordinances, permits, contracts, or orders; and
 5. carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.
- F. SWMP Resources.** The permittee shall provide adequate finances, staff, equipment, and support capabilities to implement its activities required by the SWMP.
- G. SWMP Review and Updates.**
1. **SWMP Review.** The permittee shall participate in the annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.
 2. **SWMP Updates Requested by the permittee.** No permittee shall revise the SWMP without the prior written approval of the TCEQ, unless the modification is to add controls or replace a less effective or infeasible BMP with an alternate BMP.
 - a. The permittee may add components, controls, or requirements to the SWMP at any time upon written notification to the TCEQ.
 - b. The permittee, at any time, may request authorization to replace less effective or infeasible BMPs specifically identified in the SWMP with an alternate BMP. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submittal of the request. Such requests must include the following:
 - 1) an explanation of why the BMP was eliminated;
 - 2) an explanation on the effectiveness of the replacement BMP; and
 - 3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.
 - c. If the permittee determines that a component, control, or requirement is not effective in reducing or eliminating the impacts of pollutants on water quality, then the permittee may remove this BMP without replacement only after receiving written approval from the TCEQ's Stormwater & Pretreatment Team. The permittee shall submit this request in writing to the TCEQ Stormwater & Pretreatment Team (MC-148), and shall include an explanation as to why the BMP is considered ineffective, as well as the method of review that was utilized to determine its ineffectiveness. The permittee shall also demonstrate that the

permit discharges from the MS4 will continue to meet the maximum extent practicable (MEP) standard for reducing pollutants, as well as the water quality requirements, after the BMP is removed.

- d. Changes resulting from any compliance schedules contained in this permit may be requested following completion of an interim task or final deadline. Unless denied in writing by the TCEQ, proposed changes meeting the criteria contained in the applicable schedule shall be considered approved and may be implemented by the permittee 60 days from submittal date.
 - e. Change requests or notifications must be made in writing to the TCEQ's Stormwater & Pretreatment Team (MC-148), signed by all directly affected permittees in accordance with Part V, Section B.8. of the permit, and must include a certification that all permittees were given an opportunity to comment on the proposed changes prior to submittal to the TCEQ.
3. SWMP Updates Required by the TCEQ.
- a. The TCEQ may require changes to the SWMP through a permit amendment or modification as needed to:
 - i. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;
 - ii. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;
 - iii. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code or the Clean Water Act; or incorporate new program elements necessary to continue to meet the MEP standard.
 - b. If the TCEQ requires changes to the SWMP, the changes will be through a permit amendment, which will be conducted in accordance with 30 TAC § 305.62. Prior to making any changes to the SWMP, the TCEQ will:
 - i. notify the permittee in writing of the required changes;
 - ii. provide an explanation of the required changes;
 - iii. set forth the time schedule for the permittee to develop these changes; and
 - iv. allow the permittee an opportunity to propose alternative program changes to meet the objective of the request.
4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.
- a. The permittee shall implement the SWMP on all new areas added to its portion of the MS4 (or for areas where they become responsible for implementation of stormwater quality controls) as expeditiously as

practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

- b. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.
5. Retention of Records. The permittee shall retain the SWMP and all associated records for at least three years after coverage under this permit terminates.

PART IV. MONITORING AND REPORTING REQUIREMENTS

- A. **Storm Event Discharge Monitoring:** Beginning upon permit issuance (unless stated otherwise), the permittee shall implement a Wet Weather Characterization sampling program in accordance with Option 1 or 2, Part IV, Section A.1, Part IV and Section A.2.
 1. **Option 1: Representative Monitoring.** The permittee may either conduct representative monitoring as described in this section or conduct rapid bioassessment as described in the next section (A.2.). To characterize the quality of stormwater discharges from the Municipal Separate Storm Sewer System (MS4) monitoring shall be collected from representative outfalls, internal sampling stations, or instream monitoring locations
 - a. **Monitoring Requirements and Locations.** During the period beginning upon date of issuance and lasting through date of expiration, the permittee is authorized to discharge from the MS4 subject to the following requirements.
 - b. **Pollutants.** The permittee shall analyze each collected monitoring sample for the following parameters, and shall report the daily maximum concentration in milligrams per liter (mg/L) except as indicated:
 - i. Biochemical oxygen demand, 5-day;
 - ii. chemical oxygen demand (COD);
 - iii. oil and grease;
 - iv. total suspended solids (TSS);
 - v. total dissolved solids (TDS);
 - vi. total Kjeldahl nitrogen (TKN);
 - vii. nitrate+nitrite;
 - viii. Ammonia-nitrogen;
 - ix. total phosphorus;
 - x. dissolved phosphorus;
 - xi. total arsenic ($\mu\text{g/l}$);
 - xii. total cadmium ($\mu\text{g/l}$);

