2024

Storm Water Solutions, LLC

Stormwater Management Program

For

East Montgomery County Municipal Utility District No. 3

STORM WATER SOLUTIONS
a beyer company

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Acronyms and Abbreviations

AU - Assessment Unit

AWBD - Association of Water Board Directors

BIG - Bacteria Implementation Group

BMP - Best Management Practice

BRA - Brazos River Authority

CRP - Texas Clean Rivers Program

DMR - Discharge Monitoring Report

DO - Dissolved Oxygen

EPA - U.S. Environmental Protection Agency

E. coli -*Escherichia coli*

ETJ - Extra-Territorial Jurisdiction

FOG - Fats, Oils, and Grease

GCWA - Gulf Coast Water Authority

H-GAC - Houston-Galveston Area Council

I-Plan - Implementation Plan

IA - Implementation Activity

IS - Implementation Strategy

LA - Load Allocation

LID - Low Impact Development

LIDs - Levee Improvement Districts

MEP – Maximum Extent Practicable

MGD - Million Gallons per Day

mL - Milliliter

MPN - Most Probable Number

MS4 – Small Municipal Separate Storm Sewer System

MUD - Municipal Utility District

OSSF - On-Site Sewage Facility

SSO - Sanitary Sewer Overflow

SOPs – Standard Operating Procedures

SWCD - Soil and Water Conservation District

SWMP – Stormwater Management Program

TAC - Texas Administrative Code

TCEQ - Texas Commission on Environmental Quality

TMDL - Total Maximum Daily Load

TPDES - Texas Pollutant Discharge Elimination System

UA - U.S. Census Bureau-designated Urbanized Area

UAMP- Utility Asset Management Program

WLA - Waste Load Allocation

WPP - Watershed Protection Plan

WQMP - Water Quality Management Plan

WWTF - Wastewater Treatment Facility

Part I - General Permit Requirements

Permit Overview

The Texas Commission on Environmental Quality (TCEQ) issued the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000 (the permit) on August 15, 2024 with an effective date of August 15, 2024. This permit supersedes and replaces the TPDES General Permit No. TXR040000, issued January 24, 2019. The permit provides authorization for stormwater and certain non-stormwater discharges from Small Municipal Separate Storm Sewer Systems (MS4s) to surface waters of the State.

The underlying purpose of the permit is to require regulated MS4's to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of Section 402 of the Clean Water Act and Section 26.040 of the Texas Water Code.

In order to achieve these goals, the permit requires regulated MS4s to submit a Notice of Intent (NOI) and develop and manage a Stormwater Management Program (SWMP) for all stormwater discharges that reach waters of the United States, regardless of whether the discharge is conveyed through a separately operated storm sewer system. A MS4 Operator that implements its SWMP and the selected Best Management Practices (BMPs) in accordance with the permit, will be considered meeting the standard of reducing pollutants to the MEP, and will be deemed in compliance with the permit.

Regulated MS4 Operator

Applicants

District Name addresses:

East Montgomery County Municipal Utility District No. 3
c/o Marks Richardson PC
3700 Buffalo Speedway, Suite 830
Houston, TX 77098

East Montgomery County Municipal Utility District No. 3 (regulated MS4 Operator) is solely responsible for developing and implementing all elements of this SWMP.

Legal Authority

The Regulated MS4 is a body politic and a political subdivision of the State of Texas created under the authority of Article XVI, Section 59 of the Texas Constitution and operating under and governed by the provisions of Chapters 49 and 54 of the Texas Water Code, as amended. The MS4 Operator owns and operates a municipal separate storm sewer system and is considered a "Non-traditional Small MS4 Operator" as defined in the permit. TXR040000 defines the MS4 Operator as a Level 2b MS4 and the MS4 Operator obligated to comply with all requirements, to develop rules and regulations, and to exert enforcement actions to require compliance with this SWMP. Such required compliance may be implemented by the incorporation of rules and penalties into the MS4 Operator's Rate Order or the MS4 Operator's adoption of rules and regulations via resolution of the MS4 Operator's Board of Directors (which would serve the same function as an ordinance). Over the course of the permit term, the MS4 Operator will use its Stormwater Guidance Manual, which outlines procedures to inspect third party actions from contractors, builders, and other potential polluters within its jurisdiction and to ensure compliance with this SWMP.

Location of the MS4 Operator

The MS4 Operator's jurisdiction lies wholly within the 2020 Census City of Houston Urban Area with the approximate center located at the following Latitude/Longitude: **30.173, -95.275.** See Location Map **(Appendix B)** for the MS4 Operator's jurisdiction.

Resources

Although financial resources are limited and the demand for funding is ever-increasing, the MS4 Operator will ensure its annual budget includes adequate financial resources for proper implementation of the SWMP. There will be a team of consultants reporting to the MS4 Operator on a regular basis, to ensure that SWMP implementation stays on schedule and within the budget.

Reporting Year

The MS4 Operator's reporting year aligns with the calendar year. The first annual report for this general permit will address the period beginning on the day that authorization is obtained and ending on December 31 of that same year. Annual report are due by March 31 every year.

Record Keeping

The MS4 Operator will retain all records, a copy of the permit, and records of all data used to complete the NOI for the permit and satisfy the public participation requirements, for a period of at least three (3) years, or the remainder of the term of this general permit, whichever is longer. The MS4 Operator will submit the records to the executive director when specifically asked to do so. The SWMP will be retained at a location accessible to the TCEQ. The MS4 Operator will make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP will be made available within ten (10) business days of receipt of a written request. Other records shall be provided in accordance with the Texas Public Information Act.

The SWMP and its contents can be viewed at the following address:

Marks Richardson PC	Storm Water Solutions LLC
3700 Buffalo Speedway, Suite 830	16110 Hollister Street
Houston, TX 77098	Houston, TX 77066

Effluent Limitations

Effluent limitations for stormwater runoff are narrative and not numerical, requiring implementation of best management practices to protect water quality to the maximum extent practicable (MEP). The BMPs chosen for each MCM in this SWMP take into consideration applicable effluent limitations and are in compliance with State of Texas rules and regulations.

Enforcement measures and Standard Operating Procedures

The MS4 Operator has adopted standard operating procedures (SOPs) over the course of the previous permit term that outline how to respond to permit violations. These SOPs are included in the MS4 Operator's Stormwater Guidance Manual and will be reviewed and updated accordingly during this permit term.

Implementation

The MS4 Operator does not have a paid staff of employees to implement the stormwater program. Therefore, the MS4 Operator has engaged a Stormwater Consultant to direct program implementation during the permit term. The Stormwater Consultant is responsible for coordinating SWMP related activities including development of BMPs, correspondence with the TCEQ, preparing the Annual Reports, and other activities, to comply with the permit conditions. The Stormwater Consultant is responsible for coordinating efforts, including those of other

consultants, related to compliance with TPDES Permit No TXR040000. The Stormwater Consultant will set milestones and report directly to the MS4 Operator on a regular basis to keep them apprised of the SWMP implementation progress. The following MS4 consultants will assist in the implementation of the SWMP:

Attorney
Marks Richardson PC
3700 Buffalo Speedway, Suite 830
Houston, TX 77098

Stormwater Consultant
Storm Water Solutions LLC
16110 Hollister Street
Houston, TX 77066

Engineer
J.A. Costanza & Assoc. Engineering, Inc.
4301 Center St.
Deer Park, TX 77536

Operator
TNG Utility Corporation
2815 Spring Cypress Road # 3
Spring, TX 77388

Public Notice Requirements

From time to time, the MS4 Operator may be required to follow public notice guidelines during the permit term. The MS4 Operator will comply with any applicable public notice requirements when publishing the SWMP and applicable paperwork.

Noncompliance Notification

As required, the MS4 Operator will report any noncompliance which may endanger human health or safety or the environment immediately to the TCEQ regional office. The MS4 Operator will also provide a written report to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MS-224) within five working days of becoming aware of the noncompliance. The written report will 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 effect.

Part II – Stormwater Management Program

Overview of SWMP and Minimum Control Measures

The underlying purpose of the permit is to require regulated small MS4s to reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of Section 402 of the Clean Water Act and Section 26.040 of the Texas Water Code. In order to achieve these goals, the MS4 is required to develop and manage a Stormwater Management Program for all stormwater discharges that reach waters of the United States, regardless of whether the discharge is conveyed through a separately operated storm sewer system.

The MS4 Operator has included the following Minimum Control Measures (MCMs) and the selected Best Management Practices (BMPs) in accordance with the permit in order to meet the standard of reducing pollutants to the MEP.

MCM 1.0 Public Education and Outreach

Summary/Rationale

Public education is an important aspect of the overall nation-wide stormwater program. A public education and outreach program will be developed and updated accordingly during this permit term. Educational materials will be developed in accordance with new permit requirements. The MS4 Operator's public education and outreach program will use educational materials to inform residents about the SWMP. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

1.1 Promote, Host, or Develop Educational Meetings, Seminar, or Training

Description

The training program is directed at applicable MS4 Operator consultants responsible for goals relative to the SWMP, which include the public education, outreach and involvement/participation goals, the IDDE program, construction stormwater runoff control program, post-construction stormwater management, and pollution prevention/good housekeeping, and members of the general public who may be in attendance at regular District Board meetings. Training sessions will be used to educate these parties on the requirements of TXR040000. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule:

- Year 1: MS4 Operator consultants who regularly attend District Board meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education and Outreach goals of the SWMP during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2025

- Year 2: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education and Outreach goals of the SWMP during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2026

- Year 3: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education and Outreach goals of the SWMP during one regular meeting in the calendar year

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2027

- Year 4: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education and Outreach goals of the SWMP during one regular meeting in the calendar year

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2028

- Year 5: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education and Outreach goals of the SWMP during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2029

End of Permit Term Goal: All MS4 Operator consultants and members of the public who were in attendance at regular board meetings will be educated on the Public Education and Outreach goals of the SWMP and the requirements of TXR040000.

Measurable Evaluation Criteria

- Meeting agenda
- Number of training sessions held
- Training material distributed at meetings
- Minutes of the meeting

1.2 Stormwater Website

Description

The MS4 Operator will use the stormwater website, cleanbayous.org, and its own website, https://www.emcmud3.com/, as the central locations of its SWMP information. Public documents, including the SWMP and the annual report will be available for download. The website(s) will showcase educational materials, as well as announce relevant public participation opportunities. The website(s) will target required audiences in accordance with the TXR040000. Visitors will be able to report illicit discharge and illegal dumping through cleanbayous.org, as well as reference informative material

relative to the SWMP. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Ensure the MS4 Operator's most recent, approved annual report is available on websites (the new NOI and SWMP will also be uploaded if approved in year 1).

BMP/Activity	Measurable Goal	Deadline
Upload annual report and new SWMP/NOI	Website(s) updated	Dec. 31, 2025

Year 2: Make public education material available on websites. Ensure the most recently approved annual report, SWMP/NOI are available. Monitor and respond to all complaints submitted through cleanbayous.org's illicit discharge complaint module.

BMP/Activity	Measurable Goal	Deadline
Respond to public complaints on website	Respond to 100% of complaints	3 business days
Upload annual report and new SWMP/NOI	Website(s) updated	Dec. 31, 2026
Upload educational material	Website(s) updated	Dec. 31, 2026

- Year 3: Make public education material available on websites. Ensure the most recently approved annual report, SWMP/NOI are available. Monitor and respond to all complaints submitted through cleanbayous.org's illicit discharge complaint module.

BMP/Activity	Measurable Goal	Deadline
Respond to public complaints on website	Respond to 100% of complaints	3 business days
Upload annual report and new SWMP/NOI	Website(s) updated	Dec. 31, 2027
Upload educational material	Website(s) updated	Dec. 31, 2027

- Year 4: Make public education material available on websites. Ensure the most recently approved annual report, SWMP/NOI are available. Monitor and respond to all complaints submitted through cleanbayous.org's illicit discharge complaint module.

BMP/Activity	Measurable Goal	Deadline
Respond to public complaints on website	Respond to 100% of complaints	3 business days
Upload annual report and new SWMP/NOI	Website(s) updated	Dec. 31, 2028
Upload educational material	Website(s) updated	Dec. 31, 2028

- Year 5: Make public education material available on websites. Ensure the most recently approved annual report, SWMP/NOI are available. Monitor and respond to all complaints submitted through cleanbayous.org's illicit discharge complaint module.

BMP/Activity	Measurable Goal	Deadline
Respond to public complaints on website	Respond to 100% of complaints	3 business days
Upload annual report and new SWMP/NOI	Website(s) updated	Dec. 31, 2029
Upload educational material	Website(s) updated	Dec. 31, 2029

- End of Permit Term Goal: Websites will showcase educational material, receive and track complaints, announce public participation events, as well as the NOI/SWMP, and the most recent annual report.

Measurable Evaluation Criteria

- Number of reports/complaints
- Educational items uploaded to websites

1.3 Fact Sheets/Brochures/Utility Bill Inserts/Door Hangers

1.3.1 Targeted Education Campaign via mail, email, or in person

Description

The public education program will be used to inform the public about the impacts that pollution in stormwater run-off can have on water quality, hazards associated with illegal/illicit discharges and improper disposal of waste, and ways to minimize the impact on stormwater quality. These educational efforts will recommend methods to the MS4 Operator residents as to how they can identify and reduce pollution/illicit discharges. Educational material will address lawn maintenance, household hazardous waste, pet wastes, and other sources of pollution. Material will be posted on at least one of these websites for public viewing. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Research topics to use for utility bill inserts and targeted education.

BMP/Activity	Measurable Goal	Deadline
Utility Bill Inserts	Research topics	Dec. 31, 2025
Targeted Education	Research topics	Dec. 31, 2025

- Year 2: Approve design for the year 2 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to at least 75% of District residents. Perform 1 mailing to MS4 Operator residents. Post on websites.

BMP/Activity	Measurable Goal	Deadline
Presentation of targeted educational material at District board meeting	Approve targeted educational material for distribution	Dec 31, 2026
Presentation of UBI at District board meeting	Approve UBIs for distribution	Dec 31, 2026
Mail and/or link QR code of targeted educational material to UBI	Mail approved targeted educational material to at least 75% of District residents, and/or link a QR code of the material to the UBI	Dec 31, 2026
Mail approved UBI	Mail approved UBI to at least 75% of District residents	Dec. 31, 2026
Post educational material on website	Website updated annually	Dec. 31, 2026

- Year 3: Approve design for the year 3 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to at least 75% of District residents. Perform 1 mailing to MS4 Operator residents. Post on websites.

BMP/Activity	Measurable Goal	Deadline
Presentation of targeted educational material at District board meeting	Approve targeted educational material for distribution	Dec 31, 2027
Presentation of UBI at District board meeting	Approve UBIs for distribution	Dec 31, 2027
Mail and/or link QR code of targeted educational material to UBI	Mail approved targeted educational material to at least 75% of District residents, and/or link a QR code of the material to the UBI	Dec 31, 2027
Mail approved UBI	Mail approved UBI to at least 75% of District residents	Dec. 31, 2027
Post educational material on website	Website updated annually	Dec. 31, 2027

- Year 4: Approve design for the year 4 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to at least 75% of District residents. Perform 1 mailing to MS4 Operator residents. Post on websites.

BMP/Activity	Measurable Goal	Deadline
Presentation of targeted educational material at District board meeting	Approve targeted educational material for distribution	Dec 31, 2028
Presentation of UBI at District board meeting	Approve UBIs for distribution	Dec 31, 2028
Mail and/or link QR code of targeted educational material to UBI	Mail approved targeted educational material to at least 75% of District residents, and/or link a QR code of the material to the UBI	Dec 31, 2028
Mail approved UBI	Mail approved UBI to at least 75% of District residents	Dec. 31, 2028
Post educational material on website	Website updated annually	Dec. 31, 2028

- Year 5: Approve design for the year 5 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to at least 75% of District residents. Perform 1 mailing to MS4 Operator residents. Post on websites.

BMP/Activity	Measurable Goal	Deadline
Presentation of targeted educational material at District board meeting	Approve targeted educational material for distribution	Dec 31, 2029
Presentation of UBI at District board meeting	Approve UBIs for distribution	Dec 31, 2029
Mail and/or link QR code of targeted educational material to UBI	Mail approved targeted educational material to at least 75% of District residents, and/or link a QR code of the material to the UBI	Dec 31, 2029
Mail approved UBI	Mail approved UBI to at least 75% of District residents	Dec. 31, 2029
Post educational material on website	Website updated annually	Dec. 31, 2029

- End of Permit Term Goal: At least 75% of all residents within the MS4 Operator's jurisdiction will receive targeted educational material, and other information on stormwater-related topics in the form of an UBI annually. Updated educational information and the SMWP will be available on websites.

Measurable Evaluation Criteria

- Educational material approved annually
- Educational material distributed annually
- Educational material intended to reach at least 75% of the intended audience
- Educational material posted on websites annually

Interim Milestone for MCM 1.0

By the end of year 2, the websites will be updated. By the end of year 3, MS4 Operator consultants will have received at least 3 training sessions relative to the SWMP. Educational material will be distributed annually starting in year 2.

MCM 2.0 Public Involvement/ Participation

Summary/Rationale:

Public involvement and participation are critical components of the overall nationwide stormwater program. Engaging the public in the development and implementation of the Stormwater Management Program (SWMP) helps to foster a sense of community ownership and responsibility for local water quality issues. A public involvement and participation program will be developed, and updated accordingly, to create opportunities for the community to actively participate in the SWMP. Public involvement efforts will include the stormwater-related speaker series BMP, the public meeting component to solicit input and feedback on stormwater management practices and initiatives, as well as the use of surveys. The MS4 operator will document these activities, and any changes made to BMPs or implementation schedule will be communicated in the annual report.

2.1 Stormwater related speaker series

Description:

The MS4 Operator will organize and conduct a series of educational sessions known as the Stormwater-Related Speaker Series. These sessions will feature an expert in stormwater management or related fields. The purpose of this goal is to educate and engage the community on stormwater management issues, pollution prevention, and best practices. Each session will be designed to provide valuable information and encourage proactive involvement in stormwater pollution prevention. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule:

- Year 1: Members of the public who attend District Board meetings, will be involved in the stormwater related speaker series during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Stormwater speaker series	Research subjects	Dec 31, 2025

- Year 2: Members of the public who attend District Board meetings, will be involved in the stormwater related speaker series during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Stormwater speaker series	Hold at least 1 session per year at a public meeting	Dec 31, 2026

- Year 3: Members of the public who attend District Board meetings, will be involved in the stormwater related speaker series during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Stormwater speaker series	Hold at least 1 session per year at a public meeting	Dec 31, 2027

- Year 4: Members of the public who attend District Board meetings, will be involved in the stormwater related speaker series during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Stormwater speaker series	Hold at least 1 session per year at a public meeting	Dec 31, 2028

- Year 5: Members of the public who attend District Board meetings, will be involved in the stormwater related speaker series during one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Stormwater speaker series	Hold at least 1 session per year at a public meeting	Dec 31, 2029

- End of Permit Term Goal: Members of the public will receive 1 stormwater speaker series session per year, starting in year 2.

Measurable Evaluation Criteria

- Stormwater-related speaker series held 1 time per year.

2.2 Stormwater Survey

Description:

The MS4 Operator will conduct an annual survey to gather feedback from the community on stormwater management practices and initiatives. The surveys can be distributed through various channels, which may include a barcode, or a link to the survey's website on the utility bills and or/utility bill inserts sent to residents. A link may be provided on the MUD's website or other related websites to ensure participation opportunities. The feedback obtained may be used to improve the SWMP and its implementation efforts.

Implementation Schedule:

- Year 1: Research stormwater related topics and begin the creation of the survey.

BMP/Activity	Measurable Goal	Deadline
Survey	Research topics and begin creation of surveys	Dec. 31, 2025

- Year 2: Publish survey

BMP/Activity	Measurable Goal	Deadline
Survey	Distribute to at least 75% of the intended audience	Dec. 31, 2026

- Year 3: Publish survey and review results

BMP/Activity	Measurable Goal	Deadline
Survey	Distribute to at least 75% of the intended audience	Dec. 31, 2027

- Year 4: Publish survey and review results

BMP/Activity	Measurable Goal	Deadline
Survey	Distribute to at least 75% of the intended audience	Dec. 31, 2028

- Year 5: Publish survey and review results

BMP/Activity	Measurable Goal	Deadline
Survey	Distribute to at least 75% of the intended audience	Dec. 31, 2029

- End of Permit Term Goal: Members of the public will be given annual opportunities to complete the survey and the feedback will be analyzed to improve implementation efforts of the SWMP and address community concerns, where necessary.

Measurable Evaluation Criteria

- Annual surveys to begin in year 2
- Advertised to reach at least 75% of the intended audience

2.3 Public Meeting for input on the Program

Description:

The MS4 Operator will have a standing agenda item for its regularly occurring public meetings. This item will allow for community input and discussion on the stormwater management program. These meetings will provide a platform for transparent communication and encourage community participation in stormwater-related initiatives. The topics covered will include an overview of the MS4 program, updates on recent and upcoming stormwater goals, and discussion of challenges and opportunities in stormwater

management. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule:

- Year 1: Host at least one public meeting and allow for input on the program implementation.

BMP/Activity	Measurable Goal	Deadline
Public meeting	Host at least one meeting annually	Dec. 31, 2025

- Year 2: Host at least one public meeting and allow for input on the program implementation.