- xiii. hexavalent chromium ($\mu\text{g/l}$);
 - xiv. total chromium ($\mu\text{g/l}$);
 - xv. total copper ($\mu\text{g/l}$);
 - xvi. total lead ($\mu\text{g/l}$);
 - xvii. total mercury ($\mu\text{g/l}$);
 - xviii. total nickel ($\mu\text{g/l}$);
 - xiv. total silver ($\mu\text{g/l}$);
 - xx. total zinc ($\mu\text{g/l}$);
 - xxi. *E. coli* (colony forming units, or cfu per 100 ml; or Most Probable Number [MPN]/100 ml);
 - xxii. pH (report daily minimum and daily maximum results in standard units, "S.U.");
 - xxiii. hardness (as CaCO_3);
 - xxiv. temperature (degrees Centigrade, $^{\circ}\text{C}$); and
 - xxv. Atrazine ($\mu\text{g/L}$).
- c. Monitoring frequency for each pollutant is once per season (1/season) during each year of permit term unless monitoring under the representative Rapid Bioassessment Monitoring Option (See Part IV, Section A.2.). The pH shall be monitored 1/Season (*1) by grab sample, and the permittee shall report the minimum and maximum values in standard units. Seasonal monitoring periods are:
- i. April 1 – May 31;
 - ii. June 1 – August 31;
 - iii. September 1 – October 31;
 - iv. November 1 – March 31.
- d. *Sample Locations.*
- i. Discharge monitoring samples for the permittee shall be collected at the following locations:
 - Outfall 001**, located at the intersection of Fish Pond Road and La Porte Drive;
 - Outfall 002**, located at the intersection of North 39th Street and Lasker Avenue;
 - Outfall 003**, located at the intersection of New Road and Waco Drive;
 - Outfall 004**, located under Jewel Drive, north of Imperial Drive; and
 - Outfall 005**, located at the intersection of South 2nd Street and Webster Avenue.

- ii. Alternate representative monitoring locations may be substituted for just cause during the term of the permit.
 - iii. Requests for permanent approval of alternate monitoring locations must be made as minor amendment application and must be submitted to the TCEQ's Application Review and Processing Team (MC-148). The application must include the rationale for the requested monitoring station relocation.
 - iv. Requests for temporary approval to substitute monitoring locations (because of things such as safety concerns or repairing an outfall) may be made at any time in writing to the TCEQ's Stormwater & Pretreatment Team (MC-148). Unless disapproved by the TCEQ, or unless the outfall contains numeric effluent limitations, temporary (i.e., for one year or less) use of an alternate monitoring location may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, and for permanent changes to locations, the permit must be modified prior to substitution of alternate monitoring locations.
2. **Option 2: Representative Rapid Bioassessment Monitoring.** The permittee has the option of developing and implementing a rapid bioassessment monitoring program.
- a. If the permittee implements a rapid bioassessment monitoring program, they shall submit the rapid bioassessment monitoring program to the TCEQ Stormwater & Pretreatment Team (MC-148) for approval no later than one year from the effective date of this permit. The proposal must include an appropriate bioassessment monitoring protocol (e.g., based on EPA published protocol) and the permittee shall provide written notification to the TCEQ's Stormwater & Pretreatment Team at least 14 days prior to commencing a rapid bioassessment monitoring program.
 - b. The permittee may implement the alternate rapid bioassessment program, unless it is contacted in writing by the TCEQ within 60 days of the date the written notification was provided to the TCEQ.
 - c. The permittee shall obtain all necessary aquatic wildlife permits from appropriate State or Federal agencies.
 - c. Monitoring of the MS4 must be conducted as described in Part IV, Section A.2. of this permit, except that monitoring for Years Two, Three, and Five are no longer required. All other requirements of Part IV, Section A of this permit remain unchanged.
 - d. An alternate rapid bioassessment monitoring program must include requirements for the permittee to monitor:
 - i. a station in at least two water bodies receiving stormwater discharges from the MS4 and a reference station located within the same ecological region as the MS4, that does not receive discharges from the MS4;
 - ii. each monitoring station at least twice per year, with monitoring conducted at essentially the same time periods each year; and