BMP/Activity	Measurable Goal	Deadline
Public meeting	Host at least one meeting annually	Dec. 31, 2026

- Year 3: Host at least one public meeting and allow for input on the program implementation.

BMP/Activity	Measurable Goal	Deadline
Public meeting	Host at least one meeting annually	Dec. 31, 2027

- Year 4: Host at least one public meeting and allow for input on the program implementation.

BMP/Activity	Measurable Goal	Deadline
Public meeting	Host at least one meeting annually	Dec. 31, 2028

- Year 5: Host at least one public meeting and allow for input on the program implementation.

BMP/Activity	Measurable Goal	Deadline
Public meeting	Host at least one meeting annually	Dec. 31, 2029

- End of Permit Term Goal: Agenda item during public meeting to allow for input on program implementation held at least once annually, and advertised to reach at least 75% of the intended audience.

Measurable Evaluation Criteria

- Public meeting held at least once annually
- Advertised to reach at least 75% of the intended audience

Interim Milestone for MCM 2.0

Starting in year 2, the MS4 Operator will conduct a stormwater-related speaker series session annually and publish a survey to gather community feedback on stormwater management practices. By the end of year 3, the MS4 Operator will have hosted three public meetings allowing for community involvement relative to the SWMP.

MCM 3.0 Illicit Discharge Detection and Elimination (IDDE)

Summary/Rationale

Illicit discharges are a major source of pollution in the nation's waterways. The MS4 Operator will develop a Stormwater Guidance Manual. This Manual will outline detection and elimination techniques and procedures. To the extent allowable under State and local law, a regulatory mechanism will be established to prohibit and eliminate illicit discharges. In conjunction with the regulatory mechanisms, appropriate actions and enforcement procedures for removing the source of an illicit discharge will be reviewed, updated and implemented. A comprehensive map of the conveyance system will be created and updated periodically to aid in the detection and elimination of sources of illicit discharges. The following non-stormwater sources may be discharged from the MS4 Operator as allowed under the general permit: water line flushing; runoff or return flow from landscape irrigation, lawn irrigations, and other irrigation utilizing potable water, groundwater, or surface water sources; discharges from potable water sources; diverted stream flows; rising ground water and springs; uncontaminated ground water infiltration; uncontaminated pumped ground water; foundation and footing drains; air conditioning condensation; water from crawl space pumps; individual residential vehicle washing; flows from wetlands and riparian habitats; dechlorinated swimming pool discharges; street wash water; discharges or flows from emergency firefighting activities (emergency firefighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities); and other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges. Onsite sewage disposal systems are not allowed in this District. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

3.1 Illicit Discharge Detection and Elimination Program

Description

The MS4 Operator will develop, implement, and enforce the IDDE program, which will be outlined in the District's Stormwater Guidance Manual (chapter 2) to detect, investigate, and eliminate illicit discharge into the MS4. The program includes an annual update to the MS4's stormwater conveyance map, methods for training, procedures for tracing, and procedures for removing the source. Chapter 2 of the Stormwater Guidance Manual, which will be the MS4's IDDE Program, will be implemented as a part of its

SWMP. This chapter will also include information regarding responses to, and investigations of, illicit discharges and spills. If the illicit connection or illicit discharge is observed related to another operator's MS4, the MS4 Operator shall notify the other MS4 Operator within 48 hours of discovery. If impracticable, the MS4 Operator shall notify the appropriate TCEQ regional office of the possible illicit connection. If another MS4 notifies the MS4 Operator of an illegal connection or an illicit discharge, then the MS4 Operator shall follow the IDDE plan. The MS4 Operator will review and update the SWMP and IDDE plan throughout the permit term as necessary. The MS4 Operator will also maintain on-site procedures for responding to illicit discharges and spills and will include source investigation and elimination, and conduct inspections deemed appropriate in response to complaints. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: The stormwater consultant will explain the need to comply with the new conditions of the 2024 TXR040000 to the MS4 Operator consultants and customers in attendance at a regularly scheduled meeting of the Board of Directors. Begin researching ways to incorporate reporting mechanism into the District's website.

BMP/Activity	Measurable Goal	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025
Begin creation of reporting mechanism	Reporting mechanism on website	Dec 31, 2025

- Year 2: The Stormwater consultant will begin creation of the District's IDDE Program. The criteria used for this program will be the requirements in the TXR040000. Begin creation of the stormwater conveyance map. Respond to all resident reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session relative to IDDE and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Begin creation of chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2026
Begin creation of stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2026
Monitor website for complaints	Respond to 100% of complaints	3 business days

Training & Education on IDDE Program	Hold at least 1 training sessions per year	Dec 31, 2026

- Year 3: The Stormwater consultant will complete the District's IDDE Program. Continue creation of conveyance map. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session relative to IDDE and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Complete chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2027
Continue creation stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2027
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold at least 1 training sessions per year	Dec 31, 2027

- Year 4:The Stormwater consultant will implement the District's IDDE Program. Updates will be made as necessary. Complete stormwater conveyance map.. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session relative to IDDE and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Implement chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2028
Review & update chapter 2 of GM, as necessary	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2028
Complete stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2028
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold at least 1 training sessions per year	Dec. 31, 2028

- Year 5: The Stormwater consultant will review and update the District's IDDE Program, as necessary. Review map for update. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org

complaint module within 3 business days. The MS4 Operator will hold at least 1 training session relative to IDDE and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Quantifiable Target/Objective	Deadline
Implement chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2029
Review & update chapter 2 of GM, as necessary	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2029
Review and update stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2029
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold 1 training sessions per year	Dec 31, 2029

- End of Permit Term Goal: The IDDE Program will be implemented. A comprehensive map of the MS4's stormwater conveyance system will be up to date.

Measurable Evaluation Criteria

- Meeting agenda item for public involvement, necessary training, and education
- Meeting minutes
- Completed chapter 2 of the GM
- Stormwater conveyance map

Interim Milestone for MCM 3.0

By the end of year 3, three training sessions will be held for District consultants and customers in attendance of the Board meeting where training was held. The stormwater conveyance map will be updated annually.

MCM 4.0 Construction Site Stormwater Runoff Control

Summary/Rationale

Construction site runoff can be a major source of pollution of the nation's waterways. This source of pollution is so impactful that a separate stormwater permit (TXR150000) has been issued to regulate these pollutants, including trash, chemicals, and other harmful contaminants. The MS4 Operator, to the extent allowable under State and local law will develop, implement, and enforce a program to reduce pollutants in any stormwater runoff from construction activities that result in a land disturbance of greater than or equal to one acre 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. The program will be outlined in the MS4 Operator's Stormwater Guidance Manual and will require construction site operators to implement erosion and sediment control practices as well as manage construction site stormwater runoff, as required by the Construction General Permit (CGP) TXR150000. The program will include the implementation of a regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law. Procedures will be reviewed and updated as necessary for site inspections, enforcement of resolution, consideration of public input, and site plan review to consider water quality impacts. The MS4 Operator will review and update the Stormwater Guidance Manual throughout the permit term, as necessary. Updates will ensure that the Construction Site Runoff Control Program, which consists of a Construction Operation Program, a Construction Plan Review Process, and a Construction Site Inspection and Enforcement Program all meet the standards of the current TXR150000. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

4.1 Construction Site Runoff Control Program

Description

The MS4 Operator will develop, implement and enforce this program requiring operators of small and large construction activities to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the maximum extent practicable. The program also includes the implementation of a regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under law, to require erosion and sediment control. As part of the Construction Site Runoff Program that will be outlined in the Stormwater Guidance Manual, the Construction Operations Program

details the methods of ensuring the Stormwater Pollution Prevention Plan (SWPPP) is in accordance with the TXR150000. This program details how the MS4 Operator will maintain and implement site plan review procedures. The MS4 Operator will develop and update inspection procedures where necessary for large and small construction projects. This program will outline methods relative to the construction site inspection and enforcement requirements. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: The stormwater consultant will explain the need to comply with the new conditions of the 2024 TXR040000 to the MS4 Operator consultants and members of the public in attendance at a regularly scheduled meeting of the Board of Directors.

BMP/Activity	Measurable Goal	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Year 2: The stormwater consultant will begin creation of the Construction Site Stormwater Runoff Program (Chapter 3 of Stormwater Guidance Manual). The MS4 Operator will hold at least one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Quantifiable Target/Objective	Deadline
Begin creation of chapter 3 of GM	Chapter 3 will comply with the new construction provisions of TXR040000	Dec. 31, 2026
Review NOIs for new construction sites	Review 100% of NOIs received for new construction projects by District's engineer	30 days from NOI filing date
Training & Education on Construction Site Stormwater Runoff Control	Hold 1 training sessions per year	Dec 31, 2026

- Year 3: The stormwater consultant will complete the Construction Site Stormwater Runoff Program which will be outlined in the Stormwater Guidance Manual. The MS4 Operator will hold at least one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Complete chapter 3 of GM	Chapter 3 will comply with the new construction provisions of TXR040000	Dec. 31, 2027
Training & Education on Construction Site Stormwater Runoff Control	Hold at least 1 training session per year	Dec. 31, 2027

- Year 4: Implement the Construction Site Runoff Control Program as outlined in the Stormwater Guidance Manual. The MS4 Operator will hold at least one training session relative to Construction Site Stormwater Runoff Control and other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Review chapter 3 of GM	Chapter 3 will comply with the new construction provisions of TXR040000	Dec. 31, 2028
Implement chapter 3 of GM	Chapter 3 will comply with new provisions of TXR040000	Dec. 31, 2028
	District engineer will review 100% new construction site plans and review procedures annually	30 days from receipt of plans
	Review and update inspection procedures where applicable	Dec. 31, 2028
	Conduct inspections at a minimum of 80% of active construction sites where applicable	Dec. 31, 2028
	Conduct follow up inspections in 100% of cases where necessary	Dec. 31, 2028
	Review 100% of NOIs received for new construction projects by District's engineer/stormwater consultant	30 days from NOI filing date
Training & Education on Construction Site Stormwater Runoff Control	Hold at least 1 training session per year	Dec 31, 2028

- Year 5: Implement the Construction Site Runoff Control Program as outlined in the Stormwater Guidance Manual. The MS4 Operator will hold at least one training session relative to Construction Site Stormwater Runoff Control and

other SWMP goals. Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Review chapter 3 of GM	Chapter 3 will comply with the new construction provisions of TXR040000	Dec. 31, 2029
Implement chapter 3 of GM	Review and update District's Rate Order where applicable	Dec. 31, 2029
	District engineer will review 100% new construction site plans and review procedures annually	30 days from receipt of plans
	Review and update inspection procedures where applicable	Dec. 31, 2029
	Conduct inspections at a minimum of 80% of active construction sites where applicable	Dec. 31, 2029
	Conduct follow up inspections in 100% of cases where necessary	Dec. 31, 2029
	Review 100% of NOIs received for new construction projects by District's engineer/stormwater consultant	30 days from NOI filing date
Training & Education on Construction Site Stormwater Runoff Control	Hold at least 1 training session per year	Dec. 31, 2029

- End of Permit Term Goal: The Construction Site Stormwater Runoff Control Program (TXR040000 and TXR150000) will be implemented throughout the MS4 Operator's jurisdiction on all new construction sites in accordance with the GM and SWMP.

Measurable Evaluation Criteria

- Meeting agenda item for public involvement, necessary training, and education
- Meeting minutes
- Completed chapter 3 of the GM
- Number of NOIs received by the District's engineer
- Number of new construction plans reviewed by District's engineer

Interim Milestone for MCM 4.0

By the end of year 3, chapter 3 of the GM will be completed.

MCM 5.0 Post-Construction Stormwater Management in New Development and Redevelopment

Summary/Rationale

Stormwater runoff from existing development, as well as redevelopment in previously developed areas can be a major source of pollution, including bacteria, fertilizers, pesticides, trash, and other harmful contaminants. To the extent allowable under State and local law, the MS4 Operator will develop, implement and enforce the Standard Operating Procedures (SOPs) that will be detailed in the Stormwater Guidance Manual 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. The Stormwater Guidance Manual will work in tandem with the MS4 Operator's adopted regulatory mechanism to address structural/nonstructural controls on new development and redevelopment, as well as sanctions to ensure compliance, to the extent allowable under State and local law. The MS4 Operator will document the activities conducted and the amount of resources/materials used. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

5.1 Post-Construction Stormwater Maintenance Program

Description

A chapter in the MS4 Operator's Stormwater Guidance Manual will be developed, reviewed and updated in accordance with the new TXR040000. This chapter will address the MS4 Operator's approach to Post-Construction Stormwater Maintenance in New Development and Redevelopment. This chapter will also address the use and recommended implementation of structural/nonstructural controls, as well as outline methods used for the long term operation and maintenance of these structural controls. Any maintenance of structural/non-structural controls, according to the Stormwater Guidance Manual, will be performed at a frequency determined by the MS4 Operator to ensure adequate long-term operation and to maintain the effectiveness of appropriate BMPs for the community. Regular maintenance for all drainage ways and appurtenances within the MS4 Operator's jurisdiction will be required and outlined in the MS4 Operator's Stormwater Guidance Manual. Records of enforcement actions will be documented in the meeting minutes and kept in the District file. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: The stormwater consultant will explain the need to comply with the new conditions of the 2024 TXR040000 to the MS4 Operator consultants and members of the public in attendance at a regularly scheduled meeting of the Board of Directors. The stormwater consultant will also conduct research for new chapter of GM

BMP/Activity	Measurable Goal	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Year 2: The stormwater consultant will begin creation of the Stormwater Guidance Manual chapter relative to post-construction. Begin creation of the stormwater conveyance map. Ensure compliance with respective drainage criteria standards for any new regulations that may affect post-construction/new construction.

BMP/Activity	Measurable Goal	Deadline
Begin creation of chapter 4 of GM	Chapter 4 will comply with the new post-construction provisions of TXR040000	Dec. 31, 2026
Begin creation of stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2026
Drainage Criteria	GM to be based on relevant drainage criteria standards	Dec. 31, 2026

- Year 3: The stormwater consultant will complete the Stormwater Guidance Manual chapter relative to post-construction. Continue creation of stormwater conveyance map. Ensure compliance with respective drainage criteria standards for any new regulations that may affect post-construction/new construction.

BMP/Activity	Measurable Goal	Deadline
Complete chapter 4 of GM	Chapter 4 will comply with the new post-construction provisions of TXR040000	Dec. 31, 2027
Continue creation of stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2027
Drainage Criteria	GM to be based on relevant drainage criteria standards	Dec. 31, 2027

- Year 4: Implement the Stormwater Guidance Manual chapter relative to post-construction. Complete the stormwater conveyance map. Implement the Post-Construction Program within the MS4's jurisdiction. Ensure compliance with respective drainage criteria standards for any new regulations that may affect post-construction/new construction.

BMP/Activity	Measurable Goal	Deadline
Review chapter 4 of GM	Chapter 4 will comply with the new post-construction provisions of TXR040000	Dec. 31, 2028
Complete stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2028
Implement chapter 4 of GM	District engineer will review all new post-construction plans and applications for new construction	30 days from receipt of plans
	Review and update District's Rate Order where applicable	Dec. 31, 2028
	Maintain records of 100% of enforcement actions taken	Dec. 31, 2028
	Make 100% of enforcement records available to TCEQ for review	24 hrs.
	Implement maintenance plan and schedule addressing 100% of stormwater control measures	Dec. 31, 2028
	Require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirements for structural control measures	Dec. 31, 2028
	Make 100% of maintenance records available to the TCEQ	24 hrs.
Drainage Criteria	Ensure compliance with respective drainage criteria standards	Dec. 31, 2028

- Year 5: The stormwater consultant will review and update the existing Stormwater Guidance Manual chapter relative to post-construction. The stormwater conveyance map will be reviewed annually and updated based on changes to the storm sewer system caused by new construction and/or reconstruction. Continue implementation of the Post-Construction Program within the MS4's jurisdiction. Ensure compliance with respective drainage criteria standards for any new regulations that may affect post-construction/new construction.

BMP/Activity	Measurable Goal	Deadline
Review chapter 4 of GM	Chapter 4 will comply with the new post-construction provisions of TXR040000	Dec. 31, 2029
Review and update stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2029
Implement chapter 4 of GM	District engineer will review all new post-construction plans and applications for new construction	30 days from receipt of plans
	Review and update District's Rate Order where applicable	Dec. 31, 2029
	Maintain records of 100% of enforcement actions taken	Dec. 31, 2029
	Make 100% of enforcement records available to TCEQ for review	24 hrs.
	Implement maintenance plan and schedule addressing 100% of stormwater control measures	Dec. 31, 2029
	Require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirements for structural control measures	Dec. 31, 2029
	Make 100% of maintenance records available to the TCEQ	24 hrs.
Drainage Criteria	Ensure compliance with respective drainage criteria standards	Dec. 31, 2029

- End of Permit Term Goal: Implementation of chapter 4 of the Stormwater Guidance Manual and produce an updated stormwater conveyance map annually.

Measurable Evaluation Criteria

- Completed chapter 4 of the GM
- Number of applications for new construction/reconstruction reviewed by the District's engineer
- Completed stormwater conveyance map

Interim Milestone for MCM 5.0

By the end of year 3, chapter of the Stormwater Guidance Manual will be completed.

MCM 6.0 Pollution Prevention and Good Housekeeping for Municipal Operations

Summary/Rationale

In addition to the stormwater conveyance system, an MS4 Operator may own facilities including water plants, lift stations, wastewater treatment plants, parks, and parking lots that could be a source of pollution to the state's waterways. The MS4 Operator's Stormwater Guidance Manual will address the approach to Pollution Prevention and Good Housekeeping for Municipal Operations. The Stormwater Guidance Manual will contain methods used to develop and maintain inventory of facilities and stormwater controls, procedures for contractor requirements and oversight, and evaluation of municipal operation and maintenance activities. The MS4 Operator's Operation and Maintenance Program will be implemented to prevent or reduce pollutant runoff from municipal operations and municipally-owned areas. A training program will be implemented for all parties responsible for municipal operations subject to the pollution prevention/good housekeeping program. Procedures for the proper disposal of waste removed within the MS4 Operator's jurisdiction and waste that is collected as a result of maintenance of stormwater structural controls will be implemented as well. A list of maintenance activities, maintenance schedule, and long-term inspection procedures for controls used to reduce floatables and other pollutants will also be included in this program element. Housekeeping measures and BMPs that reduce pollutants will be implemented throughout this permit term. Stormwater discharges authorized by other TPDES permits are authorized and meet the applicability and eligibility requirements under TXR040000. The MS4 Operator will document the activities conducted as part of this MCM. These records, along with any changes made to the BMPs or the corresponding implementation schedule, will be communicated in the annual report.

6.1 Operations and Maintenance Program

Description

As part of its Stormwater Guidance Manual, the MS4 Operator will develop an Operation and Maintenance Program with the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally-owned areas. The program will also include education concerning the proper disposal of waste material. Contractor oversight is included in this program as well; any contractor hired by the MS4 Operator to perform work within the MS4 Operator's jurisdiction is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in the permit and/or District Rate Order. The MS4 Operator will evaluate Operation and Maintenance (O&M)

activities for the potential to discharge pollutants. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: The stormwater consultant will explain the need to comply with the new conditions of the 2024 TXR040000 to the MS4 Operator consultants and members of the public in attendance at a regularly scheduled meeting of the Board of Directors.

BMP/Activity	Measurable Goal	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Year 2: The stormwater consultant will begin the creation of the Municipal Operations Program. The MS4 Operator will hold one training session relative to Pollution Prevention and Good Housekeeping for Municipal Operations and other SWMP goals. Given that the MS4 Operator does not have staff/employees, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline/Frequency
Begin creation of chapter 5 of GM	Chapter 5 will comply with the new Municipal Operations provisions of TXR040000	Dec. 31, 2026
Training & Education on Municipal Operations & Good Housekeeping	Hold 1 training session per year	Dec 31, 2026

- Years 3-5: The stormwater consultant will complete, annually review and update Municipal Operations Program. Implementation of the Operations and Maintenance Program as outlined in chapter 5 of the GM will begin in year 3. Annually update inventory of all facilities and stormwater controls owned by the District based on any new construction of District facilities. The MS4 Operator will hold one training session relative to Pollution Prevention and Good Housekeeping for Municipal Operations and other SWMP goals. Given that the MS4 Operator does not have staff/employees, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline/Frequency
Complete chapter 5 of GM	Chapter 5 will comply with the new Municipal Operations provisions of TXR040000	Annually by 12/31

Implement chapter 5 of GM	Board of Directors will review operations reports	Monthly
	Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls	Annually by 12/31
	Review & update the inventory of District facilities for use in implementing good housekeeping measures	Annually by 12/31
	Hold 1 training session per year	Annually by 12/31
	Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335	Annually by 12/31
	Ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures	Annually by 12/31
	Implement oversight procedures of contractor activities in 100% of contracts to ensure that contractors are using appropriate control measures and SOPs	Annually by 12/31
	Maintain oversight procedures on-site 100% of the time and make available for review by TCEQ	24 hrs.
	Evaluate 100% of O&M activities, in conjunction with procedure reviews if appropriate	Annually by 12/31

	Identify pollutants of concern that could be discharged from all of the O&M activities and maintain a list of 100% of the pollutants identified	Annually by 12/31
	Review and update the pollutants of concern list	Annually by 12/31
	Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations.	Annually by 12/31
	Visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities	Annually by 12/31
	Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted	Annually by 12/31
	Review and update the inspection procedures to address changes or additions to the pollution prevention measures.	Annually by 12/31
	Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ	24 hrs.
	Perform maintenance of 100% of the structural controls which require maintenance.	Annually by 12/31
	Develop and maintain written procedures that define the frequency of inspections and how they will be conducted	Annually by 12/31

	Review and update the maintenance to address changes or additions to the pollution prevention measures.	Annually by 12/31

- End of Permit Term Goal: Completed Operation and Maintenance Program for municipally owned facilities, as outlined in chapter 5 of the Stormwater Guidance Manual.

Measurable Evaluation Criteria

- Monthly meeting agenda item
- Monthly meeting minutes
- Completed chapter 5 of the GM
- Facilities inventoried

Interim Milestone for MCM 6.0

By the end of year 3, inventory of facilities and stormwater controls will be recorded.

MCM 7.0 Industrial Stormwater Sources

Summary/Rationale

As a level 2b small MS4 Operator, there are no industrial stormwater requirements under the current permit.

MCM 8.0 Authorization for Construction Activities where the MS4 Operator is the Site Operator

Summary/Rationale

The MS4 Operator has chosen not to develop this optional measure at this time.

Part III - Pollutant of Concern Program

Background

Section 303(d) of the federal Clean Water Act requires all States to identify and list waters that do not meet, or are not expected to meet, applicable water quality standards. The standards describe the ways the water bodies are used and those descriptions are embodied in the updated *Texas Surface Water Quality Standards (TSWQS-TCEQ 2022).* Most water bodies in and around the Houston- Galveston region must meet the standard for *contact recreation.* In order to meet this standard, the water body must be safe for swimming, wading by adults and children, canoeing, or other activities that involve direct contact with the water. While there are several sources of pollutants in the streams in and around Houston, the most predominant source is bacteria. The *Texas Surface Water Quality Standards* establish the following criteria for the designated uses:

Bacteria – Contact Recreation

- The geometric mean of *E-coli in freshwater* should not exceed 126 colony forming units (cfu) per 100 milliliter (ml).

For every listed water body that does not meet the standard, the State must develop a Total Maximum Daily Load (TMDL) for each pollutant that contributes to the impairment of the stream. A TMDL is a technical analysis that determines the amount of a particular pollutant that a water body can receive and still meet the applicable water quality standard. The TMDL document estimates how much the pollutant load must be reduced in order to comply with the standard.

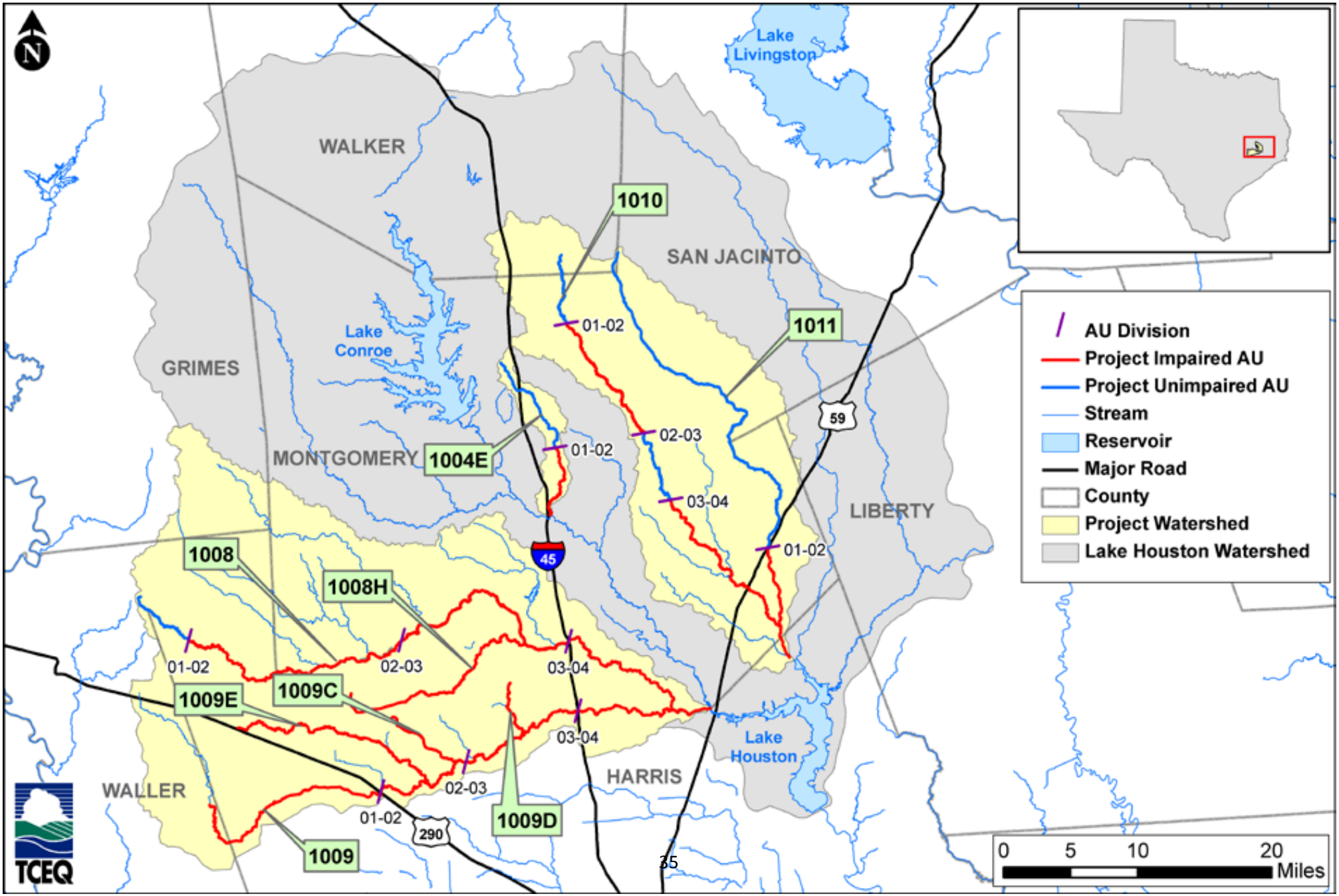
A regulated MS4 Operator that discharges stormwater into an impaired water body with a TMDL, is required to develop a program and choose Best Management Practices (BMPs) that target the pollutants of concern as identified in the TMDL. The stormwater discharge does not have to discharge directly into the impaired water body, but if this discharge is located in the watershed where the TMDL was developed, permit conditions will apply. The BMPs chosen will focus on areas the MS4 Operator identifies as having the potential to be a cause of the pollutant of concern. Each BMP selected will have measurable goals, an implementation schedule and interim milestones will be set to assess program progress. A benchmark for the pollutant of concern will be identified by the MS4 Operator to assist in determining if the program is effective in addressing the pollutant of concern. Monitoring of progress toward achieving the benchmark is also required and will be included in the annual report using appropriate program indicators.

Watershed Description - Lake Houston

The MS4 Operator is located in the watershed upstream of Lake Houston (Figure 1), in the San Jacinto river basin. TMDLs have been adopted by the TCEQ for this watershed. This portion of the watershed includes a portion of the City of Houston, the Woodlands, and the City of Conroe. Some parts of the watershed are heavily urbanized, while the northern parts are heavily forested areas. The total drainage area for Lake Houston is 2850 square miles and located primarily within Harris and Montgomery Counties, but extends into Grimes, Liberty, San Jacinto, Walker, and Waller Counties. Spring Creek is the boundary between Harris and Montgomery Counties. The TMDL for Lake Houston states that for most segments in the watershed a 95% reduction in both the Waste Load Allocation and the Load Allocation is necessary to meet the water quality standard.

Impaired Water Body - TMDL - Watersheds Upstream of Lake Houston

The Texas Commission on Environmental Quality (TCEQ) adopted Fifteen Total Maximum Daily Loads (TMDLs) for bacteria in these watersheds on April 6, 2011. The EPA approved the TMDL on June 29, 2011. The TMDL identifies Caney Creek as segment 1010. Caney Creek originates in Walker County and flows 52 miles south until it converges with Lake Houston. Caney Creek has three separate unclassified water bodies that flow into it, Dry Creek (1010A), White Oak Creek (1010B), and Spring Branch (1010C). The TMDL further sub-divides the watershed for Caney Creek into smaller assessment units (AUs). The MS4 Operator drains directly into Dry Creek (1010A) which converges with Caney Creek at assessment unit 1010_04.


Lake Livingston
WALKER
SAN JACINTO
1010
1011
Lake Conroe
GRIMES
MONTGOMERY
1004E
LIBERTY
59
45
1008
1008H
1009E
1009C
1009D
1009
WALLER
HARRIS
Lake Houston
290
01-02
02-03
03-04
AU Division
Project Impaired AU
Project Unimpaired AU
Stream
Reservoir
Major Road
County
Project Watershed
Lake Houston Watershed
0 5 10 20
Miles
TCEQ

The TMDL for bacteria identifies the possible sources of this impairment, one of which is pollution caused by stormwater runoff from urbanized areas. The Final TMDL allocations for all waste loads, as calculated and published in the TMDL for each Assessment Unit in the watersheds upstream of Lake Houston is shown in Table 19 of the TMDL document.

Table 19. Final TMDL Allocations

	TMDL[a] (Billion MPN/day)	WLA_{WWTF}[b] (Billion MPN/day)	$WLA_{STORMWATER}$ (Billion MPN/day)	LA (Billion MPN/day)	MOS (Billion MPN/day)
1004E_02	44.9	0	0	42.6	2.24
1008_02	287	6.58	31.4	235	14.4
1008_03	1,420	156	141	1050	70.9
1008_04	1,510	203	146	1090	75.7
1008H_01	166	38.3	14.9	104	8.28
1009_01	227	17.3	59.9	138	11.4
1009_02	615	119	141	325	30.8
1009_03	1,340	283	299	690	67.0
1009_04	1550	354	338	779	77.4
1009C_01	35.3	21.1	4.42	8.00	1.76
1009D_01	20.5	7.26	4.09	8.13	1.02
1009E_01	91.1	22.0	5.16	59.4	4.56
1010_02	245	1.94	14.8	216	12.3
1010_04	493	27.0	28.2	412	24.7
1011_02	422	17.3	0	383	21.1

[a] $TMDL = WLA_{WWTF} + WLA_{STORM\ WATER} + LA + MOS$
[b] WLA_{WWTF} = Original WLA_{WWTF} + Future Growth

Benchmarks for Pollutants of Concern

As outlined above, TXR040000 requires small MS4's that discharge into an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, to identify a "Benchmark" for the pollutant of concern. While the benchmark has a numeric value, it is not a numeric effluent limitation, but rather a guideline for evaluating progress toward the goal of achieving the water quality standard for the stream. The establishment of the benchmark for the SWMP considered the following options, as outlined in the permit:

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

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

The MS4 Operator has elected to use the aggregate Waste Load Allocation (WLA) for all affected MS4s and will be jointly responsible for progress in meeting the benchmark with other MS4s located in the watershed and will develop a monitoring program as described in Part II.D.4(a)(6) of the TXR040000.

Sampling that has taken place to determine the TMDL for Caney Creek used *E-coli* as the indicator bacteria for assessing contact recreation.

The WLA for *E-coli* for Assessment Unit 1010_04 is found in table 19 and is 28.2 Billion MPN/day.

Implementation Plans (I-Plans)

In order to address the high levels of bacteria in and around the Houston area, the TCEQ asked stakeholder groups to convene and address the problems. Two separate groups were assembled. One group represented the watersheds in the Houston-Galveston Region and became known as the Bacteria Implementation Group ("BIG"), the other group represented Upper Oyster Creek and was simply known as the Upper Oyster Creek Implementation Group. While these were two distinct groups, they both consisted of representatives from city and county governments, resource agencies, business and agriculture, professional organizations, watershed groups and the public. The BIG started meeting in 2010 and met over the course of over 2 years to produce a document entitled "Implementation Plan for Seventy-Two Total Maximum Daily Loads for Bacteria in the Houston-Galveston Region." This document was adopted by TCEQ on January

30, 2013. The EPA approved an addendum to the TMDLs in August 2013. The Implementation Plan (I-Plan) summarizes the TMDL's that were adopted by the TCEQ in 2009. The BIG's I-Plan outlines the potential sources of bacteria and dissolved oxygen, as well as implementation strategies that will be used to reduce these pollutants of concern over the next several years. While many of the ideas and strategies are intended for the entire Lake Houston watershed, several of the implementation strategies are applicable to the MS4 Operator. The MS4 Operator will refer to information found in the I-Plan, and consider the ideas and applicability within its jurisdiction.

Sources of the Bacteria Impairment

The TMDL documents state the sources for indicator bacteria vary, and there is no single predominant source. Bacteria specific to humans, avian, and non-avian wildlife and domestic animals all accounted for appreciable portions of the loadings. The I-Plan summarizes information found in the TMDL documents for potential pollution sources. The MS4 Operator has reviewed the potential sources of bacteria as identified in the I-Plan as well as the strategies proposed to address these potential sources. I-Plan strategies are intended to be implemented on a watershed basis; however, some of the strategies do not apply within the jurisdiction of the MS4 Operator. The MS4 Operator has developed a Bacteria Program based on selected sources for bacteria that may occur within its jurisdiction.

Bacteria Specific Program Elements

- 1.0 Waste Water Treatment Facilities (WWTFs) (facility monitoring/reporting/assessment)
- 2.0 Sanitary Sewer System
- 3.0 Illicit Discharges and Dumping
- 4.0 Residential Education
- 5.0 Animal Sources

The MS4 Operator has chosen the following Best Management Practices that focus on the impairment of concern for the selected program elements.

1.0 - WWTF discharge monitoring and reporting and facilities

Description

Non-compliant WWTFs can be sources of bacteria in the receiving stream. With the exception of those facilities using an ultraviolet (UV) disinfection system, WWTFs were, historically, not required to monitor for bacteria. As mentioned in the BIG's I-Plan, "results from limited monitoring of bacteria in the BIG region suggests that while levels of indicator bacteria in effluent from individual WWTFs is typically low, at any given time approximately 5 percent to 10 percent of the facilities can be found to be exceeding the single-sample criterion for *E-coli*." The Upper Oyster Creek I-Plan also describes an implementation strategy for this element. The goal of this program element is to keep the MS4 Operator aware of *E-coli* limits at the WWTF throughout the permit term. Training of the MS4 Operator's consultants and applicable parties is an integral part of this program element.

BMP 1.1 - Monitor permit limits for the WWTF

The MS4 Operator has enlisted a group of professionals to manage its day-to-day business activities. Of these professionals, the district operator is in charge of the daily operations and maintenance of the WWTF. Reporting compliance with permit conditions takes place on a monthly basis. *E-coli* limits are now required in WWTF permits. The TCEQ has placed these limits in all new WWTF permits where *E-coli* is the impairment of concern. The MS4 Operator will require written regular reporting of *E-coli* limits on any operations report delivered to the MS4 Operator. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Quantifiable Target/Objective	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Years 2-5: Review operations reports to ensure Discharge Monitoring Reports (DMRs) information is included in the report.

BMP/Activity	Quantifiable Target/Objective	Deadline
Review monthly operations reports	Ensure *E-coli* values are within permits	Monthly

- End of permit term Goal – MS4 Operator will be aware of *E-coli* limits in its WWTF permit and will receive regular reports with DMR values included in the District Operator's report.

Measurable Criteria

- Meeting agenda to include operations report
- District Operator's reports includes *E-coli* limits for WWTF

BMP 1.2 Facilities Assessment

Another professional enlisted to manage its day-to-day business activities is the district engineer. The engineer is in charge of the design and construction of the MS4 Operator's WWTF. Regular reporting concerning the compliance with permit conditions, as well as on-going conversations with other members of the consultant team, help assess the operating condition of the WWTF. As mentioned in the BIG's I-Plan, "bacteria monitoring may reveal WWTFs that are not meeting effluent limits. Upgrades or repairs, as appropriate, will be the responsibility of each individual facility owner in order to comply with individual permits." The MS4 Operator will review conditions of the WWTF with its consultant team on a periodic basis to determine if problems exist that may lead to non-compliance with effluent conditions, especially the *E-coli* limit. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Quantifiable Target/Objective	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Years 2-5: Report to the MS4 Operator on a regular basis any deficiencies of the WWTF that may lead to non-compliance, especially with *E-coli*.

BMP/Activity	Quantifiable Target/Objective	Deadline
Review monthly engineering reports	Ensure deficiencies of the WWTF are identified	Monthly

- End of permit term Goal – MS4 Operator will be aware of the condition of its WWTF and its ability to comply with permit effluent limitations.

Measurable Criteria

- Meeting Agenda to include engineering reports
- Engineer/ District Operator reports from regular meetings

Interim Milestones

By the end of year 2, ensure the District Operator's report includes monthly *E-coli* values.

2.0 – Sanitary Sewer System

Description

Sanitary sewer system overflows (SSOs) may be a source of bacteria in stormwater runoff within the MS4 Operator's jurisdiction. Both the BIG's I-Plan and the Upper Oyster Creek I-Plan mention strategies for SSOs. The EPA has concluded that SSOs contribute to bacteria loading in nearly all impaired streams, but may or may not be a primary source of loading. These overflows can originate from individual homes, businesses, as well as MS4 Operator-owned facilities. Overflows may be caused by blockages in the sanitary sewer line, line breaks, defects that allow stormwater and groundwater to infiltrate into the system, lapses in operation, inadequate design and construction, power failures, and even vandalism. The goal of this program element is to create and update map(s) of the sanitary sewer system, as well as monthly operations reports and incorporate changes necessary for proper operation and maintenance of the system. This element includes a review of monthly reports from the District Operator on the physical system, including lift stations. Components of the program will be reviewed over the permit term and updated as necessary.

BMP 2.1 Mapping of Sanitary Sewer System

Description

An accurate map of the MS4 Operator's sanitary sewer system is critical to proper operations and reporting of overflows. The MS4 Operator will create map(s) of the sewer system and determine the need for updates of any existing maps. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Quantifiable Target/Objective	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Years 2-5: Develop, review and update a map of the MS4 Operator's sanitary facilities, including lift stations.

BMP/Activity	Quantifiable Target/Objective	Deadline
Research sanitary sewer map	Produce an annual updated sanitary sewer map	Dec 31, 2026

Complete sanitary sewer map	Complete sanitary sewer map	Dec 31, 2027
Review and update sanitary sewer map	Produce updated sanitary sewer map	Dec 31, 2028
Review and update sanitary sewer map	Produce updated sanitary sewer map	Dec 31, 2029

- End of permit term goal – MS4 Operator will have an accurate overall map of the sanitary sewer system to aid in the proper management of the MS4 Operators wastewater flows.

Measurable Criteria

- Meeting Agenda/minutes
- Completed overall sanitary sewer system map

BMP 2.2 Reporting of Sanitary Sewer Overflows (SSOs)

Description

Reporting of events that could discharge the pollutant of concern is critical to the proper management of the sanitary sewer system. Current EPA regulations specify reporting requirements for noncompliance, including SSOs, in 40 C.F.R. § 122.41 (1) (6) and (7) (2011). Reporting at regular meetings of any applicable overflows and/or stoppages in the system, sanitary lift station operations, as well as critical information about operations at the WWTF, will aid in the reduction of bacteria discharges into the receiving stream. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Quantifiable Target/Objective	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Years 2-5: Review operations reports for specific information that pertains to the discharge of the pollutant of concern from SSOs.

BMP/Activity	Quantifiable Target/Objective	Deadline
Review all monthly operations reports	Ensure reporting of 100% of SSOs is included on monthly reports	Monthly

- End of permit term goal – MS4 Operator will prepare a monthly operations report that includes information on SSOs.

Measurable Criteria

- Meeting Agenda/minutes
- District Operator's report with SSO information included

BMP 2.3 Facilities Assessment

Description

The BIG's I-Plan suggested to the TCEQ that all sanitary systems should be required to develop and implement a Utility Asset and Management Program (UAMP) (Implementation Activity 2.1). The Oyster Creek I-Plan mentions the issue of aging infrastructure in its Implementation Strategy 11.0. As previously stated, the MS4 Operator enlists a group of professionals to manage its day to day business activities. The engineer is the professional in charge of the design and construction of the MS4 Operator's sanitary sewer system. Regular reporting of the compliance with permit conditions, as well as on-going conversations between the engineer, the District's operator and the attorney will help assess the operating condition of the sanitary sewer system. The MS4 Operator will continue to review conditions of the sanitary sewer system on a monthly basis to determine if problems exist that may lead to non-compliance with effluent conditions. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Quantifiable Target/Objective	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Year 2: Conduct review of 100% of the sanitary sewer system to identify areas for improvement. Initiate all feasible improvement projects by the end of the permit term.

BMP/Activity	Quantifiable Target/Objective	Deadline
Review sanitary sewer system	Conduct review of 100% of the sanitary sewer system to identify areas for improvement.	End of year 2

- Years 2-5: Review reporting program that aids management and operations personnel in determining the overall conditions of the sanitary sewer system.

BMP/Activity	Quantifiable Target/Objective	Deadline

Review all monthly operations reports	Ensure reporting of damages to sanitary sewer system, lift stations, and the WWTF is included on monthly reports	Monthly

- End of permit term Goal – MS4 Operator will be aware of the condition of its sanitary sewer system to ensure continued compliance with all permit conditions, including SSOs. Initiate all feasible improvement projects by the end of the permit term.