- iii. the reference station within a day or two each time a station located in the receiving waters of the MS4 is monitored.
3. Storm Event Data. For sampling conducted for Part IV, Section A.1 of this permit and any additional sampling conducted for Part IV, Section A.4., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in Part IV, Section A.1 of this permit, the permittee shall maintain records of the storm events which generated the sampled runoff. The records must include:
 - a. date and duration (in hours);
 - b. rainfall measurements or estimates (in inches);
 - c. the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
 - d. an estimate of the total volume (in gallons) of the discharge sampled.
4. Seasonal Pollutant Loadings and Event Mean Concentrations. All necessary sampling data must be collected to provide estimates for each of the selected monitoring locations (Outfalls 001 through 005 in this permit) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in Part IV, Section A.2 of this permit. This information may be estimated from the representative monitoring locations and must take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations must be included in the Annual Report for Reporting Year 4 of this permit term.
5. Sample Type, Collection, and Analysis. Requirements a -- c below apply only to samples collected for Part IV, Sections A.1 or A.4 of this permit.
 - a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample must be taken.
 - b. Grab samples taken during the first two hours of discharge shall be used for the analyses (if required) of pH, temperature, hardness, oil & grease, and *E. coli*. For all other parameters, data must be reported for flow-weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
 - c. Samples of a discharge from the outfalls listed in Part IV, Section A.1. of this permit must be the result of a storm event that is greater than 0.1 inch and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken:
 - i. with a continuous sampler; or
 - ii. by combining a minimum of three sample aliquots taken:

- A) in each hour of discharge for the entire discharge; or
 - B) for the first three hours of the discharge, with each aliquot being separated by at least fifteen minutes.
- d. Samples of a discharge from the outfalls listed in Part IV, Section A.1 of this permit do not have to be taken if the preceding 72 hour storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived if the permittee documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.
6. Temporary Suspension and Waivers.
- a. Requirements to conduct representative monitoring as described in Part IV, Section A.1.a. within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (for example high wind, excessive lightning) or weather conditions that prohibit access to a discharge (for example flooding, freezing conditions, extended period of drought). Adverse weather conditions that result in the temporary suspension of a permit requirement to conduct seasonal monitoring must be documented and included as part of the Annual Report. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.
 - b. When seasonal monitoring is temporarily suspended, that monitoring must be conducted in the same season of the following year, in addition to any monitoring required for that season. If the temporarily suspended monitoring requirement cannot be fulfilled during the same season of the following year, then it is permanently waived.

B. Floatables Monitoring

The permittee shall monitor floatables using one of the options described below. The annual report must include a statement regarding which option was utilized.

1. Conduct a floatable assessment using one of the options described below. The annual report must include a statement regarding which option was used.
2. Alternatively, 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 required in this permit.

C. Annual System-Wide Report

1. The permittee shall prepare an annual system-wide report to be submitted to the Stormwater and Pretreatment Team, MC-148, P.O. Box 13087, Austin, Texas, 78711-3087 no later than 90 days following end of the permit year. The report must cover the previous permit year as defined as:

Year One: The period beginning upon date of issuance and lasting for 364 days
Year two: The period beginning one year from date of issuance and lasting 364 days
Year three: The period beginning two years from date of issuance and lasting 364 days
Year four: The period beginning three years from date of issuance and lasting 364 days
Year five: The period beginning four years from date of issuance and lasting through permit expiration.