Measurable Criteria

- Meeting Agenda/minutes
- District Operator's Report
- Annual capital improvement budget

BMP 2.4 Reporting and maintenance of Lift Station Functions

Description

The proper design and maintenance of lift stations located within the MS4 Operator's jurisdiction is critical for compliance with the bacteria program. Lift stations can fail, as demonstrated by the many power outages during 2017 when Hurricane Harvey hit the Houston Metropolitan Area. There were many power outages that led to discharge of untreated wastewater into the receiving streams. Lift stations may also fail due to mechanical failure, vandalism and old age. This program element includes a review of existing lift stations with the goal of developing an overall operations and inspection plan to be implemented on an annual basis. By the end of the permit term, the MS4 Operator will conduct weekly lift station inspections at 100% of the MS4 owned and operated lift stations each year. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Measurable Goal	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Year 2: Prepare an updated inventory of existing lift stations that are managed by the District Operator, including the ability to operate under loss of power conditions.

BMP/Activity	Measurable Goal	Deadline

Audit 100% of MS4 Operator-owned lift stations	Prepare an overall map/list showing locations of 100% of MS4 Operator-owned lift stations	Dec 31, 2026
Analyze 100% of MS4 Operator-owned lift stations	Determine lift station capability to operate under loss of power conditions	Dec 31, 2026

- Years 3-5: Review lift station operations on a monthly basis to ensure proper operations and maintenance, including the capability to operate under loss of power conditions.

BMP/Activity	Measurable Goal	Deadline
Review monthly District Operator's report	Ensure proper operation and maintenance of 100% of MS4 Operator-owned lift stations	Monthly
Lift Station Inspections	Conduct weekly lift station inspections at 100% of the MS4 owned and operated lift stations each year	End of year 3

- End of permit term goal – MS4 Operator will have a complete inventory of MS4 Operator-owned lift stations, including the status of ability of each lift station to operate under loss of power conditions. Weekly lift station inspections will begin by the end of year 3.

Measurable Criteria

- Meeting agenda/minutes
- Map/list of sanitary lift stations located within the MS4 Operator's jurisdiction
- District Operator's report, including sanitary lift station operations
- Lift station inspections

BMP 2.5 Sanitary Sewer Use Requirements

Description

Whether the MS4 Operator discharges to another WWTF (subscriber system), or owns and operates its own WWTF, the proper use of the sanitary sewer system by all residents within the MS4 Operator's jurisdiction is critical for compliance with stream standards. This program element includes a review of existing rules and regulations of the MS4 Operator, including applicable subscriber system contracts, in order to ensure proper use of the system. Emphasis will be placed on rules that govern the ownership and operations of grease traps, grit traps and the discharge of fats, oils and grease into the sanitary system. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Introduce the need to comply with TXR040000 to the MS4's consultant team.

BMP/Activity	Quantifiable Target/Objective	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025

- Year 2: Identify/update applicable subscriber system(s) to the WWTF. Ensure contracts are in place for outside subscribers to the WWTF.

BMP/Activity	Quantifiable Target/Objective	Deadline
Identify subscribers that use the WWTF	Ensure 100% of subscribers to the WWTF are identified	Dec 31, 2026
Review existing subscriber contracts	Ensure subscriber contracts address the proper operation of grease traps, grit traps, and the discharge of fats, oils, and greases (FOG)	Dec 31, 2026

- Years 3-5: Review the MS4 Operator's Rate Order/rules that pertain to the proper use of the sanitary sewer system. The review will ensure there are rules that govern the ownership of grease traps, grit traps and the discharge of fats, oils and grease into the sanitary system.

BMP/Activity	Quantifiable Target/Objective	Deadline
Review Rate Order/rules	Ensure rules are in place regarding ownership of grease traps, grit traps, and FOG	Dec 31 every permit year

- End of permit term goal – MS4 Operator will have adequate rules and contracts in place to ensure proper use of the sanitary system by all parties, including subscriber systems.

Measurable Criteria

- Meeting agenda/minutes
- Rate Order language that addresses proper use of the MS4 Operator's sanitary sewer system

Interim Milestones

By the end of year 2, each lift station will be inventoried. The operations report will include information on SSOs that have occurred in the system. By the end of year 3 the MS4 Operator's Rate Order will be reviewed to ensure proper use of the MS4 Operator's sanitary sewer system. Weekly lift station inspections will begin by the end of year 3.

3.0 – Illicit Discharge Detection & Elimination (IDDE)

Description

As reported in the BIG's I-Plan, "Many of the TMDLs in the BIG region indicate that illicit discharges and dumping account for significant dry-weather bacteria loadings." The Upper Oyster Creek I-Plan addresses this issue in its Implementation Strategy 11.0, which deals with sanitary sewer systems. As described and developed in MCM 3 of this SWMP, the MS4 Operator has developed a program in its Stormwater Guidance Manual to detect, investigate, and eliminate illicit discharge into the MS4. Emphasis on bacteria laden discharges and spills will be the focus during this permit term. The goal of the program is to eliminate illicit discharges to the extent allowable under State and local law. Training of the MS4 Operator's consultants is an integral part of this program element.

BMP 3.1 Illicit Discharge & Dumping

Description

Illicit discharge and dumping can introduce pollutants both directly and indirectly into the waterways. Sources can include illegal connections to the storm sewer, as well as discharges directly into the water body. As described in MCM 3, the SWMP will include a map of the MS4 Operator's storm sewer system, as well as a reporting mechanism on cleanbayous.org. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: The stormwater consultant will explain the need to comply with the new conditions of the 2024 TXR040000 to the MS4 Operator consultants and customers in attendance at a regularly scheduled meeting of the Board of Directors. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within three business days. The stormwater consultant will also conduct research for new chapter of GM.

BMP/Activity	Measurable Goal	Deadline
Attend Board of Directors meeting	Outline TXR040000 new permit terms	Dec 31, 2025
Monitor website for complaints	Respond to 100% of complaints	3 business days
Conduct research of chapter 2 of GM	Topics researched	Dec 31, 2025

- Year 2: The Stormwater consultant will begin creation of the District's IDDE Program. The criteria used for this program will be the requirements in the TXR040000. Begin creation of the stormwater conveyance map. Respond to all

customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session per year relative to IDDE and other SWMP goals. The training sessions will be performed during regularly scheduled monthly Board meetings for MS4 Operator consultants and District customers in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Begin creation of chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2026
Begin creation of stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2026
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold at least 1 training session per year	Dec 31, 2026

- Year 3: The Stormwater consultant will complete the District's IDDE Program. Continue creation of conveyance map. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session per year relative to IDDE and other SWMP goals. The training sessions will be performed during regularly scheduled monthly Board meetings for MS4 Operator consultants and District customers in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Complete chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2027
Continue creation stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2027
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold at least 1 training session per year	Dec 31, 2027

- Year 4: The Stormwater consultant will implement the District's IDDE Program. Updates will be made as necessary. Complete stormwater conveyance map. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session per year relative to IDDE and other SWMP goals. The training sessions will be performed during regularly scheduled monthly Board meetings for MS4 Operator consultants and District customers in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline

Implement chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2028
Review & update chapter 2 of GM, as necessary	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2028
Complete stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2028
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold at least 1 training session per year	Dec 31, 2028

- Year 5: The Stormwater consultant will review and update the District's IDDE Program, as necessary. Review map for update. Respond to all customer reports of illegal dumping and/or illicit discharges as generated by the cleanbayous.org complaint module within 3 business days. The MS4 Operator will hold at least 1 training session per year relative to IDDE and other SWMP goals.Given that the MS4 Operator does not have field staff, the training sessions will be performed during regularly scheduled Board meetings for MS4 Operator consultants and members of the public in attendance at the meeting.

BMP/Activity	Measurable Goal	Deadline
Implement chapter 2 of GM	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2029
Review & update chapter 2 of GM, as necessary	Chapter 2 will comply with new IDDE provisions of TXR040000	Dec. 31, 2029
Review and update stormwater conveyance map	Produce an annual updated stormwater conveyance map	Dec. 31, 2029
Monitor website for complaints	Respond to 100% of complaints	3 business days
Training & Education on IDDE Program	Hold at least 1 training session per year	Dec 31, 2029

- End of Permit Term Goal: The IDDE Program will be updated and implemented. A comprehensive map of the MS4's stormwater conveyance system will be up to date.

Measurable Evaluation Criteria

- Monthly meeting agenda item for public involvement, necessary training, and education
- Monthly meeting minutes
- Chapter 2 of the GM
- Stormwater conveyance map

Interim Milestones

By the end of year 3, three training sessions on chapter 2 of the GM will be held for District consultants and customers in attendance of the Board meeting where training was held. The stormwater conveyance map will be completed .

4.0 - Residential/Public & MS4 Operator Consultant Education

Description

MCM 1 in this SWMP is designed to be an overall public education program that is used to inform the public about the impacts that pollution in stormwater run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways to minimize the impact on stormwater quality. This program element is aimed at changing public behavior through education efforts. Specific educational material will be developed, placing emphasis on possible sources of bacteria, including bacteria from residential sites during stormwater runoff events, bacteria from fats, oils and greases that clog drains and sanitary lines, pet waste, and general lawn care practices. Public education material will focus on why bacteria is an issue in our waterways and strategies that can reduce bacteria in these waterways. This program element will take advantage of any existing public education programs and materials. Material will be distributed to residents within the MS4 Operator's jurisdiction and will be posted on the website(s) for public viewing. Training of the MS4 Operator's consultants and the public is an integral part of this program element.

BMP 4.1 MS4 Operator Consultant & Public Training

Description

The training program is directed at MS4 Operator consultants and the public who attend regularly scheduled Board meetings. Training sessions will be used to educate these parties on the requirements of TXR040000, concentrating on the bacteria program elements of the SWMP. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: MS4 Operator consultants who regularly attend District Board meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education, Outreach and Involvement goals of the SWMP during at least one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2025

- Year 2: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education, Outreach and Involvement goals of the SWMP during at least one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2026

- Year 3: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education, Outreach and Involvement goals of the SWMP during at least one regular meeting in the calendar year

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2027

- Year 4: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education, Outreach and Involvement goals of the SWMP during at least one regular meeting in the calendar year

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2028

- Year 5: MS4 Operator consultants who regularly attend monthly District meetings and members of the public, who may be in attendance at District Board meetings, will be educated on the Public Education, Outreach and Involvement goals of the SWMP during at least one regular meeting in the calendar year.

BMP/Activity	Measurable Goal	Deadline
Training & Education	Hold at least 1 training session per year	Dec 31, 2029

- End of Permit Term Goal: All MS4 Operator consultants and members of the public who were in attendance at regular board meetings will be educated on the Public Education, Outreach and Involvement goals of the SWMP and the requirements of TXR040000.

Measurable Evaluation Criteria

- Meeting agenda
- Number of training sessions held
- Training material distributed at meetings
- Minutes of the meeting

Interim Milestones

At least two training sessions on bacteria specific topics will be held by the end of year 2. At least one design for bacteria specific training material will be selected by the end of year 2.

5.0 – Animal Sources

Description

Animals that use open space and other green areas within the MS4 Operator's jurisdiction could be a significant source of bacteria entering the receiving stream. These sources include pets such as dogs, cats, horses and other types of domestic animals. The sources also include many species of wild animals that travel and use these open spaces. This program element is aimed at changing public behavior relating to the proper use of these open spaces and green areas. Public education will include mail outs and/or other educational material that may be developed over the term of the permit. Educational material will be regularly distributed, as deemed necessary by the MS4 Operator, to residents within the MS4 Operator's jurisdiction and will be posted on cleanbayous.org for public viewing. The clear, specific, and measurable goals for this activity are outlined in the tables below.

Implementation Schedule

- Year 1: Review the overall public education program with an emphasis on material describing the proper disposal of pet waste.

BMP/Activity	Measurable Goal	Deadline
Review public education program	Design a utility bill insert specific to pet waste.	Dec. 31, 2025

- Year 2: Approve design for the year 2 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to all District customers. Perform 1 mailing to MS4 Operator customers. Post on the website.

BMP/Activity	Measurable Goal	Deadline
Presentation of educational material options at District board meeting	Approve design for utility bill insert	Dec 31, 2026
Mail approved UBI to all District customers	Mail all District customers annually in one mail out	Dec. 31, 2026
Post educational material on website	The website is updated annually	Dec. 31, 2026

- Year 3: Approve design for the year 3 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to all District customers. Perform 1 mailing to MS4 Operator customers. Post on the website.

BMP/Activity	Measurable Goal	Deadline
Presentation of educational material options at District board meeting	Approve design for utility bill insert	Dec 31, 2027

Mail approved UBI to all District customers	Mail all District customers annually in one mail out	Dec. 31, 2027
Post educational material on website	The website is updated annually	Dec. 31, 2027

- Year 4: Approve design for the year 4 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to all District customers. Perform 1 mailing to MS4 Operator customers. Post on the website.

BMP/Activity	Measurable Goal	Deadline
Presentation of educational material options at District board meeting	Approve design for utility bill insert	Dec 31, 2028
Mail approved UBI to all District customers	Mail all District customers annually in one mail out	Dec. 31, 2028
Post educational material on website	The website is updated annually	Dec. 31, 2028

- Year 5: Approve design for the year 5 education material, in the form of a utility bill insert (UBI), to be distributed in an annual mailing to all District customers. Perform 1 mailing to MS4 Operator customers. Post on the website.

BMP/Activity	Measurable Goal	Deadline
Presentation of educational material options at District board meeting	Approve design for utility bill insert	Dec 31, 2029
Mail approved UBI to all District customers	Mail all District customers annually in one mail out	Dec. 31, 2029
Post educational material on website	The website is updated annually	Dec. 31, 2029

- End of Permit Term Goal: At least 75% of all customers within the MS4 Operator's jurisdiction will receive educational material annually. Updated educational information and the SMWP will be available on the website.

Measurable Evaluation Criteria

- Educational material approved annually
- Educational material distributed annually
- Educational material posted on website annually

6.0 – Monitoring of Progress towards the Benchmark

Description

The MS4 Operator will monitor progress in achieving the listed benchmark and improving water quality and shall report this progress in each annual report. Based on an evaluation of the BMPs chosen for each program element, the MS4 Operator will assess program success and progress towards achieving the benchmark. Progress will be reported using program indicators such as number of educational opportunities conducted, number of training sessions held, etc. The MS4 Operator is part of an I-Plan that has been prepared for the watershed. The MS4 Operator will monitor progress of stream quality by attending the annual meeting of the BIG. The MS4 Operator will review the effectiveness of the program to determine the need to change any program elements or BMPs and will make these decisions on an annual basis. The clear, specific, and measurable goals for this activity are outlined in the table below.

BMP/Activity	Quantifiable Target/Objective	Deadline
Prepare annual report	Monitor progress towards achieving the benchmark	Dec. 31 every permit year.
TMDL/I-Plan meetings	Keep informed on overall watershed progress relative to the bacteria program	Dec. 31 every permit year.

Part IV – Appendice

Appendix A

“References”

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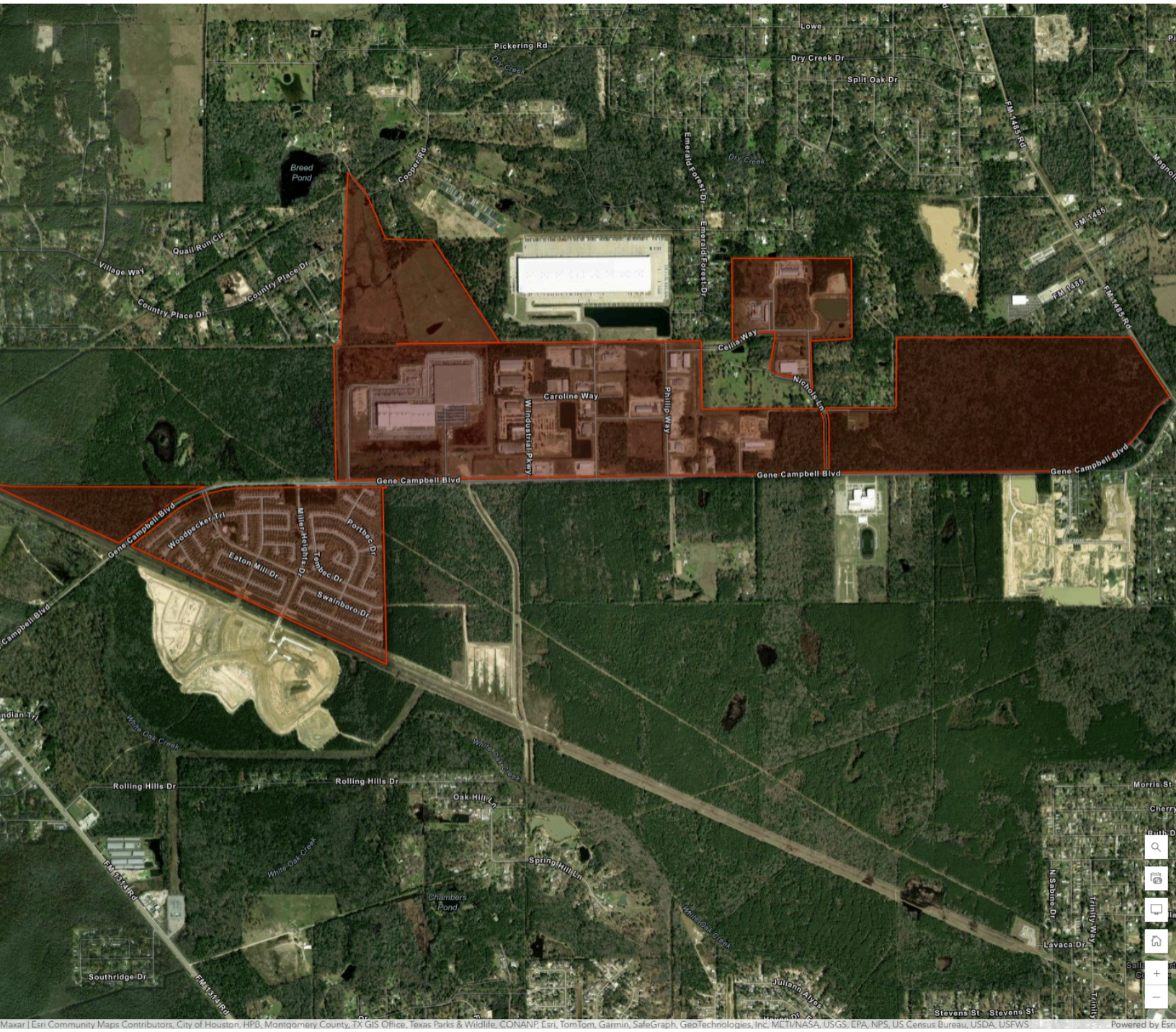
Appendix B

"Location Map – East Montgomery County Municipal Utility District No. 3 Aerial"



Appendix C

“TXR040000”

Texas Commission on Environmental Quality

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued January 24, 2019

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

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

EFFECTIVE DATE: August 15, 2024

ISSUED DATE: August 15 2024

For the Commision

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

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Part I. Definitions

Arid Areas – Areas with an average annual rainfall of less than ten inches.

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

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

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

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

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

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

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

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

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

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

(b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Illicit Discharge – Any discharge to an MS4 that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire-fighting activities.

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

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

Indian Country – Defined in 18 U.S.C. § 1151 as:

(a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

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

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

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

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

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

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

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

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

(c) That is not a combined sewer; and

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

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

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

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

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

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

Permittee – The MS4 operator authorized under this general permit.

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

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

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

Semiarid Areas – Areas with an average annual rainfall of at least ten inches, but less than 20 inches.

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

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

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

(c) Which is not a combined sewer;

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

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

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

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

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

Stormwater Management Program (SWMP) – A comprehensive program to manage the quality of discharges from the MS4.

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

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

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

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

Urban Area – A statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons as defined and used by the U.S. Census Bureau in the 2020 Decennial Census.

Urbanized Area (UA) – A retired statistical geographic entity type consisting of a densely settled core created from census tracts or blocks and adjacent densely settled territory that together have a minimum population of 50,000 people which was used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

Waters of the United States – Waters of the United States or Waters of the U.S. means the term as defined in 40 CFR § 122.2.

Part II. Permit Applicability and Coverage

This Comprehensive General Permit provides authorization for stormwater and certain non-stormwater discharges from small (Phase II) municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains the required permit terms and conditions along with clear, specific, and measurable requirements applicable to all small MS4s that are eligible for coverage under this general permit (see 40 CFR § 122.28(d)(1)).

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

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

1. Small MS4s Located in an Urban Area with a Population of at Least 50,000 People

Operators of small MS4s that are fully or partially located within an urban area with a population of at least 50,000 people, as determined by the 2000,2010, or 2020 Decennial Censuses by the U.S. Census Bureau, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

NOTE: Urban areas with a population of at least 50,000 people were referred to as Urbanized Areas in the 2000 and 2010 Decennial Censuses by the U.S. Census Bureau. The term Urbanized Area was retired in the 2020 Decennial Census by the U.S. Census Bureau.

2. Designated Small MS4s

A small MS4 that is outside an urban area with a population of at least 50,000 people that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR §§ 122.32(a)(2) or 122.26(a)(1)(v) and adopted by reference in 30 TAC § 281.25, is eligible for coverage under this general permit. The criteria that the executive director may consider is as follows:

- The location of the discharge with respect to Waters of the U.S. as defined at 40 CFR § 122.2;
- The size of the discharge;
- The quantity and nature of the pollutants discharged to Waters of the U.S.; and
- Other relevant factors.

Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under a TPDES individual stormwater permit within 180 days of notification of their designation.

3. Regulated Portion of Small MS4

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the urban area with a population of at least 50,000 people as defined and used by the U.S. Census Bureau in the 2000, 2010, or 2020 Decennial Censuses, as well as any portion of the small MS4 that is designated by TCEQ.

For the purpose of this permit, the regulated portion of a small MS4 for a transportation entity is the land owned by the permittee within the urban area with a population of at least 50,000 people which functions as or is integral to a transportation system with drainage conveyance. Non-contiguous property that does not drain into the transportation drainage system is not subject to this general permit.

Section B. Categories of Regulated Small MS4s

This general permit defines small MS4 operators by the following categories, or levels, based on the population served by the MS4 within the 2020 urban area with a population of at least 50,000 people. The level of an MS4 is based on population in the most recent Decennial Census at the time of permit issuance. A national Census held during a permit term will not affect the level of an MS4 until the next permit renewal.

For the purpose of this section, "serve a population" means the residential population within the *regulated* portion of the small MS4 based on the population data from the 2020 Decennial Census, except for non-traditional small MS4s listed in Level 2b below.

The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area(s), such as by annexing land or if land is annexed away. However, the level of a small MS4 will not change during the permit term based on other population fluctuations.

- Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an "urban area with a population of at least 50,000 people".
- Level 2a: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an "urban area with a population of at least 50,000 people".
- Level 2b: Operators of all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the "urban area with a population of at least 50,000 people", unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.
- Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an "urban area with a population of at least 50,000 people".
- Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within an "urban area with a population of at least 50,000 people".

Section C. Available Waivers from Coverage

The TCEQ may waive permitting requirements for regulated small MS4 operators if the criteria are met for Waiver Option 1 or Option 2 below. To obtain Waiver Option 1 or Option 2, the MS4 operator must submit the request on the appropriate waiver form submitted electronically via the NPDES Electronic Reporting Tool for MS4s (NeT-MS4) online electronic permitting (e-permitting) system, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic

Reporting Waiver shall submit the request for a waiver from permit coverage on a paper Waiver Option 1 or Option 2 form, as applicable, provided by the executive director.

NOTE: To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions prior to preparing and submitting the Waiver Option 2 form.

Provisional coverage begins upon electronic submittal of the appropriate waiver form that is administratively complete via the NeT-MS4 online e-permitting system available through the TCEQ website. Alternatively, for paper applications with an approved Electronic Reporting Waiver provisional coverage begins 30 days after an administratively complete paper waiver form is postmarked for delivery to TCEQ.

Following review of the small MS4's waiver form, the executive director may:

(1) determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number;

(2) determine that the waiver form is incomplete and deny the waiver until a technically completed waiver form is submitted; or

(3) deny the waiver and require that permit coverage be obtained by submitting an application.

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

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

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

For the purpose of obtaining an Option 1 or Option 2 Waiver, the population served refers to:

- the residential population within the regulated portion of the small MS4 for
    - traditional small MS4s, and
    - certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts), or
- the number of people using the small MS4 on an average operational day for certain non-traditional small MS4s without a residential population.

1. Waiver Option 1:

The small MS4 serves a population of less than 1,000 within an urban area with a population of at least 50,000 people and meets the following criteria:

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

(b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls

are not needed based on waste load allocations that are part of an EPA approved or established Total Maximum Daily Load (TMDL) that addresses the pollutant(s) of concern (POCs).

2. Waiver Option 2:

The small MS4 serves a population under 10,000 within an urban area with a population of at least 50,000 people and meets the following criteria:

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

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

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

(d) For the purpose of Waiver Option 2, the POCs include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section D. Allowable Non-Stormwater Discharge

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

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;

8. Foundation and footing drains;
9. Air conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. Street wash water excluding street sweeper wastewater;
15. Discharges or flows from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi-Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Section E. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

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

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

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

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

2. Discharges of Stormwater Mixed with Non-Stormwater

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

3. Compliance with Texas Surface Water Quality Standards

Discharges to surface water in the state that would cause, has the reasonable potential to cause, or contribute to a violation of Texas Surface Water Quality Standards (30 TAC Chapter 307) or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit except as described in Part III. The executive director may require an application for a TPDES individual permit or alternative general permit to authorize discharges to surface water in the state if the executive director determines that an activity will cause has the reasonable potential to cause, or contribute to, a violation of Texas Surface Water Quality Standards or is found to cause, have the reasonable potential to cause, or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for a TPDES individual permit based on factors described in Part II.G.2.

4. Discharges to the Edwards Aquifer Recharge Zone

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

For existing discharges, the requirements of the TCEQ approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VII.E.7. of this general permit.

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

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

Contact:

TCEQ, Water Program Manager

San Antonio Regional Office

14250 Judson Road

San Antonio, Texas 78233-4480

(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager

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

5. Discharges to Specific Watersheds and Water Quality Areas

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

6. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality established in Texas Statue.

7. Indian Country Lands

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

8. Endangered Species Act

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

Section F. Obtaining Authorization

1. Application for Coverage

Applicants seeking authorization to discharge under this general permit must prepare a SWMP as described in Part II.F.5 and Part IV prior to submitting a complete NOI and application fee for coverage as described in Part II.F.4 to the executive director. The NOI must be submitted electronically via the NeT-MS4 online e-permitting system, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOI form provided by the executive director.

Following review of the NOI, the executive director may: 1) determine that the submission is complete and approve the NOI; 2) determine that the NOI is incomplete, deny coverage, and require that a new complete NOI be submitted; 3) determine that the NOI needs revisions, provide a written description of the required revisions along with any compliance schedule(s), and approve the NOI after revisions are complete; or 4) deny coverage under this general permit

and provide a deadline by which the small MS4 operator must submit an application for a TPDES individual permit.

Following approval of the NOI by the executive director, either with or without changes, the applicant is authorized to discharge upon notification by TCEQ. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c).

2. Application Deadlines

Application deadlines are as follows:

(a) Small MS4s Located in a 2000 or 2010 urban area with a population of at least 50,000 people (Previously Regulated Small MS4s)

(1) Operators of small MS4s described in Part II.A.1 that applied for authorization under the 2019 TPDES Small MS4 General Permit TXR040000 based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI within 180 days following the effective date of this general permit.

(2) Operators of small MS4s described in Part II.A.1 that did not submit an application for authorization under the 2019 TPDES Small MS4 General Permit TXR040000 and were required to obtain permit coverage based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI immediately.

(b) Designated and Newly Regulated Small MS4s Located in a 2000, 2010, or 2020 urban area with a population of at least 50,000 people as defined by the U.S. Census Bureau

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

(2) Operators of small MS4s newly regulated under this general permit due to a change in ownership or operational control shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days of obtaining ownership or operational control of a small MS4 in a regulated area.

(3) Operators of small MS4s newly regulated under this general permit due to the new or expanded urban areas with a population of at least 50,000 people in the 2020 Decennial Census shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days following the effective date of this general permit.

(c) Individual Permit Alternative

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

3. Late Submission of the NOI

If an NOI is submitted by a small MS4 operator after the deadlines established in Part II.F.2, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

4. Contents of the NOI

The NOI must contain the following minimum information:

(a) MS4 Operator Information

(1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and

(2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).

(b) Site Information

(1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;

(2) County or counties where the small MS4 is located;

(3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;

(4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;

(5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this general permit;

(6) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;

(7) The name of any MS4 receiving the discharge prior to discharge into Waters of the U.S.;

(8) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) List of impaired waters;

(9) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and

(10) Any other information deemed necessary by the executive director.

(c) General Characteristics

(1) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for each MCM;

(2) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for impaired water bodies, if applicable;

(3) For small MS4 operators participating in a coalition to implement a shared SWMP:

a. The names of all participating small MS4 operators;

b. An indication of which small MS4 operator is responsible for each activity/BMP and measurable goal to be implemented in the SWMP;

(4) Any other information deemed necessary by the executive director.

5. SWMP General Requirements

A SWMP must be developed for eligible discharges that will reach Waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to Waters of the U.S. The SWMP must be developed according to the requirements of Part IV of this general permit prior to submitting an NOI to obtain authorization to discharge.

The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

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

6. Changes to the NOI Submitted and SWMP

Changes to the NOI and SWMP that are made after TCEQ approval of the NOI may be made by submittal and approval of a Notice of Change (NOC) unless the changes are non-substantial. Changes may be made as follows:

(a) Changes to the SWMP that do not require an NOC

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

Minor modifications to the SWMP that include administrative or non-substantial changes as follows:

(1) A change in personnel, or a reorganization of departments responsible for implementing the SWMP or portions of the SWMP;

(2) Minor clarifications to the existing BMPs;

(3) Correction of typographical errors; or

(4) Other similar administrative or non-substantive comments.

(b) Changes to the NOI and SWMP that require an NOC

Modifications to the NOI and SWMP that include, but are not limited to, the following changes require submittal of an NOC. The changes may be implemented once the permittee receives TCEQ approval of the NOC.

(1) Changing one or more contacts listed in the NOI or updating their contact information;

(2) Adding components, controls, or requirements to the SWMP;

(3) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the small MS4, or subtracting areas, such as by de-annexing lands;

(4) Adding impaired water bodies that are identified pursuant to Part III.;

(5) Adding more frequent monitoring or reporting by the permittee; or

(6) Replacing a BMP specifically identified in the NOI and SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP would be considered a replacement). The SWMP must include documentation for changes as described below:

a. For changes to BMPs for impaired water bodies with a TMDL, document the following:

(i) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

(ii) expectations of the effectiveness of the replacement BMP; and

(iii) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

b. For all other BMP changes, document the reason for the change.

7. Notice of Change (NOC)

If the small MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in an NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change. The NOC must be submitted electronically via the NeT-MS4 online e-permitting system, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOC form provided by the executive director.

Any revisions that are made to the SWMP must be made in accordance with Parts II.F.6 and Part IV.A-B. Changes that are made to the NOI and SWMP following NOI approval must be made using an NOC form, in accordance with Part II.F.6.

8. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous small MS4 operator must submit a Notice of Termination (NOT) and the new small MS4 operator must prepare a SWMP and submit an NOI. The NOT and NOI must be submitted concurrently not more than ten calendar days after the change occurs. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI but must submit an NOC and update the SWMP in accordance with Part II.F.7 and Part IV.C.1.(c).

9. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by submitting an NOT electronically via the NeT-MS4 online e-permitting system, unless the permittee requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. Permittees that are granted an Electronic Reporting Waiver shall submit the request on a paper NOT form provided by the executive director.

Authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ or at midnight on the day that a paper NOT is postmarked

for delivery to the TCEQ. An NOT must be submitted within 30 days after the small MS4 operator obtains coverage under an individual permit.

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

All NOI, NOT, NOC, Waiver Option 1 or Option 2, and Electronic Reporting Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

11. Electronic Reporting Waiver

To request a waiver from electronic reporting, small MS4 operators must contact the TCEQ Stormwater Team to obtain the Request for Electronic Reporting Waiver Form (TCEQ-20754). This form must be submitted along with submittal of a paper application (NOI, NOT, NOC, Waiver Option 1 and 2) for authorization under this general permit.

A waiver from electronic reporting may be granted to small MS4 operators in limited cases, such as for lack of internet access, or when additional training to submit applications electronically is needed. Electronic Reporting Waivers are not transferrable and expire on the same date as the authorization to discharge except for waivers granted to small MS4 operators who need additional training to submit applications electronically which will expire after one year.

12. Fees

An application fee of $400.00 must be submitted with each NOI. A fee is not required for submission of the following forms: Waiver Option 1, Waiver Option 2, NOT, or NOC.

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

13. Permit Expiration

(a) This general permit is effective for five years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five years.

(b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC Chapter 205. No new NOIs will be accepted, and no new authorizations will be processed under the general permit after the expiration date.

(c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.

(d) If TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

14. Suspension of Permit Coverage

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

Section G. Permitting Options

1. Authorization Under the General Permit

An operator of a small MS4 is required to obtain authorization either under this general permit, or under a TPDES individual permit if the MS4 is located in an urban area with a population of at least 50,000 people or designated by the TCEQ as per Part II.A.2. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed.

Coalition Participants

Multiple small MS4s that are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed may combine or share efforts as a coalition in meeting one or more of the BMP requirements described in the general permit. Each regulated small MS4 will be required to submit an individual NOI and be issued a distinct permit authorization number. MS4 operators in a coalition that share

SWMP development and implementation responsibilities must meet the following conditions:

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

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

operator. The obligation and written acceptance for each coalition participant shall be described and maintained as part of the SWMP.

2. Alternative Coverage Under an Individual TPDES Permit

A small MS4 operator eligible for coverage under this general permit may alternatively be authorized under a TPDES individual permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a small MS4 operator, authorized by this general permit, to apply for a TPDES individual permit because of: the conditions of an approved TMDL or TMDL implementation plan (I-Plan); a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC § 60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

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

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

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

The permittee shall control the discharges of POCs parameters to impaired waters and waters with approved TMDLs as provided in Sections A and B below, and shall assess the progress in controlling those pollutants.

Section A. Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

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

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the POCs as described below:

1. Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, including at a minimum, expanding or modifying the following:

(a) existing Public Education and Outreach and Public Involvement/Participation programs to reduce the discharge of POCs,

(b) existing Illicit Discharge Detection and Elimination program to specifically address the POCs, and

(c) existing ordinances or other regulatory mechanisms to require the reduction or control of POCs, enforcement procedures for noncompliance, and develop additional ordinances, or other regulatory mechanisms, as necessary.

2. Measurable Goals

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

3. Identification of Benchmarks

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

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

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

(1) When TCEQ revises a TMDL WLA identified by the MS4 to decrease the load, permittees must revise the SWMP and submit an NOC to identify the revised WLA within 90 days of TCEQ publishing the change.

(2) When TCEQ revises a TMDL WLA identified by the MS4 to increase the load, permittees are not required to update the SWMP or submit an NOC to identify the revised WLA until the next permit term.

(b) Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark value for the POCs (e.g., bacteria) for their respective small MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmark values for individual

MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

4. Annual Report

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

5. Impairment for Bacteria

If the POC is bacteria, the permittee shall implement BMPs addressing each of the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL I-Plan is available, the permittee must do one of the following: (1) refer to the I-Plan for appropriate BMPs, or (2) implement alternative equivalent BMPs. Table 1 below includes the appropriate alternative equivalent BMPs to implement for item (2) above or when a TMDL I-Plan is not available. Where BMPs included in the TMDL I-Plan for item (1) above are completed or where the I-Plan does not address all the below areas, the permittee shall refer to Table 1 for the appropriate BMPs to implement so that each of the areas below are addressed, as applicable.

The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures (MCMs) required under 40 CFR § 122.34 from their list of BMPs.

The BMPs shall, as appropriate, address the following including Table 1.:

(a) Sanitary Sewer Systems

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

(2) Address lift station inadequacies;

(3) Improve reporting of overflows; and

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

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

(1) Identify and address failing systems; and

(2) Address inadequate maintenance of on-site sewage facilities (OSSFs) (i.e., septic systems).

(c) Illicit Discharges and Dumping

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

(d) Animal Sources

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

(e) Residential Education

Increase focus to educate residents on:

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

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

(3) Maintenance and operation of decorative ponds; and

(4) Proper disposal of pet waste.

Table 1: Alternative Equivalent BMPs for Bacteria Impaired Water Bodies

Activity/BMP	**Measurable Goal**
Sanitary Sewer Systems as described by Part III.A.5.(a).	Conduct a review of 100% of the sanitary sewer system in the MS4 area within the impairment watershed to identify areas for improvement within the first two years of the permit term. Initiate all feasible improvement projects by the end of the permit term. Conduct weekly lift station inspections at 100% of the MS4 owned and operated lift stations in the MS4 area within the impairment watershed each year. Investigate and address 100% of sanitary sewer overflow complaints identified through the public reporting mechanism implemented by the MS4 each year. Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease by reviewing and updating ordinances or other regulatory mechanisms and inspection programs at least one time annually.
On Site Sewage Facilities (OSSFs) as described by Part III.A.5.(b).	Develop and implement procedures to screen 20% of the MS4 area within the impairment watershed annually to identify failing OSSFs. • Maintain an inventory of 100% of the identified OSSFs and their status each year. ○ Review and update this inventory at least one time each year to address changes or additions. • Address 100% of failing OSSFs each year by requiring the responsible party to perform all necessary corrective actions to eliminate the illicit discharge. Investigate and address 100% of OSSF complaints identified through the public reporting mechanism implemented by the MS4 each year.
Illicit Discharges and Dumping as described by Part III.A.5.(c).	Ensure 100% of procedures and ordinances or other regulatory mechanisms established for BMPs in MCM 3: Illicit Discharge Detection and Elimination address discharges that may contribute bacteria including from OSSFs, grease traps, and grit traps.

Activity/BMP	Measurable Goal
Animal Sources as described by Part III.A.5.(d).	Implement at least one of the following: • Provide and maintain at least one pet waste station in 100% of public parks or similar greenspaces in the MS4 area within the impairment watershed each year. • Assess and address, if feasible, 100% of complaints received about feral hogs in the MS4 area within the impairment watershed each year. If infeasible to address the complaint, maintain documentation of the reason. Prohibit the feeding of ducks and geese in 100% of public parks or similar greenspaces the MS4 area within the impairment watershed each year. • Develop and distribute educational materials related to animal sources of bacteria to 75% of the intended audiences identified by the MS4 in MCM 1: Public Education and Outreach each year. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.
Residential Education as described by Part III.A.5.(e).	Implement at least one additional BMP from MCM 1: Public Education and Outreach and Table 4 annually (e.g., a Level 1 small MS4 operator must implement at least four total BMPs under MCM 1 each year in the permit cycle instead of the three BMPs required by Part IV.D.1.(a)3.b). In addition, ensure at least one of the BMPs implemented for MCM 1: Public Education and Outreach focuses on at least one of the following: • Bacteria discharging from a residential site either during runoff events or directly; • Fats, oils, and grease clogging sanitary sewer lines and resulting overflows; • Identifying and reporting illicit discharges or illegal dumping; • Maintenance and operation of decorative ponds; and • Proper disposal of pet waste.

6. Monitoring or Assessment of Progress

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

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

(1) Evaluating Program Implementation Measures

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

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

(2) Assessing Improvements in Water Quality

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

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

7. Observing No Progress Towards the Benchmark

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

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

Section B. Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL

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

1. Discharging a Pollutant of Concern

(a) The permittee shall determine whether the small MS4 may be a source of the POCs by referring to the CWA § 303(d) List and then determining if discharges from the MS4 would be likely to contain the POCs at levels of concern.

(b) If the permittee determines that the small MS4 may discharge the POCs, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of POCs that contribute to the impairment of the water body.

(c) In addition, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.F.6 to include any additional BMPs to address the POCs. This requirement does not apply to BMPs implemented to address impaired waters that are listed after a small MS4's permit authorization pursuant to Part III.

2. Impairment for Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee must implement the BMPs listed in Part III.A.5 and Table 1 for the identified sources.

3. Annual Report

The annual report must include information on compliance with the Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL section, including results of any sampling conducted by the permittee.

Part IV. Stormwater Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed, implemented, and enforced according to the requirements of Part II.F.5 and Part IV of this general permit for stormwater discharges that reach Waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented, and enforced to reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements activities/BMPs and measurable goals consistent with the provisions of this general permit fulfills the requirements to reduce pollutants to the MEP and will be deemed in compliance with Part IV of this permit. This general permit does not extend any compliance deadlines set forth under the 2019 TPDES Small MS4 General Permit TXR040000.

Section A. SWMP Review

The permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part V.B.2. Results and date(s) of the review shall be documented in the annual report.

Section B. SWMP Updates Required by TCEQ

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which

case the permittee will have 90 days to finalize such changes to the SWMP, unless otherwise directed by TCEQ.

Section C. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing Regulated Small MS4s

Permittees who were regulated under the 2019 TPDES Small MS4 General Permit TXR040000, shall develop and update the SWMP under this general permit prior to submittal of the NOI for coverage.

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Permittees authorized under any previous TPDES Small MS4 General Permit TXR040000 shall continue to implement existing elements in their latest TCEQ approved SWMP until the renewal NOI has been approved.

(b) Designated and Newly Regulated Small MS4s

Small MS4 operators that operate either:

- a designated small MS4 as per Part II.A.2, or
- a newly regulated small MS4 under this general permit,

must develop a SWMP under this general permit prior to submittal of the NOI for coverage and achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation or obtaining ownership or operational control of a newly regulated small MS4, as applicable.

(c) Transfer of Ownership, Operational Authority, or Responsibility

The permittee that has been transferred ownership, operational authority, or responsibility of an MS4 area located in an urban area with a population of at least 50,000 people or designated by TCEQ shall implement the SWMP:

(1) on all new areas added to its portion of the small MS4 (or where the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible, but no later than three years from addition of the new area. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately; and

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

2. Contents of the SWMP

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

(a) A description of MCMs with measurable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each required MCM and if selected, the optional 8th MCM described in Part IV.D;

(b) A measurable goal that includes the development of ordinances or other regulatory mechanisms allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;

(c) The measurable goals selected by the permittee must be clear, specific, and measurable (40 CFR §122.34);

(d) A summary of written procedures (e.g., periodic review of ordinances or other enforcement mechanisms, tracking of SWMP implementation by relevant departments, etc.) describing how the permittee will implement the provisions in Parts III and IV of this general permit;

(e) A description of a program or a plan of compliance with the impaired water bodies and TMDL requirements in Part III; and

(f) Identification of any impaired waters that have been added in accordance with Part III.

3. Legal Authority

(a) Traditional small MS4s, such as cities:

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

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

a. Authority to prohibit illicit discharges and illicit connections;

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

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

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

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

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

g. Authority to respond to non-compliance with BMPs required by the small MS4;

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

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

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

(1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the urban area with a population of at least 50,000 people under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

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

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

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

4. Resources

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

5. Effluent Limitations

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

6. Enforcement Measures

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

7. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the small MS4 program. At a minimum, the documentation must include:

(a) A list of all small MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the role and responsibilities of each small MS4 operator, if applicable;

(b) A list of any public or private entities assisting with the development or implementation of the SWMP, including a clear description of the relationship, role, and responsibilities of each entity, if applicable;

(c) A list of all activities/BMPs and measurable goals for each of the MCMs;

(d) A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term;

(e) A description of how each measurable goal will be evaluated; and

(f) A rationale statement that addresses the overall program, including an overall statement describing how the activities/BMPs and measurable goals were selected.

Section D. Minimum Control Measures (MCMs)

Operators of small MS4s seeking coverage under this general permit shall develop, implement, and maintain a SWMP that includes the following eight MCMs, as applicable.

- MCMs 1-6 apply to all small MS4s regardless of their level as described in Part II.B.
- MCM 7 only applies to Level 4 small MS4s.
- MCM 8 is optional.
- Specific program elements under each MCM shall be implemented by all MS4 operators, unless otherwise noted as applicable for certain levels of small MS4s.

Existing permittees shall assess program elements that were described in their previous TCEQ approved SWMP. Permittees must modify their SWMP as necessary to develop and implement new elements or revise existing BMPs to comply with the requirements in this general permit and continue reducing the discharge of pollutants from the small MS4 to the MEP.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not applicable as described in each MCM. For example, where a small MS4 operator does not have OSSFs in their MS4 area, the requirement to inspect these facilities is not applicable to that small MS4 operator.

1. Public Education and Outreach

(a) The small MS4 operator shall implement a public education and outreach program to distribute educational materials to the community and conduct equivalent outreach about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

(1) The public education and outreach program shall at a minimum include the following target audiences, as applicable:

a. *Traditional MS4s* and counties shall address the residents being served;

b. *Non-traditional MS4s* (other than counties) shall address the community served by the MS4 as listed below:

(i) Universities shall target the faculty, other staff, and students;

(ii) Military bases shall target military personnel (and dependents), and employees (including contractors);

(iii) Prison complexes or other multi-building complexes shall target staff and contractors;

(iv) Municipal Utility Districts and other special districts shall target residents served, staff, and contractors; and

(v) Transportation authorities shall address staff, contractors, and users.

c. Small MS4 operators shall address additional target audiences within the small MS4 service area (such as but not limited to, those listed in Table 2) as listed below:

(i) Levels 1, 2a, and 2b: No requirement for additional audiences;

(ii) Level 3: A minimum of one additional audience; or

(iii) Level 4: A minimum of two additional audiences.

Table 2: Additional Target Audiences

Additional Target Audiences
Schools, educational organizations, or youth service and youth groups
Businesses, including commercial facilities, home-base and mobile businesses
Institutions or formal organizations such as churches, hospitals, and service organizations
Developers or construction site operators
Homeowner or neighborhood associations
Industrial facilities
Visitors/tourists

(2) Small MS4 operators shall target specific pollutant(s) in the permittee's education program (such as, but not limited to, those listed in Table 3). Each small MS4 shall have a minimum of one target pollutant for each target audience from Part IV.D.1(a)(1).a-c of this permit. Small MS4s may implement more than one target pollutant where desired or appropriate to address pollutants in stormwater discharges to the MEP. The target pollutant must be appropriate for the target audience. The same pollutant may be used for more than one target audience and the target pollutant(s) may change annually as needed.

Table 3: Pollutants and Sources

Pollutants and Sources
Grass clippings and leaf litter
Fertilizer and pesticides
Litter, trash containment, balloon releases

Pollutants and Sources
Dumping of solid waste
Illegal disposal of household hazardous waste
Pet waste
Failing septic systems
Swimming pool discharge, including saltwater pools
De-icing/rock salt usage/ storage
Oil, grease, fluids from vehicles
Sediment runoff from construction activities
Unauthorized discharge of restaurant waste
Vehicle washing
Washwater/grey water

(3) Small MS4 operators must use appropriate educational resources as BMPs (materials, events, activities, etc.) in conjunction with the selected pollutants for the selected audiences. The message delivered by these BMPs must be applicable to the target audience and relate to the target pollutant (such as a newsletter article about updated illegal dumping and discharge ordinances distributed to auto mechanic businesses or a hazardous household waste disposal flyer when applying for trash or recycling services). BMPs which are ongoing throughout the year or permit term may be counted as one annual BMP. Permittees shall explain how each BMP relates to the target pollutant and target audience. Small MS4 operators may change BMPs during the permit cycle if determined appropriate through annual reviews and a different BMP may be more effective for the small MS4's target pollutant or target audience. Any changes shall be reflected in the SWMP and explained in the annual report.

a. If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part V.B.2 or a summary of the annual report on the permittee's website.

(i) The SWMP must be posted no later than 30 days after the NOI or NOC approval date; and

(ii) The annual report no later than 30 days after the due date.

b. Over the permit term, small MS4 operators shall implement a minimum number of public education and outreach BMPs from Table 4, as follows:

(i) Level 1: three BMPs;

(ii) Levels 2a and 2b: four BMPs; or

(iii) Levels 3 and 4: five BMPs.

Table 4: Required Public Education and Outreach BMPs

Activity/BMP	**Measurable Goals**
Information on the MS4 operator's website.	Maintain a webpage with current and accurate information and working links. • All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. • Must be maintained for the full year, each year.
Social media posts, social media campaign.	Post a minimum of four times each year on a minimum of one social media platform. • The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. • The messages shall be seasonally appropriate. • Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year.
Maintain or mark storm drains and inlets with, "No Dumping – Drains to Creek" or a similar message.	Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year. Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year.
Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; and kiosks.	Develop topics that address activities or pollutants of concern. Advertisement must be active for a minimum of three weeks each year; or must have an estimated public exposure for the duration of the advertising campaign that is equal to twice the population for the small MS4 area (based on the most recent U.S. Census Bureau decennial population value for the small MS4 area).
Publish articles in local newspaper or newsletter, may be electronic.	Develop article topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time. A minimum of two articles must be published or emailed to target audience groups each year.

Activity/BMP	Measurable Goals
Fact sheets/brochures/ utility bill inserts/door hangers.	Develop material topics that are group specific and address activities or pollutants of concern. Fact sheets, brochures, bill inserts, door hangers, or handouts shall be distributed each year for at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.
Permanent stormwater related signage.	Place signage in a location where the message is relevant, and highly visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains, as necessary, 100% of the signage once annually.
Promote, host, or develop educational meetings, seminar, or trainings.	Hold, host, or promote a minimum of one event for level 1 and 2 MS4s or two events for level 3 and 4 MS4s annually. • The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. • These events may address different pollutants and audiences.
Targeted education campaign via mail, email, or in person.	Minimum of one campaign annually distributed to at least 75% of the intended audience, or with a specific event advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. (Examples: Sediment control with small building permit; leaf litter email during street sweeping season, or education brochure to all businesses conducting certain activity)

c. Small MS4 operators shall create/host or support the public education and outreach BMP(s) in Part IV.D.1.(a)(3) and Table 4. To be considered support given to the coordinating groups, the small MS4 operator shall at minimum conduct at least one of the following or similar:

(i) Plan, or assist with planning, the distribution of materials;

(ii) Coordinate volunteers;

(iii) Contribute supplies, materials, tools, or equipment;

(iv) Provide assistance from MS4 staff to distribute the materials; or

(v) Provide financial support.

d. Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

2. Public Involvement/Participation

All permittees, except prisons/correctional facilities, shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP. The small MS4 operator must create opportunities, or support activities that are coordinated by citizen groups, for residents and others to become involved with the SWMP. The activities/BMPs must demonstrate an impact on stormwater runoff by improving water quality.

(a) Over the permit term, small MS4 operators shall implement a minimum number of public involvement/participation activities and measurable goals from Table 5 as follows:

(1) Level 1 small MS4: two BMPs;

(2) Levels 2a and 2b small MS4: three BMPs; or

(3) Levels 3 and 4 small MS4: four BMPs.

Table 5: Public Involvement/Participation BMPs

Activity/BMP	**Measurable Goals**

Stream/lake or watershed clean-up events; litter/trash clean-up events such as Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc.	Host or support at a minimum one event for level 1 and 2 MS4s or two events for level 3 and 4 MS4s annually.
	• To be considered an event, the land area cleaned must be a minimum of:
	  ○ two acres,
	  ○ 400 yards of steam/streambank/riparian area, or
	  ○ two miles of roadside
	• These may be combined (such as one acre of land and 200 yards of stream).

Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration.	Host or support at a minimum one event for level 1 and 2 MS4s or two events for level 3 and 4 MS4s annually. • To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. • An event may take place in streams, parks, areas adjacent to public waterways, or other green space. • An event may be a combination of locations and areas.
Volunteer water quality monitoring such as Texas Stream Team.	Host or support a minimum one event annually. To be considered an event, the monitoring must be conducted at minimum once each year.

Activity/BMP	Measurable Goals
Stormwater related speaker series.	Provide or support a minimum of one session for level 1 and 2 MS4s or two sessions for level 3 and 4 MS4s each year. These may be different speakers or audiences.
MS4 area-wide stormwater survey for input on program implementation.	Provide or support a minimum of one public survey annually for input on the program implementation to be distributed to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.
Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups to cover stormwater topics such as: Building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff.	Provide or support at minimum one project or training annually.
Educational display/booth at a school, public event, or similar event to provide information or displays that work to improve public understanding of issues related to water quality.	Provide or support one booth or display at minimum annually. The booth or display must be staffed during the time which the event is open to the public.
Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting.	Host or support a minimum of one meeting annually for input on the program implementation to be advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.

(b) Small MS4 operators shall create/host or support the public involvement/participation BMP(s) in Part IV.D.2.(a) and Table 5. To be considered support given to the coordinating groups the small MS4 operator shall at minimum conduct at least one of the following or similar:

(1) Plan, or assist with planning, the event or activity;

(2) Contribute supplies, materials, tools, or equipment;

(3) Provide assistance from MS4 staff during the activity;

(4) Provide assistance with recruiting volunteers for events;

(5) Make a space available for projects, meetings, or events;

(6) Advertisement for the events;

(7) Supply disposal services;

(8) Arrange land or stream access;

(9) Provide financial support; or

(10) Provide donations of goods and services such as food.

(c) Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required public involvement/participation activities.

3. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

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

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

a. A current and accurate MS4 map (see Part IV.D.3.(c)(1));

b. Methods for informing and training MS4 field staff (see Part IV.D.3.(c)(2));

c. Methods for facilitating public reporting of illicit discharges and illegal dumping (see Part IV.D.3.(c)(3));

d. Procedures for responding to illicit discharge, illegal dumping, and spills (see Part IV.D.3.(c)(4));

e. Procedures for tracing the source of an illicit discharge and illegal dumping (see Part IV. D.3.(c)(5));

f. Procedures for removing the source of the illicit discharge and illegal dumping (see Part IV.D.3.(c)(5));

g. Conduct inspections in response to complaints including follow-up inspections, and procedures for inspections (see Part IV.D.3.(c)(6));

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

i. For Level 4, procedures for identifying priority areas within the small MS4 likely to have illicit discharges and illegal dumping, and a list of all such areas identified in the small MS4 (see Part IV.D.3.(e)(1));

j. For Level 4, dry weather field screening to detect illicit discharges and illegal dumping (see Part IV.D.3.(e)(2)); and

k. For Level 4, procedures to reduce the discharge of floatables in the small MS4 (see Part IV.D.3.(e)(3)).

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

(3) If another MS4 operator notifies the permittee of an illegal connection, illegal dumping, or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part IV.D.3.(c)(5).

(b) Allowable Non-Stormwater Discharges

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

(c) Requirements for All Permittees

All permittees shall meet all the following requirements, including Table 6.

(1) MS4 Mapping

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

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

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

c. Priority areas identified under Part IV.D.3.(e)(1), if applicable.

(2) Education and Training

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

(3) Public Reporting of Illicit Discharges and Spills

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

(4) All permittees shall develop and maintain onsite procedures for responding to illicit discharges, illegal dumping, and spills.

(5) Source Investigation and Elimination

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

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

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

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

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

c. Corrective Action to Eliminate Illicit Discharge

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

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

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

Table 6: Required IDDE BMPs

Activity/BMP	**Measurable Goals**
Maintain a current and accurate MS4 map as described in Part IV.D.3.(c)(1).	Review and update, as necessary, at least one time annually to include features which have been added, removed, or changed.
Conduct training for all the permittee's field staff as described in Part IV.D.3.(c)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities.

Activity/BMP	Measurable Goals
Maintain and publicize a public reporting method for the public to report illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part IV.D.3.(c)(3).	Maintain a minimum of one public reporting mechanism 100% of the time during the permit term. Publicize the public reporting mechanism a minimum of two times annually in a method designed to reach the majority of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. In addition, if the MS4 operator has a public website, the public reporting mechanism must be publicized on the public website 100% of the time during the permit term.
Develop and maintain procedures for responding to illicit discharges, illegal dumping, and spills as described in Part IV.D.3.(c)(4).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Source investigation and elimination of illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	Respond to 100% of known illicit discharges and illegal dumping incidents each year to investigate sources (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Respond to 100% of high priority discharges each year, such as sanitary sewer discharges within 24 hours (or some Level 2b MS4s must notify the appropriate agency with the authority to act). For 100% of known illicit discharges or illegal dumping incidents where the small MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office each year. Notify TCEQ immediately of 100% of illicit flows believed to be an immediate threat to human health or the environment throughout the permit term.
Corrective action to eliminate illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	For 100% of illicit discharges or illegal dumping where a source has been determined, notify the responsible party of the problem within 24 hours. Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.
Inspection Procedures as described in Part IV.D.3.(c)(6).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.

Activity/BMP	Measurable Goals
Inspections in response to complaints as described in Part IV.D.3.(c)(6).	Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act).

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

In addition to the requirements described in Parts IV.D.3.(c), permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements, including those described in Table 7.

Source Investigation and Elimination

Permittees who operate Levels 3 or 4 small MS4s shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part IV.D.2.(e)(2), to verify that the discharge has been eliminated. Follow-up investigations shall be completed within five business days, on average. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part IV.C.3, and require compensation-related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part IV.C.3 and 6. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part II.D, no further action is required.

Table 7: Additional Required IDDE BMPs for Levels 3 and 4 small MS4s

Activity/BMP	Measurable Goals
Conduct follow-up investigations or field screenings when notified that a discharge has been eliminated.	Conduct follow-up investigations or field screening in response to 100% of notifications each year. Complete the follow-up investigations within five business days, on average.

(e) Additional Requirements for Level 4 Small MS4s

In addition to the requirements described in Parts IV.D.3.(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 8:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s shall identify priority areas likely to have illicit discharges or illegal dumping, shall document the basis for the

selection of each priority area, and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

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

For dry weather field screening, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part IV.D.3.(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls, must be screened.

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

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

(3) Reduction of Floatables

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

The permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the small 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.

Table 8: Additional Required IDDE BMPs for Level 4 small MS4s

Activity/BMP	**Measurable Goals**
Identification of priority areas as described in Part IV.D.3.(e)(1).	Develop and maintain a list of 100% of the priority areas identified by the small MS4 operator each year. At a minimum, small MS4 operators must consider the following in developing the priority areas: • Sanitary sewer lines • Industrial areas • Commercial areas • Areas with history of past illicit discharges or illegal dumping Review and update the list at least one time annually to include new, removed, or changed areas based on the criteria established by the small MS4 for identifying priority areas.
Dry weather field screening as described in Part IV.D.3.(e)(2).	Develop and implement written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. • New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Develop and implement written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Conduct dry weather field screening in 100% of the priority areas as identified by the permittee in Part IV.D.2.(e)(1) by the end of the permit term with interim milestones established for screening each year.

Activity/BMP	Measurable Goals
Floatable Reduction as described in Part IVI.D.3.(e)(3).	Develop and implement at least two source controls each year to address floatables such as, but not limited to, establishing and maintaining waste collection sites, clean-up events, and anti-littering campaigns. Develop and implement at least two structural controls each year such as, but not limited to, inlet protections, boom sites, hazardous materials traps, trash racks, outfall netting, and catch basins. Annually maintain at least two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. These locations may be the same as the areas where source controls and structural controls are implemented. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than two times per year.

4. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

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

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

(b) Requirements for All Permittees

All permittees shall meet the following requirements including Table 9.

(1) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure erosion and sediment controls, soil stabilization, and BMP requirements are effectively implemented for all small and large construction activities discharging to its small MS4 consistent with the TPDES CGP, TXR150000.

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

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

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

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

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

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

(3) Construction Plan Review Procedures

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

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

b. The permittee may not approve any plans unless the plans contain appropriate site-specific construction site control measures that, at a minimum, meet the requirements described in the TPDES CGP, TXR150000.

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

(4) Construction Site Inspections and Enforcement

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

a. The permittee shall conduct inspections based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.

b. Inspections must occur during the active construction phase.

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

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

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

2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements;
3. Assess compliance with the permittee's ordinances and other regulations; and
4. Provide a written or electronic inspection report.

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

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

(5) Information Submitted By the Public

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

(6) MS4 Staff Training

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

Table 9: Required Construction Site Stormwater Runoff Control BMPs

Activity/BMP	**Measurable Goals**
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Prohibit discharges as described in Part IV.D.4.(b)(2).	Develop and maintain an ordinance or other regulatory mechanism to prohibit these discharges. Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction as described in Part IV.D.4.(b)(3).	Review and update site plan review procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Implement site plan review procedures for 100% of new construction site plans received each year.

Activity/BMP	Measurable Goals
Implement procedures for inspecting large and small construction projects as described in Part IV.D.4.(b)(4).	Review and update inspection procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Conduct construction site inspections as described in Part IV.D.4.(b)(4).	Conduct inspections at a minimum of 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act). Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures (except for some Level 2b small MS4s without the appropriate authority to act).
Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5).	Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable. Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term.
Conduct training for all the MS4 staff whose primary job duties are related to implementing the construction stormwater program as described in Part IV.D.4.(b)(6). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of MS4 staff whose primary job duties are related to implementing the construction stormwater program.

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

In addition to the requirements described in Parts IV.D.4.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 10.

Construction Site Inventory

Permittees who operate Levels 3 or 4 small MS4s shall maintain an inventory of all TPDES permitted active public and private construction sites in the small MS4 area, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 must be made by submittal of a copy of an NOI or a

small construction site notice, as applicable. The permittee shall make this construction site inventory in the small MS4 area available to the TCEQ upon request for review.

Table 10: Additional Required Construction Site Stormwater Runoff Control BMPs for Levels 3 and 4 Small MS4s

Activity/BMP	**Measurable Goals**
Maintain a Construction Site inventory as described in Part IV.D.4.(c).	Maintain an annual inventory of 100% of TPDES permitted active public and private construction sites in the small MS4 area, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. • New Levels 3 or 4 small MS4s shall develop the inventory within one year of obtaining their authorization under this general permit.

5. Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

All permittees shall meet the requirements below including Table 11.

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

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

(b) Requirements for All Permittees

All permittees shall meet all the following requirements including Table 11.

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

(2) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

a. Maintenance performed by the permittee. (See Part IV.D.6)

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

Table 11: Required Post Construction Stormwater Management in New Development and Redevelopment BMPs

Activity/BMP	**Measurable Goals**
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.5.(a)(2).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Document and maintain records of enforcement actions and make them available for review by the TCEQ as described in Part IV.D.5.(b)(1).	Maintain records of 100% of enforcement actions taken each year. Make 100% of enforcement records available to TCEQ for review within 24 hours of request.
Ensure the long term operation and maintenance of structural stormwater control measures installed as described in Part IV.D.5.(b)(2).	Each year, implement a maintenance plan and schedule established by the small MS4 operator addressing 100% of stormwater control measures where the small MS4 operator is responsible for maintenance. Each year, require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. Require the site owner or operators to maintain documentation, such as a tracking log, onsite of 100% of the maintenance performed and made available for review by the small MS4 operator or TCEQ within 24 hours of the request.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts IV.D.5.(b)(1)-(2), permittees who operate Level 4 small MS4s shall meet the following requirements including Table 12.

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

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

Table 12: Additional Required Post Construction Stormwater Management in New Development and Redevelopment BMPs for Level 4 Small MS4s

Activity/BMP	**Measurable Goals**
Develop and implement an inspection program as described in Part IV.D.5.(c)(1).	Develop and implement an inspection program to ensure that of post construction stormwater control measures in the small MS4 area are operating correctly and are being maintained as required consistent with its applicable maintenance plan each year. At a minimum, the small MS4 operator must inspect 20% of the post construction stormwater controls in the small MS4 area each year, or more if required by the MS4 maintenance plan. For small MS4s with limited enforcement authority, this requirement applies only to 100% of the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area each year. New Level 4 small MS4s shall develop the inspection program within one year of obtaining their authorization under this general permit.
Maintain Inspection Reports as described in Part IV.D.5.(c)(2).	Document inspection findings in an inspection report for 100% of inspections performed each year. Make 100% of inspection reports available to TCEQ staff for review within 24 hours of request.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program Development

All permittees shall develop and implement an operation and maintenance program (O&M), including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to: park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system

maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

(b) Requirements for All Permittees

All permittees shall meet the requirements described below including Table 13.

(1) Permittee-owned Facilities and Control Inventory

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

a. Composting facilities;

b. Equipment storage and maintenance facilities;

c. Fuel storage facilities;

d. Hazardous waste disposal facilities;

e. Hazardous waste handling and transfer facilities;

f. Incinerators;

g. Landfills;

h. Materials storage yards;

i. Pesticide storage facilities;

j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;

k. Parking lots;

l. Golf courses;

m. Swimming pools;

n. Public works yards;

o. Recycling facilities;

p. Salt storage facilities;

q. Solid waste handling and transfer facilities;

r. Street repair and maintenance sites;

s. Vehicle storage and maintenance yards; and

t. Structural stormwater controls.

(2) Training and Education

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

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

(4) Contractor Requirements and Oversight

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

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

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

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

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

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

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

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

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

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

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

(ii) Tracking application of deicing and anti-icing compounds;

(iii) Using suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants generated by regular bridge maintenance; and

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

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections occurring at least one time annually and how they will be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

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

Table 13: Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs

Activity/BMP	**Measurable Goals**
Permittee-owned Facilities and Control Inventory as described by Part IV.D.6.(b)(1).	Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls in the small MS4 area. Review and update the inventory at least one time annually to address changes or additions to the facilities and controls where applicable.
Training and Education as described in Part IV.D.6.(b)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of employees involved in implementing pollution prevention and good housekeeping practices. For small MS4s which use only contractors to implement pollution prevention and good housekeeping practices, ensure training of 100% of applicable contract staff is conducted at least one time annually using contract language or another similar method.
Disposal of Waste Material as described in Part IV.D.6.(b)(3).	Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable each year.

Activity/BMP	Measurable Goals
Contractor Requirements and Oversight as described in Part IV.D.6.(b)(4).	Each year, ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV D.6.(b)(2)-(6). Implement oversight procedures of contractor activities in 100% of contracts to ensure that contractors are using appropriate control measures and SOPs each year. Oversight procedures must be maintained on-site 100% of the time and made available for review by TCEQ within 24 hours of request.
Assessment of permittee-owned operations as described in Part IV.D.6.(b)(5)a.	Evaluate 100% of O&M activities, in conjunction with procedure reviews if appropriate, for their potential to discharge pollutants in stormwater annually including but not limited to: • Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving; • Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting; • Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and • Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
Identify pollutants of concern as described in Part IV.D.6.(b)(5)b.	Identify pollutants of concern that could be discharged from all of the O&M activities described in Part IV.D.6.(b)(5)b and maintain a list of 100% of the pollutants identified. Including for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash. Review and update the pollutants of concern list at least one time annually to address changes or additions to the O&M activities where applicable.

Activity/BMP	**Measurable Goals**
Pollution Prevention Measures as described in Part IV.D.6.(b)(5)c.	Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations. Implement at least two of the following pollution prevention measures: • Replace at least 50% of the MS4's materials and chemicals with more environmentally friendly materials or methods by the end of the permit term; • Track 100% of the application of deicing and anti-icing compounds in the MS4 area and record the amount of compound used for each application annually; • Use suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants during 80% of regular bridge maintenance each year; and • Place barriers around or conduct runoff away from 100% of deicing chemical storage areas to prevent discharge into surface waters each year.
Inspection of Pollution Prevention Measures as described in Part IV.D.6.(b)(5)d.	At least one time annually, visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities to ensure they are working properly. Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted. Review and update the inspection procedures at least one time annually to address changes or additions to the pollution prevention measures. Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ within 24 hours of a request.
Structural Control Maintenance as described by Part IV.D.6.(b)(6).	At least one time annually, perform maintenance of 100% of the structural controls which require maintenance. Maintenance must follow a plan and schedule developed by the small MS4 operator to be consistent with maintaining the effectiveness of the BMP. The permittee shall develop and maintain written procedures that define the frequency of inspections and how they will be conducted. Review and update the maintenance procedures at least one time annually to address changes or additions to the pollution prevention measures.

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

In addition to the requirements described in Part IV.D.6.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 14.

(1) Storm Sewer System Operation and Maintenance

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

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

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

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

a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program to address at a minimum 75% of the areas in the program annually.

b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.

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

(3) Mapping of Facilities

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

(4) Facility Assessment

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

a. Assessment of Facilities' Pollutant Discharge Potential – The permittee shall review the facilities identified in Part IV.D.6.(b)(1) once per permit term for their potential to discharge pollutants into stormwater.

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

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

(5) Development of Facility-Specific Procedures

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

a. For each high priority facility identified in Part IV.D.6.(c)(4)b, the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.

b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept onsite when possible and must be kept up-to-date.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate Levels 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part IV.D.6.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

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

b. De-icing and anti-icing material storage – The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing

and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

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

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

(7) Inspections

Permittees who operate Levels 3 or 4 small MS4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

Table 14: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Levels 3 and 4 Small MS4s:

Activity/BMP	**Measurable Goals**
Storm Sewer System Operation and Maintenance Program as described by Part IV.D.6.(c)(1)a.	Develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures each year. Implement at least two of the following: • Inspect at least 25% of the small MS4 owned and operated detention basins each year. • Inspect at least 20% of the small MS4 owned and operated stormwater inlets in problem areas identified by the small MS4 operator (for example, areas with recurrent illegal dumping) each year. • Inspect and clean at least 20% of the small MS4 owned and operated surface drainage system in problem areas identified by the small MS4 operator (for example, areas with recurrent illegal dumping) each year. • Collect and dispose of or recycle used oil and other household hazardous waste (HHW) from the public in at least three events each year. An event is any day in which the public has an opportunity to dispose of or recycle HHW either through collection or drop off

Activity/BMP	**Measurable Goals**
Storm Sewer System Operation and Maintenance Problem Areas as described by Part IV.D.6.(c)(1)b.	Develop a list of 100% of the identified potential problem areas. Identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping). Review and update the list of potential problem areas at least one time annually to address changes or additions to the list.

Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads as described by Part IV.D.6.(c)(2).	Implement the following:
	• A street sweeping and cleaning program to address 75% of the MS4 area where street sweeping is technically feasible annually.
	  ○ Ensure 100% of the MS4 area where street sweeping is technically feasible is addressed at least two times by the end of the permit term.
	• One or a combination of the following non-street sweeping controls:
	  ○ an inlet protection program addressing 100% of the small MS4 area where street sweeping is technically infeasible by the end of the permit term, which must include an implementation schedule and a waste disposal procedure, or
	  ○ Ensure that trash receptacles, or similar trash capturing devices are provided and maintained in 100% of the areas identified as high trash generating areas within the areas where street sweeping is technically infeasible (such as areas near parks, event spaces, etc.).

Mapping of Facilities as described by Part IV.D.6.(c)(3).	On a map of the area regulated under this general permit, identify where 100% of the permittee-owned and operated facilities and stormwater controls are located. Review and update the map at least one time annually to address changes or additions to the facilities and controls.
Assessment of Facilities' Pollutant Discharge Potential as described by Part IV.D.6.(c)(4)a.	Review 100% of the facilities identified in Part IV.D.6.(b) at least one time per permit term for their potential to discharge pollutants into stormwater.

Activity/BMP	**Measurable Goals**
Identification of high priority facilities as described by Part IV.D.6.(c)(4)b.	Based on the assessment in Part IV.D.6.(c)(4)a., the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants. A list of 100% of the identified facilities must be developed and maintained each year. Review and update the list of high priority facilities at least one time annually to address changes or additions to the facilities.
Documentation of Assessment Results as described by Part IV.D.6.(c)(4)c.	Document the results of all the assessments and maintain copies of 100% of the site evaluation checklists used to conduct the assessments each year. The documentation must include: • the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.
Development of Facility-Specific SOPs as described by Part IV.D.6.(c)(5).	Develop facility-specific stormwater management SOPs for 100% of the MS4 owned and operated facilities. A description of 100% of the BMPs developed to comply with Part IV.D.6.(c)(6) must be included in each facility-specific SOP. Review and update the facility-specific SOPs at least one time annually to address changes or additions to the facilities. If requested, SOPs must be made available to TCEQ within 24 hours of the request for review.
Stormwater Controls for High Priority Facilities, General Good Housekeeping as described by Part IV.D.6.(c)(6)a.	Shelter from exposure to stormwater 100% of material with a potential to contribute to stormwater pollution (such as, fertilizers, solvents, paints, cleaners, automotive products, etc.) each year.
Stormwater Controls for High Priority Facilities, De-icing and anti-icing material storage as described by Part IV.D.6.(c)(6)b.	Implement one or a combination of the following: Ensure that 100% of stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged each year. Or ensure that 100% of discharges from the piles are authorized under a separate discharge permit each year.
Stormwater Controls for High Priority Facilities, Fueling and vehicle maintenance as described by Part IV.D.6.(c)(6)c.	Develop and implement SOPs that address spill prevention and spill control at 100% of permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities each year. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.

Activity/BMP	Measurable Goals
Stormwater Controls for High Priority Facilities, Equipment and vehicle washing as described by Part IV.D.6.(c)(6)d.	Develop and implement SOPs that address equipment and vehicle washing activities at 100% of the permittee-owned and operated facilities where washing occurs. To ensure that wastewater is not discharged under this general permit, the permittee's SOP must include one or more of the following: • installing a vehicle wash reclaim system, • capturing and hauling the wastewater for proper disposal, • connecting to sanitary sewer (where applicable and approved by local authorities), • ceasing the washing activity, or • applying for and obtaining a separate TPDES permit. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.
Inspections as described by Part IV.D.6.(c)(7).	Develop and implement an inspection program, which at a minimum must include inspections of 100% of high priority permittee-owned facilities one time per year. The results of 100% of the inspections and observations must be documented and available for review by the TCEQ each year.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts IV.D.6.(b)-(c) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 15.

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

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

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

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

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

(a) Use of native plants or xeriscaping;

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

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

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

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

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

(2) Evaluation of Flood Control Projects

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

Table 15: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Level 4 Small MS4s:

Activity/BMP	**Measurable Goals**
Pesticide, Herbicide, and Fertilizer applicator and distributor measures as described by Part IV.D.6.(d)(1)b.(i).	Require 100% of pesticide, herbicide, and fertilizer applicators and distributors working in the public spaces owned and operated by the permittee, including contract workers, to demonstrate at least one of the following each year: • Training in application or distribution • Permit to apply or distribute • Certification for application or distribution

Activity/BMP	**Measurable Goals**
Landscape maintenance as described by Part IV.D.6.(d)(1)a.	Evaluate at least one time each year the materials used, and activities performed on 100% of the public spaces owned and operated by the permittee for pollution prevention opportunities such as: • parks, • schools, • golf courses, • easements, • public rights of way, and • other open spaces.
Non-chemical solutions as described by Part IV.D.6.(d)(1)b.(ii).	Utilize at least one of the following non-chemical solutions each year in 100% of the public spaces owned and operated by the permittee: • Use of native plants or xeriscaping in 10% of each public space's landscaping area; • Keep clippings and leaves out the small MS4 and the street by implementing mulching, composting, or landfilling; • Limit application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; or • Reduce mowing of grass frequency to allow for greater pollutant removal, but not jeopardizing motorist safety. If it is not feasible for the small MS4 operator to implement at least one of these measures in one or more public spaces owned and operated by the permittee, written documentation of the reason must be maintained and made available to the TCEQ upon request.
Schedules for chemical application as described by Part IV.D.6.(d)(1)c.	Develop and implement chemical application schedules for use in 100% of applicable public spaces owned and operated by the permittee each year. Schedules must minimize the discharge of pollutants from the chemical application due to irrigation and expected precipitation.
Collection and disposal of pesticides, herbicides, and fertilizers as described by Part IV.D.6.(d)(1)d.	Ensure collection and proper disposal of 100% of the permittee's unusable pesticides, herbicides, and fertilizers each year.

Activity/BMP	Measurable Goals
Evaluation of Flood Control Projects as described by Part IV.D.6.(d)(2).	Assess the impacts of the receiving water(s) for 100% of the flood control projects each year. 100% of new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of 20% of the existing structural flood control devices each year to provide additional pollutant removal from stormwater shall be implemented unless infeasible. • If it is not feasible for the small MS4 operator to retrofit 20% of the existing control devices each year, written documentation of the reason must be maintained and made available to the TCEQ for review upon request.

7. Industrial Stormwater Sources

Permittees operating a Level 4 small MS4 shall meet the requirements below including Table 16.

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

(b) The program must include priorities and procedures for inspections and for implementing control measures for such industrial discharges.

Table 16: Required Industrial Stormwater Sources BMPs for Level 4 Small MS4s

Activity/BMP	Measurable Goals
Industrial facilities as described by Part IV.D.7.(a).	Identify and control pollutants in stormwater discharges to the small MS4 from 100% of the permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4.

Activity/BMP	Measurable Goals
Inspections as described by Part IV.D.7.(b).	Inspect 100% of small MS4 owned and operated facilities described by Part IV.D.7.(a) at least one time annually. Inspect 100% of industrial facilities permitted under the TPDES MSGP, TXR050000, and located within the small MS4 area at least one time annually.
Priorities and Procedures as described by Part IV.D.7.(b).	Develop and implement SOPs for 100% of inspections of facilities as described by Part IV.D.7.(b) and industrial facilities permitted under the TPDES MSGP, TXR050000, and within the small MS4 area. Review and update the facility inspection SOPs at least one time annually to address changes or additions.

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

The development of this MCM for construction activities, where the small MS4 is the construction site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000, for each construction activity. Permittees that choose to develop and implement this MCM will be authorized to discharge stormwater and certain non-stormwater from construction activities only where the MS4 operator meets the definition of a construction site operator. This MCM only authorizes the small MS4 operator and does not provide authorization for other construction site operators at a municipal project.

When developing this measure, permittees are required to meet all requirements of, and be consistent with the following: (1) applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), (2) TPDES CGP TXR150000, (3) Part IV.D.4 and Part VII of this general permit.

The authorization to discharge under this MCM is limited to the small MS4's regulated area, such as the portion of the small MS4 located within an urban area with a population of at least 50,000 people or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit.

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

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

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

The MCM must include:

(a) A description of how construction activities will generally be conducted by the permittee taking into consideration local conditions of weather, soils, and other site-specific considerations;

(b) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urban area with a population of at least 50,000 people, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);

(c) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;

(d) A general description of how a SWP3 will be developed for each construction site, according to Part VII of this general permit; and

(e) Records of municipal construction activities authorized under this optional MCM, in accordance with Part VII of this general permit.

Part V. Recordkeeping and Reporting

Section A. Recordkeeping

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

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ.

Report of such information must be provided orally or by fax to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ Regional Office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

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

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

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

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

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

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, NOC, Option 1 Waiver, Option 2 Waiver, or any other report, the permittee shall promptly submit the facts or information to the executive director.

2. Annual Report

The small MS4 operator shall submit a concise annual report to the executive director by March 31st of each year for the previous calendar year.

The first annual report for this general permit shall address the period beginning on the day that authorization is obtained and ending on December 31 of that same year.

The small MS4 operator shall make a copy of the annual report readily available for review by TCEQ personnel upon request.

The annual report must include:

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

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

(c) If applicable for receiving water bodies, a summary of any activities taken to address the discharge to impaired water bodies, including a summary of the small MS4s BMPs used to address the pollutant of concern, and if sampling was conducted include the sampling results;

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

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

(f) A description and schedule for implementation of additional activities/BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For water bodies that are listed as impaired after discharge authorization pursuant to Part III., include a list of such water bodies and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part III.;

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

(h) The number of construction activities where the small MS4 is the operator and authorized under the optional 8th MCM, including the total number of acres disturbed; and

(i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the optional 8th MCM.

Small MS4s authorized under the 2019 TPDES Small MS4 General Permit must prepare an annual report whether or not the NOI has been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI, then the annual report may include that information.

The annual report must be signed (in accordance with 30 TAC § 305.128 relating to Signatories to Reports) and submitted using the online electronic reporting system, NeT - MS4, available through the TCEQ website unless the permittee requests and obtains an Electronic Reporting Waiver.

If the permittee obtains an Electronic Reporting Waiver, the annual report must be submitted with the appropriate paper annual report forms provided by the executive director and submitted to the following locations:

- Original – TCEQ Austin Headquarters Office c/o the Stormwater Team (MC-148), and
- Copy – The TCEQ Regional Office that serves the area of the regulated small MS4.

If permittees share a common SWMP (*i.e.*, coalitions), they shall contribute to a single system-wide annual report for all participating members and the designated coalition participant shall submit the annual report. At a minimum, each permittee shall sign and certify the annual report in the NeT-MS4 electronic system in accordance with 30 TAC § 305.128 (relating to Signatories to Reports). If the coalition participant designated to submit the annual report changes during the permit term, all participating members must submit an NOC to update the designated member.

Part VI. Standard Permit Conditions

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

B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing, or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.

E. The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper O&M also includes adequate laboratory controls and appropriate quality assurance procedures. Proper O&M requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.

F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR § 122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26 - 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:

1. Negligently or knowingly violating CWA §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402; and
2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.

H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

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

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

Part VII. Authorization for Municipal Construction Activities – Applicable only if the Optional 8th MCM is Selected

The small MS4 operator may obtain authorization under TPDES CGP, TXR150000, to discharge stormwater runoff from each construction activity performed by the small MS4 operator that results in a land disturbance of one acre or more of land or less than one acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the small MS4 operator may develop the SWMP to include the optional 8th MCM listed in Part IV.D.8 of this general permit if the eligibility requirements in Part VII.A. below are met.

Even if a small MS4 operator has developed the optional 8th MCM, the small MS4 operator may apply under TPDES CGP, TXR150000, for authorization for certain municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Section A. Eligible Construction Sites

Discharges from construction activities within the regulated area where the small MS4 operator meets the definition of construction site operator are eligible for authorization under this general permit. Discharges from construction activities outside of the regulated area, where the small MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the small MS4 operator meets all the requirements of Parts IV.D.1-8. of this general permit.

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

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

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

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

(d) The discharge of stormwater from concrete production facilities meets the requirements in Section F below.

3. Non-Stormwater Discharges

This general permit authorizes the following non-stormwater discharges from construction sites authorized under this general permit:

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

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

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

(d) Uncontaminated water used to control dust;

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

(f) Uncontaminated air conditioning condensate; and

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

4. Other Permitted Discharges

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

Section C. Limitations on Permit Coverage

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

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

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

(a) Develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities (NOTE: small MS4 operators may develop and implement a shared SWP3 with other operators covered under the TPDES CGP, TXR150000);

(b) Post a signed copy of the applicable TCEQ approved site notice form in a location at the construction site where it is readily available for viewing prior to commencing construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;

(c) Ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;

(d) Ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and

(e) Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

Section E. Contents of SWP3

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

1. Site Description

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

(a) A description of the nature of the construction activity, potential pollutants and sources;

(b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;

(c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;

(d) Data describing the soil type or the quality of any discharge from the site;

(e) A map showing the general location of the site (*e.g.*, a portion of a city or county map);

(f) A detailed site map indicating the following:

(1) Drainage patterns and approximate slopes anticipated after major grading activities;

(2) Areas where soil disturbance will occur;

(3) Locations of all major structural controls either planned or in place;

(4) Locations where temporary or permanent stabilization practices are expected to be used;

(5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;

(6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;

(7) Locations where stormwater discharges from the site directly to a surface water body or an MS4; and

(8) Vehicle wash areas.

(g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;

(h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and

(i) A copy of Part VII of this TPDES general permit.

2. Structural and non-structural controls

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

Erosion and Sediment Controls

(a) Erosion and sediment controls must be designed to retain sediment on-site to the MEP with consideration for local topography and rainfall.

(b) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.

(c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

(d) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.

(e) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

3. Stabilization Practices

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

(a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, and other similar measures.

(b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VII.J of this general permit:

(1) The dates when major grading activities occur;

(2) The dates when construction activities temporarily or permanently cease on a portion of the site; and

(3) The dates when stabilization measures are initiated.

(c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.

(1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

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

(a) Sites with a drainage area of ten or more acres:

(1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.

(2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

(1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

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

5. Permanent Stormwater Controls

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

6. Other Controls

(a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.

(b) The SWP3 must include a description of construction and waste materials expected to be stored onsite and a description of controls to reduce pollutants from these materials.

(c) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

7. Effluent Limitations

The federal Effluent Limitations Guidelines at 40 CFR § 450.21 apply to all regulated construction activities under the optional 8th MCM, where the small MS4 is the operator.

8. Approved State and Local Plans

(a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.

(b) All SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

9. Maintenance

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

10. Inspections of Controls

(a) Inspection Requirements. Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

(b) Inspection Frequency.

(1) Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

a. If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

b. If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

(2) Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month.

(3) In arid or semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater.

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

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

(6) In the event of flooding or other adverse conditions that prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(d) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VII.E.10.(a) above.

(1) Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed.

(2) For representative inspections, personnel must inspect controls along the construction site for 0.25 miles above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VII.E.10.(a) above.

(3) The conditions of the controls along each inspected 0.25 miles portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 miles portion to either the end of the next 0.25 miles inspected portion, or to the end of the project, whichever occurs first.

(e) Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:

(1) the date and time of the adverse condition,

(2) names of personnel that witnessed the adverse condition, and

(3) a narrative for the nature of the adverse condition.

(f) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(g) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit.

The report must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

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

11. Observation and Evaluation of Dewatering Controls

(a) Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days where dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Observations and Evaluations

(1) A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:

a. date of the observations and evaluation;

b. name(s) and title(s) of personnel making the observations and evaluation;

c. approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);

d. estimates of the rate (in gallons per day) of discharge on the day of evaluation;

e. whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and

f. major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

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

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

12. Pollution Prevention Measures

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

Section F. Stormwater Runoff from Concrete Batch Plant

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

1. Benchmark Sampling Requirements

(a) Small MS4 operated concrete batch plants authorized under this section must sample the stormwater runoff from the concrete batch plants according to the requirements of this section of the general permit, and must conduct evaluations of the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 17. Benchmark Monitoring

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

[1]Standard Units (S.U)

(*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

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

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

- January through March

- April through June
- July through September
- October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the small MS4 NOI.

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

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

The small MS4 operator's investigation must identify the following:

(1) Any additional potential sources of pollution, such as spills that might have occurred;

(2) Necessary revisions to good housekeeping measures that are part of the SWP3;

(3) Additional BMPs, including a schedule to install or implement the BMPs; and

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

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

2. BMPs and SWP3 Requirements for Concrete Batch Plants

The following are required for concrete batch plants in addition to other SWP3 requirements listed in this section:

(a) Description of Potential Pollutant Sources – The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit,

including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:

(1) Drainage – The site map must include the following information:

a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;

b. A depiction of the drainage area and the direction of flow to the outfall(s);

c. Structural controls used within the drainage area(s);

d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES CGP, TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

(2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

(3) Spills and Leaks – A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

(4) Sampling Data – A summary of existing stormwater discharge sampling data must be maintained, if available.

(b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part VII.F.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

(1) Good Housekeeping – Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

(2) Spill Prevention and Response Procedures – Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(3) Inspections – Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for review upon request by the agencies and officials in Part VII.J of this general permit.

(4) Employee Training – An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

(5) Record Keeping and Internal Reporting Procedures – A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(6) Management of Runoff – The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

(c) Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:

(1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or

containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the small MS4's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(2) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VII.F.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VII.F.2.(b) "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.

(3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC § 305.128, relating to Signatories to Reports.

(4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections required in Part VII.F.2.(b)(3) of this general permit.

3. Concrete Truck Wash Out Requirements

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

(a) Direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

(b) Concrete truck washout water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

(c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck washout water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

(d) The discharge of wash out water shall not cause or contribute to groundwater contamination.

(e) The SWP3 shall include concrete wash out areas on the associated map.

Section G. Effective Date of Coverage

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

Section H. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

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

Section I. Plan Review and Making Plans Available

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

Section J. Keeping Plans Current

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

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

Section K. Delegation of Signatory Authority

If signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports) using the State of Texas Environmental Electronic Reporting System (STEERS), TCEQ's online permitting system, unless the permittee requested and obtained an Electronic Reporting Waiver. A new Delegation of Signatory form must be submitted if the delegation changes to another individual or position during the permit term.

Section L. Additional Retention of Records

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

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

Appendix D

“Notice of Intent (NOI)”

Texas Commission on Environmental Quality
Stormwater Team, Water Quality Division
12100 Park 35 Circle, Austin, TX 78753 | (512) 239-1000

NOTICE OF INTENT (NOI)
Under Phase II MS4 General Permitting Program

MS4 Entity Information

MS4 Name: East Montgomery County MUD 3 MS4

MS4 Operator: East Montgomery County MUD 3

MS4 Class: Phase II: Small | **Operator Type:** Municipal | **MS4 Entity Type:** District

City: New Caney | **County:** Montgomery | **MS4 State/Territory:** Texas

Designation Date: 12/30/2024 | **Designation Type:** Automatic Nationwide | **Population:** | **Source:**

MS4 Identifier: MS4-TX-SM-MU-2024-0675 | **NPDES ID:** TXR040784 | **MGP Number:** TXR040000 | **Joint Coverage:** No

Description of Location:

Area within the East Montgomery County MUD 3 limits that is located within the 2020 Houston Urban Area.

Application Fee Information

Provide your payment information below, for verification of payment: ePay

Voucher Number: 748093

Use the space below to attach a copy of your payment voucher:

Name	Uploaded Date	Size
East MC MUD 3 - TCEQ ePay (voucher).pdf (attachment/27833)	08/03/2026	112.35 KB

MS4 Contact Information

MS4 Operator Contact Information

First Name: Phil | **Middle Initial:** | **Last Name:** Maybee

Title: President | **Organization:** East Montgomery County MUD 3

Phone: 713-942-9922 | **Phone Ext:** | **Email:** info@emcmud3.com

MS4 Operator Contact Mailing Address

Address Line 1: 3700 Buffalo Speedway, Suite 830

Address Line 2:

City: Houston | **State:** TX | **ZIP/Postal Code:** 77098

Application Contact and any additional MS4 contacts

First Name: Justin | **Last Name:** Klump

Title: Municipal Consultant | **Phone:** 281-736-4465

Email: jtklump@swstx.com

Contact Type: MS4 Manager

Annual Billing Contact Information

First Name: | **Middle Initial:** | **Last Name:**

Title: Bookeeper | **Organization:** Municipal Accounts & Consulting, L. P.

Phone: | **Phone Ext:** | **Email:**

Annual Billing Mailing Address

Address Line 1: 1281 Brittmoore Road

Address Line 2:

City: HOUSTON **State:** TX **ZIP/Postal Code:** 77043

Core Data Form

Is the applicant a current customer with the TCEQ? Yes

- **What is the Customer Number (CN) issued to this entity? CN:** 601477474

What is the Legal Name of the entity (applicant) applying for this permit? East Montgomery County Municipal Utility District 3

Complete and attach a Core Data Form (TCEQ-10400) (https://www.tceq.texas.gov/permitting/central_registry/guidance.html) for this customer:

Name	Uploaded Date	Size
East MC MUD 3 - CDF (wet).pdf (attachment/27755)	07/30/2026	202.65 KB

Regulated Entity Information

Is this an existing permitted site? No

Name of site as known by the local community: East Montgomery MUD 3 MS4

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

- Houston, TX

Provide a brief description of the regulated MS4 boundaries:

Area within the East Montgomery County MUD 3 limits that is located within the 2020 Houston Urban Area.

Standing With TCEQ

Do you owe TCEQ any delinquent fees?: No

What is your Regulated Entity Reference Number (RN)'s Compliance History classification? Check your RN's Compliance History classification using the TCEQ Compliance History Database Search:

New RN- no classification available

MS4 General Information

Was your MS4 formally "designated" by TCEQ as needing coverage under this general permit based on 40 CFR § 122.32(a)(2) (https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.32#p-122.32(a)(2)) or 40 CFR § 122.26(a)(1)(v) (https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.26#p-122.26(a)(1)(v))?

No

Select the MS4 level, which is based on the population served within the "urban area with a population of 50,000 or more people" based on the 2020 Decennial Census.

Level 2b: Level 2b: Non-traditional MS4s: This level also includes all non-traditional small MS4s regardless of population unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage.

What is the estimated current population served by your MS4 (regulated area)? 2250

Is the MS4 part of a coalition? No

Receiving Waterbody Information

Discharge Information

List the names of all waterbody receiving stormwater discharges from the MS4. For each waterbody, please report the classified segments it discharges into and, if applicable, any impairments and TMDLs.

983: Dry Creek

Name of the first waterbody to receive discharge from the small MS4: Dry Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Caney Creek
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** Yes
    - **What is/are the pollutants of concern?:** bacteria

Stormwater Management Program (SWMP)

I acknowledge that a SWMP has been developed according to the provisions of the Small MS4 General Permit TXR040000. Yes

Have the program elements in the previous SWMP been re-assessed and modified and new program elements been developed and implemented, as necessary? No. This facility did not have a previous authorization.

Is the optional 8th Minimum Control Measure (MCM) for Municipal Construction Activities selected and included with the SWMP? No

Do you have a webpage where the SWMP and annual reports will be posted for the public view? Yes

➔ **Provide the web address URL:** https://www.emcmud3.com/

MCM1: Public Education and Outreach

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 1? No

I understand that my MS4's public education and outreach program must at a minimum include the following target audiences, as applicable:

- Universities- faculty, other staff, and students;
- Military bases - military personnel (and dependents), and employees (including contractors);
- Prison complexes or other multi-building complexes -staff and contractors
- Municipal Utility Districts and other special districts -staff and contractors;
- Transportation authorities - staff, contractors, and users.

Yes

What is/are the pollutant(s) or source(s) being addressed?

- Grass clippings and leaf litter
- Pet waste

Does your MS4 have a website? Yes

➔ **Provide the web address URL:** https://www.emcmud3.com/

Public Education and Outreach BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement the following BMPs and Measurable Goals.

BMP: Information on the MS4 Operator's website

Associated Measurable Goal: Maintain a webpage with current and accurate information and working links. All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. Must be maintained for the full year, each year. Yes

BMP: Social media posts, social media campaign

Associated Measurable Goal: Post a minimum of four times each year on a minimum of one social media platform. The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. The messages shall be seasonally appropriate. Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year. No

BMP: Maintain or mark storm drains and inlets with, "No Dumping – Drains to Creek" or a similar message

Associated Measurable Goal: Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year. Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year. No

BMP: Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; and kiosks

Associated Measurable Goal: Develop topics that address activities or pollutants of concern. Advertisement must be active for a minimum of three weeks each year; or must have an estimated public exposure for the duration of the advertising campaign that is equal to twice the population for the small MS4 area (based on the most recent U.S. Census Bureau decennial population value for the small MS4 area). No

BMP: Publish articles in local newspaper or newsletter, may be electronic

Associated Measurable Goal: Develop article topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time. A minimum of two articles must be published or emailed to target audience groups each year. No

BMP: Fact sheets/brochures/utility bill inserts/door hangers

Associated Measurable Goal: Develop material topics that are group specific and address activities or pollutants of concern. Fact sheets, brochures, bill inserts, door hangers, or handouts shall be distributed each year for at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. Yes

BMP: Permanent stormwater related signage

Associated Measurable Goal: Place signage in a location where the message is relevant, and highly visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains, as necessary, 100% of the signage once annually. No

BMP: Promote, host, or develop educational meetings, seminar, or trainings

Associated Measurable Goal: Hold, host, or promote a minimum of one event for Level 1 and 2 MS4s or two events for Level 3 and 4 MS4s annually. The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. These events may address different pollutants and audiences. Yes

BMP: Targeted education campaign via mail, email, or in person

Associated Measurable Goal: Minimum of one campaign annually distributed to at least 75% of the intended audience, or with a specific event advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. Yes

MCM2: Public Involvement/Participation

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 2? No

Public Involvement/Participation BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement the following BMPs and Measurable Goals.

BMP: Stream/lake or watershed clean-up events; litter/trash clean-up events such as Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc

Associated Measurable Goal: Host or support at a minimum one event for Level 1 and 2 MS4s or two events for Level 3 and 4 MS4s annually. To be considered an event, the land area cleaned must be a minimum of: two acres, 400 yards of steam/streambank/riparian area, or two miles of roadside. These may be combined (such as one acre of land and 200 yards of stream). No

BMP: Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration

Associated Measurable Goal: Host or support at a minimum one event for Level 1 and 2 MS4s or two events for Level 3 and 4 MS4s annually. To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. An event may take place in streams, parks, areas adjacent to public waterways, or other green space. An event may be a combination of locations and areas. No

BMP: Volunteer water quality monitoring such as Texas Stream Team

Associated Measurable Goal: Host or support a minimum one event annually. To be considered an event, the monitoring must be conducted at minimum once each year. No

BMP: Stormwater related speaker series

Associated Measurable Goal: Provide or support a minimum of one session for Level 1 and 2 MS4s or two sessions for Level 3 and 4 MS4s each year. These may be different speakers or audiences. Yes

BMP: MS4 area-wide stormwater survey for input on program implementation

Associated Measurable Goal: Provide or support a minimum of one public survey annually for input on the program implementation to be distributed to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. Yes

BMP: Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups to cover stormwater topics such as: Building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff

Associated Measurable Goal: Provide or support at minimum one project or training annually. No

BMP: Educational display/booth at a school, public event, or similar event to provide information or displays that work to improve public understanding of issues related to water quality.

Associated Measurable Goal: Provide or support one booth or display at minimum annually. The booth or display must be staffed during the time which the event is open to the public. No

BMP: Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting

Associated Measurable Goal: Host or support a minimum of one meeting annually for input on the program implementation to be advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. Yes

MCM3: Illicit Discharge Detection and Elimination (IDDE)

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 3? No

Illicit Discharge Detection and Elimination (IDDE) BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Maintain a current and accurate MS4 map as described in Part IV.D.3.(c)(1) of the General Permit.

Associated Measurable Goal: Review and update, as necessary, at least one time annually to include features which have been added, removed, or changed. Yes

- **What is the current status of your MS4 map?** Under Development

BMP: Conduct training for all the permittee's field staff as described in Part IV.D.3.(c)(2) of the General Permit.

Associated Measurable Goal: Conduct a minimum of one training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities. Yes

BMP: Maintain and publicize a public reporting method for the public to report illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part IV.D.3.(c)(3) of the General Permit.

Associated Measurable Goal: Maintain a minimum of one public reporting mechanism 100% of the time during the permit term. Publicize the public reporting mechanism a minimum of two times annually in a method designed to reach the majority of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. In addition, if the MS4 operator has a public website, the public reporting mechanism must be publicized on the public website 100% of the time during the permit term. Yes

BMP: Develop and maintain procedures for responding to illicit discharges, illegal dumping, and spills as described in Part IV.D.3.(c)(4) of the General Permit.

Associated Measurable Goal: Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Yes

BMP: Source investigation and elimination of illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5) of the General Permit.

Associated Measurable Goal: Respond to 100% of known illicit discharges and illegal dumping incidents each year to investigate sources (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Each year, respond to 100% of high priority discharges each year, such as sanitary sewer discharges within 24 hours (or some Level 2b MS4s must notify the appropriate agency with the authority to act). For 100% of known illicit discharges or illegal dumping incidents where the small MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office each year. Notify TCEQ immediately of 100% of illicit flows believed to be an immediate threat to human health or the environment throughout the permit term. Yes

BMP: Corrective action to eliminate illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5) of the General Permit.

Associated Measurable Goal: For 100% of illicit discharges or illegal dumping where a source has been determined, notify the responsible party of the problem within 24 hours. Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge. Yes

BMP: Inspection Procedures as described in Part IV.D.3.(c)(6) of the General Permit.

Associated Measurable Goal: Review and update the procedures at least one time annually to address changes and make improvements to the established inspection procedures where applicable. Yes

BMP: Inspections in response to complaints as described in Part IV.D.3.(c)(6) of the General Permit.

Associated Measurable Goal: Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act) Yes

MCM4: Construction Site Stormwater Runoff Control

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 4? No

Construction Site Stormwater Runoff Control BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a) of the General Permit.

Associated Measurable Goal: Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable. Yes

BMP: Prohibit discharges as described in Part IV.D.4.(b)(2) of the General Permit.

Associated Measurable Goal: Develop and maintain an ordinance or other regulatory mechanism to prohibit these discharges. Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable. Yes

BMP: Maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction as described in Part IV.D.4.(b)(3) of the General Permit.

Associated Measurable Goal: Review and update site plan review procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Implement site plan review procedures for 100% of new construction site plans received each year. Yes

BMP: Implement procedures for inspecting large and small construction projects as described in Part IV.D.4.(b)(4) of the General Permit.

Associated Measurable Goal: Review and update inspection procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Yes

BMP: Conduct construction site inspections as described in Part IV.D.4.(b)(4) of the General Permit.

Associated Measurable Goal: Conduct inspections at a minimum of 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act). Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures *(except for some Level 2b small MS4s without the appropriate authority to act)*. Yes

➥ **Do you have the appropriate authority to implement this BMP?** Yes

BMP: Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5) of the General Permit.

Associated Measurable Goal: Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable. Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term. Yes

BMP: Conduct training for all the MS4 staff whose primary job duties are related to implementing the construction stormwater program as described in Part IV.D.4.(b)(6) of the General Permit. Training may be conducted in person or using self-paced training materials such as videos or reading materials.

Associated Measurable Goal: Conduct a minimum of one training annually for 100% of MS4 staff whose primary job duties are related to implementing the construction stormwater program. Yes

MCM5: Post Construction Stormwater Management in New Development and Redevelopment

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 5? No

Post Construction Stormwater Management in New Development and Redevelopment BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.5.(a)(2) of the General Permit.

Associated Measurable Goal: Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable. Yes

BMP: Document and maintain records of enforcement actions and make them available for review by the TCEQ as described in Part IV.D.5.(b)(1) of the General Permit.

Associated Measurable Goal: Maintain records of 100% of enforcement actions taken each year. Make 100% of enforcement records available to TCEQ for review within 24 hours of request. Yes

BMP: Ensure the long term operation and maintenance of structural stormwater control measures installed as described in Part IV.D.5.(b)(2) of the General Permit.

Associated Measurable Goal: Following a maintenance plan and schedule established by the small MS4 operator, maintain 100% of stormwater control measures each year where the small MS4 operator is responsible for maintenance. Each year, require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. Require the site owner or operators to maintain documentation, such as a tracking log, onsite of 100% of the maintenance performed and made available for review by the small MS4 operator or TCEQ within 24 hours of the request. Yes

MCM6: Pollution Prevention and Good Housekeeping for Municipal Operation

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 6? No

Pollution Prevention and Good Housekeeping for Municipal Operation BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Permittee-owned Facilities and Control Inventory as described by Part IV.D.6.(b)(1) of the General Permit.

Associated Measurable Goal: Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls in the small MS4 area. Review and update the inventory at least one time annually to address changes or additions to the facilities and controls where applicable. Yes

BMP: Training and Education as described in Part IV.D.6.(b)(2) of the General Permit. Training may be conducted in person or using self-paced training materials such as videos or reading materials.

Associated Measurable Goal: Conduct a minimum of one training annually for 100% of employees involved in implementing pollution prevention and good housekeeping practices. For small MS4s which use only contractors to implement pollution prevention and good housekeeping practices, ensure training of 100% of applicable contract staff is conducted at least one time annually using contract language or another similar method. Yes

BMP: Disposal of Waste Material as described in Part IV.D.6.(b)(3) of the General Permit.

Associated Measurable Goal: Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable each year. Yes

BMP: Contractor Requirements and Oversight as described in Part IV.D.6.(b)(4) of the General Permit.

Associated Measurable Goal: Each year, ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV D.6.(b)(2)-(6). Implement oversight procedures of contractor activities in 100% of contracts to ensure that contractors are using appropriate control measures and SOPs each year. Oversight procedures must be maintained on-site 100% of the time and made available for review by TCEQ within 24 hours of request. Yes

BMP: Assessment of permittee-owned operations as described in Part IV.D.6.(b)(5)a of the General Permit.

Associated Measurable Goal: Evaluate 100% of operation and maintenance activities, in conjunction with procedure reviews if appropriate, for their potential to discharge pollutants in stormwater annually. Yes

BMP: Identify pollutants of concern as described in Part IV.D.6.(b)(5)b. of the General Permit.

Associated Measurable Goal: Identify pollutants of concern that could be discharged from all of the operation and maintenance activities described in Part IV.D.6.(b)(5)b and maintain a list of 100% of the pollutants identified. Including for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash. Review and update the pollutants of concern list at least one time annually to address changes or additions to the operation and maintenance activities where applicable. Yes

BMP: Pollution Prevention Measures as described in Part IV.D.6.(b)(5)c. of the General Permit.

Associated Measurable Goal: Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations. Yes

➜ **Implement at least two of the following pollution prevention measures:**

- Place barriers around or conduct runoff away from 100% of deicing chemical storage areas to prevent discharge into surface waters each year.
- Track 100% of the application of deicing and anti-icing compounds in the MS4 area and record the amount of compound used for each application annually.

BMP: Inspection of Pollution Prevention Measures as described in Part IV.D.6.(b)(5)d of the General Permit.

Associated Measurable Goal: At least one time annually, visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities to ensure they are working properly. Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted. Review and update the inspection procedures at least one time annually to address changes or additions to the pollution prevention measures. Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ within 24 hours of a request. Yes

BMP: Structural Control Maintenance as described by Part IV.D.6.(b)(6) of the General Permit.

Associated Measurable Goal: At least one time annually, perform maintenance of 100% of the structural controls which require maintenance. Maintenance must follow a plan and schedule developed by the small MS4 operator to be consistent with maintaining the effectiveness of the BMP. The permittee shall develop and maintain written procedures that define the frequency of inspections and how they will be conducted. Review and update the maintenance procedures at least one time annually to address changes or additions to the pollution prevention measures. Yes

Notes and Additional Information

Do you have any notes or additional information you would like TCEQ to know or consider regarding your MS4? No

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel gathered and evaluated the information submitted. Based upon my inquiry of the person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for willful violations.

Certified By: Phil Maybee

Certifier Title:

Certifier Email: maybeephil@gmail.com

Certified On: 08/03/2026 12:00 PM ET