2. The annual report must contain the following sections or chapters to describe the status of implementing the SWMP, or must cross-reference the items in this list so that the following topics may be easily located in the order provided in Part III, Section B.2. The report must be provided in either the following format or a format approved in writing by the Stormwater and Pretreatment Team:
 - a. MS4 Maintenance Activities
 - (1) Structural Controls
 - (2) Floatables
 - (3) Roadways
 - b. Post-Construction Stormwater Control Measures
 - (1) Areas of New Development and Significant Redevelopment, including the status of complying with new requirements
 - (2) Evaluation of existing SWMP to ensure implementation and enforcement of a regulatory mechanism
 - (3) Flood Control Projects
 - c. Illicit Discharge Detection and Elimination
 - (1) Illicit and Allowable Discharges
 - (2) Detection and Elimination of Illicit Discharges, including the status of complying with new requirements
 - (3) Evaluate and update the priority areas list
 - (4) Overflows and Infiltration
 - (5) Household Hazardous Waste and Used Motor Vehicle Fluids
 - (6) MS4 Screening and Illicit Discharge Inspections
 - (7) NPDES and TPDES Permittee List
 - (8) MS4 Map, including the status of complying with new requirements
 - (9) Spill Prevention and Response
 - d. Pollution Prevention/Good Housekeeping for Municipal Operations
 - (1) Pollution Prevention/Good Housekeeping Program, including the status of complying with new requirements
 - (2) Structural Control Maintenance
 - (3) Waste Handling
 - (4) Pesticide, Herbicide, and Fertilizer Application
 - (5) List of Municipal Facilities

- e. Industrial & High Risk Runoff
 - (1) Priorities and Procedures for Inspections and Implementing Control Measures
 - (2) Industrial and High Risk Monitoring Program (alternatively, this may be referenced in the Monitoring section of the annual report)
 - f. Construction Site Stormwater Runoff
 - (1) Requirements for Structural and Non-Structural BMPs
 - (2) Inspection of Construction Sites and Enforcement Requirements
 - (3) Education and Training for Construction Site Operators;
 - (4) Notification of Requirements to Construction Site Operators
 - (5) List of Construction Sites
 - (6) Status of complying with new requirements (e.g., site plan review of projects that are one or more acres in size)
 - g. Public Education and Outreach/Public Involvement and Participation
 - (1) Public Education, including the status of complying with new requirements
 - (2) Public Involvement and Participation, including the status of complying with new conditions
 - (3) Evaluation of the effectiveness of this MCM
 - h. Monitoring, Evaluation and Reporting
 - (1) Dry Weather Screening Program
 - (2) Wet Weather Screening Program
 - (3) Industrial and High Risk Runoff Monitoring Program
 - (4) Wet Weather Characterization Program. Note that for Reporting Year (RY) 4, the permittee shall provide the estimates of seasonal loadings and event mean concentrations in accordance with Part IV, Section A.5. of this permit, related to Seasonal Loadings and Event Mean Concentrations.
 - (5) Floatables Monitoring
3. For each program element listed above, the permittee shall include the following separate sections, with an overview for the entire MS4:
 - a. For shared programs, a description of the portion of the current program that the permittee has implemented for each SWMP element;
 - b. the status of implementing the SWMP (status of compliance with any schedules established under this permit);
 - c. any proposed changes to the SWMP for the next reporting year; and
 - d. a summary describing the number and nature of enforcement actions and inspections, where applicable.
 4. The report must include the following appendices after the program/MCM descriptions:

- a. identification of any water quality improvements, degradations, and progress toward any measurable goals or measured reduction in pollutants;
- b. progress toward reducing bacteria based on the IBRP in Part III, Section B.3 of this permit;
- c. annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP;
- d. the proposed budget for the upcoming reporting year;
- e. revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application or the most recent annual report;
- f. a summary of the number of NPDES and TPDES notices of intent received for each general permit and the number of site notices received from construction site operators seeking coverage for stormwater discharges;
- g. the number of inspections conducted at industrial and construction sites; and
- h. representative monitoring data and a summary of any additional data that was collected during the reporting year and the status of complying with the new SWMP elements in Part III, Section B of the permit.

E. Certification and Signature of Reports

All reports required by the permit and other information requested by the TCEQ shall be signed and certified in accordance with Part V, Section B.8 of this permit.

F. Reporting, Where and When to Submit

1. Representative monitoring results (Part IV, Section A.1) obtained during the reporting period running from September 1st to August 31st must be submitted on Discharge Monitoring Report Forms along with the Annual Report required by Part IV, Section C of this permit. A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part IV.A.1.c.
2. Signed copies of the annual report required by Part IV, Section C, and all other reports required by this permit, shall be submitted to the TCEQ's Wastewater Permitting Section, Stormwater & Pretreatment Team (MC-148) and the TCEQ Region 12 Office.

PART V: DEFINITIONS AND STANDARD PERMIT CONDITIONS**A. Definitions:**

As required by 30 TAC Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121 - 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit.

All definitions contained in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. **Best Management Practices (BMPs)** - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in discharges that reach waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. **CWA** - the Clean Water 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. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.).
3. **Copermittee** - one of several entities authorized under a single individual permit that is only responsible for permit conditions relating to the discharge for which it is the operator.
4. **Daily maximum concentration** - the maximum concentration measured on a single day, by composite sample unless otherwise specified elsewhere in this permit, within a period of one calendar month.
5. **Discharge** - unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
6. **Flow-weighted composite sample** - a composite sample consisting of a mixture of aliquots collected at either:
 - a. a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge; or
 - b. a constant volume at varying time intervals, proportional to the discharge flow rate.
7. **Grab sample** - an individual sample collected in less than 15 minutes.
8. **Illicit connection** - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

9. **Illicit discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES or TPDES permit (other than the NPDES or TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable non-stormwater discharges described in Part III, Section B.2.c. of this permit.
10. **Landfill** - an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
11. **Large or medium municipal separate storm sewer system (MS4)** - all MS4s that are either:
 - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
 - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
 - c. owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the EPA as part of the large or medium municipal separate storm sewer system.
12. **Major Outfall** - an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
13. **Maximum Extent Practicable (MEP)** - the technology-based discharge standard for MS4 established by Section 402(p) of the Federal Clean Water Act.
14. **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 a State, city, town, borough, county, parish, 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 section 208 of the CWA that discharges to waters of the United States;

- (ii) designed or used for collecting or conveying stormwater;
 - (iii) which is not a combined sewer; and
 - (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 30 TAC § 305.2.
15. **Outfall** – for the purpose of this permit, an outfall is a point or location where an MS4 discharges to waters of the U.S., and does not include a conveyance that connects two municipal separate storm sewers.
 16. **Permittee** - any entity authorized by this permit to discharge to surface water in the state.
 17. **Point source** – for the purpose of this permit, 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, 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.
 18. **Storm sewer** - unless otherwise indicated, a municipal separate storm sewer (MS4).
 19. **Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.
 20. **Stormwater discharges associated with industrial activity** - defined in TPDES General Permit No. TXR050000.
 21. **Stormwater Management Program, or SWMP** - a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate components (e.g. "chapters") for each permittee.
 22. **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: 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.
 23. **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.

24. **Waters of the United States** - For the purposes of this permit, 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 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 CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States 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 Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

B. Monitoring And Reporting Requirements

1. Self-Reporting
 - a. Monitoring results shall be provided at the intervals specified in the permit.
 - b. As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the CWA, the Chapters 26, 27, and 28 of the TWC, and Texas Health and Safety

Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

- a. Unless otherwise specified in this permit, analytical procedures shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Monitoring and reporting records, including the SWMP, requests for SWMP changes, reports, strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee(s) or shall be readily available for review by a TCEQ representative for a period of three years from the date of the original record or sample, measurement, report, application, or the latest revisions, whichever is later. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - 1) date, time and place of sample or measurement;
 - 2) identity of individual who collected the sample or made the measurement.
 - 3) date and time of analysis;
 - 4) identity of the individual and laboratory who performed the analysis;
 - 5) the technique or method of analysis; and
 - 6) the results of the analysis or measurement and quality assurance/quality control records.
- d. 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 maybe instituted against a permittee.

4. Additional Monitoring by Permittee

If the permittee performs additional monitoring for any parameter at the outfalls included in Part IV of this permit using approved analytical methods as specified above, then all results of such monitoring shall be included in the calculation and reporting of the values submitted in the annual or other reports describing these discharges. Increased frequency of sampling shall be indicated on the reports.

5. Calibration of Instruments

All automatic flow measuring, flow recording devices or totalizing meters for measuring flows shall be accurately calibrated by a trained person prior to use and as often as necessary to ensure accuracy, but not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained by the permittee and shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

If a compliance schedule is included in this permit, reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule shall be submitted no later than 14 days following each schedule date to the TCEQ Regional Office and to the Enforcement Division (MC-224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the TCEQ Regional Office and to the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- b. Unauthorized discharges of wastewater or any other waste from the MS4 which results from noncompliance with the SWMP shall be reported under Part V, Section B 7.a above.
- c. In addition to 7.a and b above, and if the permit contains numeric limitations, any violation which deviates from a permitted numeric limitation by more than 40% shall be reported by the permittee in writing to the TCEQ Regional Office and to the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC-224) as promptly as possible.

e. Duty to Mitigate

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.

8. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

C. PERMIT CONDITIONS

1. General

- a. When a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
 - b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application in accordance with 30 TAC Chapter 50 and the application process in accordance with 30 TAC Chapter 281, and relying upon the accuracy and completeness of that information and those representations in accordance with 30 TAC Chapter 305. After notice in accordance with 30 TAC Chapter 39 and opportunity for a hearing in accordance with 30 TAC §§ 55.21 - 55.31, Subchapter B, "Hearing Requests, Public Comment," this permit may be modified, suspended, or revoked, in whole or in part in accordance with 30 TAC Chapter 305 Subchapter D, during its term for cause; including, but not limited to, the following:
 - 1) violation of any terms or conditions of this permit, or
 - 2) obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
 - c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be maintained as a provision of the permit.
2. Compliance
- a. Acceptance of the permit by a permittee to whom it is issued constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility.
 - c. It shall not be a defense for a 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 the permit.
 - d. Before beginning any change in the permitted activity that may result in noncompliance with any permit requirements, authorization from the Commission must be obtained.
 - e. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and the TWC § 7.302. The filing of a request by a permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - f. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, or 308, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in Chapters 26, 27, and 28 of the TWC, and Texas Health and Safety Code Chapter 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002.

4. Permit Amendment or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned revisions to the SWMP that would require amendment of the permit.
- b. The permittee shall apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. Authorization to continue such activity will terminate upon the Commission's denial of the application.
- c. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- d. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than a numeric limitation that was established for that pollutant in this permit, then this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of a system authorized by this permit. Such notification should be sent to the Applications Review and Reporting Team (MC-148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application for Transfer).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

D. OPERATIONAL REQUIREMENTS

1. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules.
2. The permittee shall provide a readily accessible sampling point and, where required by the permit, a flow measuring device or other acceptable means by which discharge flow may be determined, at point sources and outfalls with discharge monitoring requirements.
3. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).

4. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for applications, effluent data, permits, and other data specified in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice.

5. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

6. Proper Operation and Maintenance

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 by a permittee to achieve compliance with the conditions of this permit and with the requirements of stormwater management programs. 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 by a permittee only when necessary to achieve compliance with the conditions of the permit.

Revised 4/2011

PART VI: OTHER REQUIREMENTS

- A. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the General Land Office (GLO) and has determined that the action is consistent with the applicable CMP goals and policies.
- B. Within 180 days of permit issuance, the permittee shall submit a revised SWMP to the TCEQ Stormwater & Pretreatment Team (MC-148), that includes all of the requirements listed in Part III, Section B of this permit, including a proposed compliance schedule to meet the deadlines for implementing new requirements listed in Part III, Section C of this permit.
- C. Test methods utilized shall be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below:

<u>POLLUTANTS</u>	<u>MAL (mg/L)</u>
Arsenic, total	0.010
Cadmium, total	0.001
Chromium, total	0.010
Hexavalent Chromium	0.010
Copper, total	0.010
Lead, total	0.005
Mercury, total	0.0002
Nickel, total	0.010
Silver, total	0.002
Zinc, total	0.005
Atrazine	0.0005

When an analysis of an discharge sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When an analysis of an discharge sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

- D. Monitoring results shall be provided at the intervals specified in the permit.
- E. For the purposes of this permit, the following definitions apply to this permit term:

Year One: The period beginning upon date of issuance and lasting for 364 days

Year Two: The period beginning one year from date of issuance and lasting for 364 days

Year Three: The period beginning two years from date of issuance, and lasting for 364 days

Year Four: The period beginning three years from date of issuance and lasting for 364 days

Year Five: The period beginning four years from date of issuance and lasting through permit expiration.

- F. For the purpose of this permit, the following definition applies: "ground water infiltration" means uncontaminated ground water that enters an MS4 (including sewer service connection and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. This does not include, and is distinguished from, "inflow." For the purpose of this permit, "inflow" is defined as water that enters the MS4 (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage.