The City of Rockwall

Storm Water Management Program

Prepared for

The City of Rockwall, Texas

January 2008, Revised September 2008

Final TCEQ Approval December 16, 2008

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Contents

Acronyms/Definitions

BMP	Best Management Practice
CGP	Construction General Permit
EPA	Environmental Protection Agency
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable
MUD	Municipal Utility District
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
SWPPP	Storm Water Pollution Prevention Plan
SWMP	Storm Water Management Program
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
iSWM	Integrated Storm Water Management
NCTCOG	North Central Texas Council of Governments
Executive Director	Executive Director for the Texas Commission on Environmental Quality

Preface

Regulatory Background

The City of Rockwall ("Rockwall" or "the City") is a small Municipal Separate Storm Sewer System (MS4) operator that is located within an urbanized area as determined by the 2000 Decennial Census by the U.S. Census Bureau and is therefore eligible for coverage under TPDES General Permit No. TXR040000 (General Permit).

To the extent allowable under state and local law, a Storm Water Management Program (SWMP) must be developed and implemented according to the requirements of Part III of TPDES General Permit No. TXR040000, for storm water discharges that reach waters of the United States. The SWMP must be developed to prevent pollution in storm water to the maximum extent practicable (MEP) and effectively prohibit illicit discharges to the system. Existing programs or best management practices (BMPs) may be used to fulfill the requirements of the General Permit. The SWMP must include a timeline that demonstrates a schedule for implementation of the program throughout the permit term. If changes to the plan are needed, revisions will be summarized in the Annual Report.

Setting

The City of Rockwall, located at Latitude 32°55'12" and Longitude 92°27'35", is the county seat of Rockwall County. The city limits cover over 22 square miles with a population of approximately 17,976 (Census 2000, U.S. Census Bureau). According to the North Central Texas Council of Governments (NCTCOG), the estimated population on January 1, 2007 for Rockwall was 30,750.

The topography in Rockwall varies from level to gently rolling, with an elevation of approximately 591 feet above sea level. The City is on the east shore or Lake Ray Hubbard, and numerous streams flow through the City. Rockwall's annual average temperature is 66 degrees Fahrenheit (°F) with a mean low temperature of 31°F and a mean high temperature of 94.5 °F. The annual average precipitation is 39.34 inches.

Drainage policies have been developed by the City and are regulated through the development permitting process. The City's Engineering Department coordinates this process. The City Engineer is responsible for reviewing construction plans (including specifications) for compliance with City drainage policies. *Exhibit 1* depicts city limits and service area for Rockwall.

Organization and Legal Authority

The City of Rockwall operates under a Council-Manager form of government. Six council members and a mayor represent the City Council which sets City policies and issues City ordinances and rules. The Mayor and Council members appoint the City Manager. The City Manager is responsible for preparing recommendations for Council consideration, serves as the Council's Chief Advisor, and carries out the Council's policies. The City Attorney assists with updating existing ordinances and writing and implementing new ordinances.

Orders and Guidance

Key City of Rockwall ordinances and guidelines that may be affected by the Storm Water Management Program (SWMP) include:

- City of Rockwall Standards of Design and Construction
- City of Rockwall Code of Ordinances
    - Chapter 6 - Buildings and Building Regulations
    - Chapter 11 - Flood Damage Prevention Ordinance
    - Chapter 13 - Garbage, Trash, Refuse, Littering, Etc.
    - Chapter 19 - Parks and Recreation
    - Chapter 23 - Streets, Sidewalks and Public Places
    - Chapter 24 - Subdivision Regulations
    - Chapter 26 - Water, Sewers, and Sewage Disposal
- Master Drainage Plan
- Tree Preservation Landscape Ordinance
- North Central Texas Council of Governments (NCTCOG) *integrated* Storm Water Management (iSWM) Program

Construction and Development

The City Code of Ordinances and the City's Standards for Design and Control (Ordinance No. 86-89) govern development in Rockwall. It is recommended that a pre-application conference be held with City staff for potential development projects. The applicant submits general information for the project and provides an opportunity to receive feedback regarding a proposal prior to preparing drawings and information for the application. Each application submittal is reviewed by the City's Development Review Committee comprised of representatives from development-related departments of the City. This group reviews each application to assure compliance with City ordinances and makes recommendations based on good planning principles and practices. The City Engineer reviews the final plat for compliance with the City's Standards for Design and Construction. Based on this review, the Planning Department notifies the applicant of staff comments that need to be addressed.

The City of Rockwall MS4 is permitted under the Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) program. To comply with the permit requirements, the City requires the owner and contractor of any development of one acre and greater to comply with the TPDES Construction General Permit (TXR150000), including sites that are part of a larger common plan, to submit and get approval of a Storm Water Pollution Prevention Plan (SWPP) and Construction Site Notice (for small sites) or Notice of Intent (NOI) (for large sites) the construction activities. Once approved, the City inspects the construction operations to ensure that the proposed controls are maintained appropriately.

The City participated with the NCTCOG in the development of the iSWM program, which includes the Design Manual for Construction. As a member city of the NCTCOG, the City plans to use the iSWM program as the basis of its SWMP BMPs for storm water management.

The purpose of adopting the iSWM Design Manual for Construction is to provide design guidance and a framework for incorporating effective and environmentally sensitive storm water management on the new development and redevelopment sites. By incorporating the planning and design criteria proposed in iSWM, the City will provide uniform requirements for the preparation of Site Plans, which will need to include at a minimum: a project description and design considerations, a description of existing conditions, a conceptual site layout, and a SWPPP. By requiring compliance with the TPDES Construction General Permit and adopting the iSWM requirements, the City will be addressing the implementation of the SWMP for minimum control measures (MCMs) 4 and 5 (Construction Site Storm Water Runoff Control and Post-Construction Storm Water Management in New Development and Redevelopment).

Inspection/Enforcement

The City's Standards of Design and Construction (Ordinance No. 86-89) regulate City construction standards. Per this ordinance, construction of subdivision and lot development are regulated to prevent erosion and diversion of water from the approved route of discharge. The ordinance recognizes erosion from construction sites as a potential water quality problem and presents methods for temporary and permanent management techniques to control sediment loads. The ordinance makes the developer fully responsible for the construction of off-site drainage improvements necessary for his subdivision and the surrounding area.

Once construction plans have been approved by the City Engineer, a construction inspector is assigned to the project to ensure all City codes, policies, and procedures are followed. Project notes are generated from the inspections. The City does not issue the "Site Work Release" until the contractor has erosion control measures in place. Engineering Services conducts a final field inspection once construction is complete. All inspection of construction and verification of compliance to plans and specifications are conducted by City staff under the direction of the City Engineer. The City issues a "Letter of Completion" after construction is complete and has been approved.

The City also conducts building inspections through the City's Building Inspections Department, which is a part of the City's Building Department. After the final inspections have been approved, the City issues a "Certificate of Occupancy."

In terms of enforcement, the City has ordinances in place to regulate illicit dumping and discharges. Placing of garbage, trash, rubbish and any article, thing or material upon any property within the City limits, except where authorized by law is prohibited and constitutes a violation of Chapter 13 of the Code of Ordinances (Garbage, Trash, Refuse, Littering, etc.). This ordinance also requires owners or the person in charge to dispose of heavy accumulation of brick, concrete, lumber, cinder blocks, automobile frames, trees, shrubbery, large dead animals, industrial wastes of by-products and other bulky material.

Reported illegal dumping/discharges and spills are reported to the City's Public Works Service Center. Once the City receives a complaint, a work order is created and the City dispatches personnel to investigate the complaint.

Municipal Operations

The City will implement housekeeping and operation and maintenance (O&M) practices in its municipal operations for the reduction of potential pollutant runoff. For the implementation of these practices, a

training program will be set in place to key personnel in the different areas that could represent a source of storm water pollution.

Currently the City has identified the City of Rockwall Service Center and the Ralph M. Hall Municipal Airport as key areas to implement housekeeping and O&M practices. As part of its SWMP the City will continue reviewing other current municipal operations to identify areas that require implementation of these practices to improve the pollution control efforts.

In addition, the City will have in place a procedure for the inspection and maintenance of its MS4. The procedures will describe the removal of sediments, wastes and floatables from the system.

SWMP Rationale

This SWMP has been designed to address storm water quality management issues typical of a growing residential community. Concerns specific to local watersheds have been considered. Specific BMPs have been selected to effectively coordinate with existing activities and programs in the area.

SWMP Coverage

This SWMP addresses the requirements of TPDES General Permit No. TXR040000 for the City of Rockwall, Rockwall County, Texas.

SWMP Implementation Schedules

The implementation schedules in the SWMP are proposed based on available information. Where measurable goals are accomplished ahead of schedule, it will be reported in the Annual Report. In the event implementation schedule adjustments are needed, revisions to the SWMP will be made in accordance with the permit.

Storm Water Management Program

Regulatory Requirement

The federal Clean Water Act (CWA) and the Texas Water Code govern the prevention of water pollution across the state of Texas. Pursuant to rules adopted by the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ).

Phase I of the U. S. Environmental Protection Agency's (EPA) storm water program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address storm water runoff from: (1) medium and large municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity.

The Storm Water Phase II Final Rule posted on August 13, 2007, expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites to implement programs and practices to control polluted storm water runoff.

Storm Water Management Program

Rockwall has developed the SWMP in accordance with the requirements of the TPDES General Permit TXR040000 for obtaining authorization for storm water discharges and certain non-storm water discharges. The SWMP has been developed to reduce the storm water pollutants from the MS4 to the maximum extent practicable as required by the TPDES General Permit.

As required by the TPDES General Permit, the specific activities to be implemented in this SWMP include the following MCMs:

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

The following section presents the regulatory requirements and selected Best Management Practices (BMPs) for each MCM. Measurable goals and responsible parties are identified for each selected BMP.

MCM-1 Public Education and Outreach

TPDES General Permit TXR040000, Part III.A.1

(a) A public education program must be developed to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program: residents; visitors; public service employees; businesses; commercial and industrial facilities; and construction site personnel. The outreach must inform the public about the impacts that storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.

(b) The MS4 operator must document activities conducted and materials used to fulfill this Control Measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group

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BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. Support and participate in the Regional Storm Water Management Program's Public Education Task Force (PETF)	• Distribute education materials (e.g. brochures, videos, bookmarks, posters). • Conduct outreach activities (e.g. workshops, speakers to community groups, booth at City events, and cable TV). • Use the media (e.g. PSAs, banner ads) to address appropriate groups of the population.	a. Distribute education materials in Year 1.	Public Works	Year 1
		b. Conduct 1 outreach campaign in Year 2.		Year 2
		c. Conduct at least 2 outreach campaigns each year for Years 3-5.		Years 3-5
		d. Use appropriate tracking measures to document the outreach campaign efforts.		Years 3-5

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
B. Promote Texas SmartScape to homeowners or other group(s) of the population	• Distribute educational materials. • Conduct outreach activities. • Promote the SmartScape website. • Support the use of native or adapted plants in landscaping, to encourage water conservation practices, proper lawn and garden care, and lawn and garden activities.	a. Keep a record of the number of Texas SmartScape bookmarks or other educational materials distributed.	Public Works	Year 1-5
		b. Keep a record of the number of Texas SmartScape activities/events held.		Years 1-5
C. Informational Materials	• Distribute the informational materials by mail to residents. Materials, which can also be found on the City's webpage, will provide information on protecting storm water quality and may also contain facts about what is in the drinking water, water conservation tips, regulated and unregulated substances, frequently asked questions, and the City's goals for improving its water quality and services.	a. Development and distribution of one water quality report per year.	Public Works - Engineering Department	Years 1-5

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
D. Industrial/Commercial Storm Water Quality Information	• Distribute storm water quality information to local industrial and commercial facilities regulated by TCEQ.	a. The City will research and gather existing Industrial/Commercial storm water quality information.	Public Works - Engineering Department	Year 2
		b. Distribution of information once per year to industrial / commercial businesses.		Years 3-5
E. Construction/Post-Construction Handout	• Develop a handout describing erosion and sediment control, and storm water permit and management requirements for construction/post-construction activities.	a. Development of Construction/Post Construction Handout.	Public Works - Engineering Department	Year 2
		b. Distribution of handout at the development pre-construction meeting.		Years 3-5
F. Municipal Employee Training	• Evaluate and adopt education material, created by others, for training City's personnel. • Document employees and dates in which training was received.	a. Evaluation of existing training materials. Evaluation of strategy for training existing employees.	Shared Responsibility: Public Works Human Resources	Year 2
		b. Training of existing employees according to adopted strategy.		Years 3-5

F. Municipal Employee Training	• Evaluate and adopt education material, created by others, for training City's personnel. • Document employees and dates in which training was received.	c. Presentation of the SWMP to new employees during orientation. d. Keep documentation of employees receiving training, the type of training provided, and dates.	Shared Responsibility: Public Works Human Resources	Years 3-5
G. City Storm Water Webpage via NCTCOG	• Inform the public about storm water issues through a link to the NCTCOG Storm Water webpage from the City's website. • Inform visitors to the City through a link in the City's visitors information webpage.	a. Add a link in the City's webpage to the NCTCOG website for storm water. b. Develop a method to track the number of hits on the link to the NCTCOG site. c. Participate in the update of the NCTCOG Storm Water website, as appropriate.	Public Works - Engineering Department	Year 1 Year 2 Years 2-5
H. Documentation of Public Education and Outreach	• Develop and implement procedures for documenting public education and outreach efforts.	a. Develop documentation procedures for public education and outreach activities. b. Implement documentation procedures.	Public Works - Engineering Department	Year 2 Years 3-5

MCM-2 Public Involvement and Participation

TPDES General Permit TXR040000, Part III.A.2

The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this MCM.

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. Comply with State and Local Public Notice Requirements	• Compliance with state and local public notice requirements when implementing a public involvement/ participation program.	a. Provide public notice in local newspaper for permit application as required by TCEQ.	Public Works	Year 1
B. Public SWMP Presentations	• Develop a presentation, for the City Council, on the City's SWMP and the Phase II requirements.	a. Have one presentation to the City Council at a public meeting on the SWMP each year.	Public Works	Years 2-5
C. Provide Public with opportunity to participate in the program.	• Have available inlet markers for installation by civic groups or Boy Scouts.	a. Keep record of number of inlet markers installed.	Public Works	Years 2-5
D. Provide public with means to report illicit activities.	• Add a storm water section to the City's website with phone numbers and email addresses for storm water contacts.	a. Add phone numbers and email contacts to website.	Public Works	Year 2
		b. Keep a record of number of tips received.		Years 3-5

MCM-3 Illicit Discharge Detection and Elimination

TPDES General Permit TXR040000, Part III.A.3

(a) Illicit Discharges

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

(1) Detection - The SWMP must list the techniques used for detecting illicit discharges.

(2) Elimination - The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.

(b) Allowable Non-Storm Water Discharges

Non-storm water flows listed in Part II.B and Part VI.B. de not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants, either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2 of the general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

(1) A map of the storm sewer system must be developed and must include the following: (i) the location of all outfalls; (ii) the names and locations of the waters of the U.S. that receive discharges from the outfalls; (iii) any additional information needed by the permittee to implement its SWMP.

(2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified And how the map will be regularly updated.

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. Storm Sewer Map	• Develop a storm sewer map showing the location of all outfalls and waters of the U.S. receiving discharges from the identified outfalls.	a. Using USGS maps determine the locations of waters of the U.S.	Public Works - Engineering Department	Year 2
		b. Research existing storm sewer system plans.		Year 2
		c. Conduct field verification to physically locate and identify outfalls and prepare a storm sewer outfall map.		Years 3-5
		d. Have as-built plans with new storm sewer outfall locations mapped provided to the City after construction is completed on new developments. The information will be used to update the City's storm sewer outfall map.		Years 3-5
		e. Finalize storm sewer outfall map.		Year 5

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
B. Illicit Discharge Ordinance	• Revise existing ordinances or develop an ordinance to prohibit non-storm water discharges into the storm sewer system. • Implement appropriate enforcement procedures and actions.	a. Identify existing City ordinances that may contain an illicit discharge component.	Shared Responsibility: Director of Public Works The City Attorney's Office Code Enforcement Department	Year 1
		b. Revise content of ordinances, as appropriate.		Year 2
		c. Develop an Illicit Discharge Ordinance and / or modify existing ordinances in relation to illicit discharges.		Year 3
		d. Implement the Illicit Discharge Ordinance.		Years 4-5

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
C. Program to Detect and Address Illicit Discharges	• Detect and address non-storm water discharges and illicit discharges into the storm sewer system.	a. Evaluate the existing program and identify techniques to detect and address illicit discharges, non-storm water discharges, and illegal dumping.	Public Works	Year 2
		b. Conduct visual inspection of identified outfalls to detect illicit discharges and non-storm water discharges (33% of outfalls mapped each year).		Years 3-5

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
D. Identify Allowable Non-Storm Water Discharges	• Assess potential impact of allowable non-storm water discharges to determine potential pollution contribution. • Based on assessment, determine if any allowable non-storm water discharge should be prohibited.	a. Revision and evaluation of potential impact of the allowable non-storm water discharges from the TPDES general Phase II MS4. b. Post information on allowable non-storm water discharges on City's web page.	Public Works - Engineering Department	Year 2
		c. If necessary, non-storm water discharges that will not be allowed in Rockwall will be included in the City's Illegal Discharges ordinances.		Year 3
		d. Implement developed ordinances, if applicable.		Years 3-5

E. Illicit Discharge/ Dumping Response Plan	• Direct the public to report any illegal dumping or illicit discharge through the Public Works Service Center phone number or as directed on City's website. • Implement an Illicit Discharge/Dumping Response Plan.	a. Develop the Illicit Discharge/Dumping Response Plan	Public Works	Year 2
		b. Provide training of City personnel involved in the Response Plan.		Year 2
		c. Publicize the phone number and email address on the City's webpage.		Year 2
		d. Implementation of the Illicit Discharge Dumping Response Plan.		Years 3-5

F. Industrial/Commercial Storm Water Quality Information	Distribute storm water quality information to local industrial and commercial facilities regulated by TCEQ.	a. The City will research and gather existing Industrial/Commercial storm water quality information.	Public Works - Engineering Department	Year 2
		b. Distribution of information once per year to industrial / commercial businesses.		Years 3-5

G. Prevention of Illicit Discharges	• Provide mechanisms to prevent illicit discharges. Programs that support that mechanism include: o Annual collection event for household hazardous waste. o Curb-side collection of recyclable materials (Blue Bin). o Collection of tree limbs/leaves and grass clippings.	a. Schedule and conduct the Hazardous Waste Day for Collection of Household Hazardous Waste once a year.	Utility Department	Years 1-5
		b. Recycling materials (newspapers, magazines, and clear plastic bottles) are collected weekly and transported to a material recovery facility.		Years 2-5
		c. Provide a monthly curb-side pickup for bulk items such as tree limbs and leaves. Grass clippings will be picked up with the regular trash, twice per week.		Years 2-5

MCM-4 Construction Site Storm Water Runoff Control

TPDES General Permit TXR040000, Part III.A.5

(a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

(b) Requirements for construction site contractors to, at a minimum:

- (1) implement appropriate erosion and sediment control BMPs; and
- (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

(c) The MS4 operator must develop procedures for:

- (1) site plan review which incorporate consideration of potential water quality impacts;
- (2) receipt and consideration of information submitted by the public; and
- (3) site inspection and enforcement of control measures to the extent allowable under state and local law.

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. Adoption of sections of the NCTCOG iSWM Design Manual for Site Development Activities	• As a member city of the NCTCOG, the City plans to use the iSWM program as the basis of its SWMP BMPs for storm water management at Construction Sites. The City will evaluate the iSWM Design Manual for adoption in Site Development Activities	a. Evaluate the iSWM Manual for the conformance with site development activities. The evaluation will include a review of the proposed Integrated Site Design Practices and Integrated Storm Water Controls for suitability of implementation in Rockwall's SWMP. Review and implementation of portions of Chapter 1 of the iSWM Manual will provide with uniform requirements for Construction activities through the preparation of Site Plans. At a minimum the Site Plan will need to include at a minimum: a project description and design considerations, a description of existing conditions, a conceptual site layout, and a SWPPP. Chapter 5 of iSWM Manual will provide with selection tools for appropriate storm water controls. The requirements imposed by the Site Plans and the guidance provided by Chapter 5 will provide a means to comply with this MCM.	Public Works	Year 2

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. Adoption of sections of the NCTCOG iSWM Design Manual for Site Development Activities	• As a member city of the NCTCOG, the City plans to use the iSWM program as the basis of its SWMP BMPs for storm water management at Construction Sites. The City will evaluate the iSWM Design Manual for adoption in Site Development Activities.	b. Adoption of selected chapters and/or Integrated Site Design Practices/ Integrated Storm Water Controls for testing its application. The adopted chapters would address at minimum erosion and sediment control, waste management, site plan and site inspection procedures. Once the portions of the iSWM Manual to be implemented are selected, the City will determine measurable goals and implementation schedule for each activity.	Public Works	Year 3
		c. Review performance of adopted portions of iSWM for its applicability to the City. Modify or discard those portions that do not apply.		Year 4
		d. Develop and/or modify local ordinances that will be used to adopt and implement the selected portions of the iSWM Manual.		Year 5

B. Implementation of requirements imposed by the City 's Standards for Design and Control	• The mechanism for implementation of requirements is achieved during the coordination process with contractors that starts at pre-construction meetings and continues through the life of the project to insure proper O&M.	a. Conduct pre-construction meetings for proposed new construction projects to provide design compliance guidelines to contractors.	Public Works - Engineering Department	Years 1-5
		b. Conduct inspections and follow up on complaints on construction sites. Follow up by providing recommendations on modification/improvement of contractor's BMPs and O&M practices.		Years 1-5
C. Implementation of requirements imposed by the Chapter 13 of City Code of Ordinance (Garbage, Trash, Reufse, Littering, etc.)	• The mechanism for implementation of requirements is achieved during the coordination process with contractors that starts at pre-construction meetings and continues through the life of the project to insure proper O&M.	a. Conduct pre-construction meetings for proposed new construction projects to provide compliance guidelines to contractors for the management of waste.	Public Works - Engineering Department	Years 1-5
		b. Conduct inspections and follow up on complaints on construction sites. Follow up by providing recommendations on modification/improvement of contractor's BMPs and O&M practices.		Years 1-5

D. Illicit Discharge/ Dumping Response Plan	• Direct the public to report any illegal dumping or illicit discharge through the Public Works Service Center phone number or as directed on City's website. • Implement an Illicit Discharge/Dumping Response Plan.	a. Develop the Illicit Discharge/Dumping Response Plan.	Public Works	Year 2
		b. Provide training of City personnel involved in the Response Plan		Year 3
		c. Publicize the phone number and email address on the City's webpage.		Year 3
		d. Implementation of the Illicit Discharge Dumping Response Plan.		Years 3-5
E. Construction/Post-Construction Handouts	• Develop a handout describing erosion and sediment control, and storm water permit and management requirements for construction/post-construction activities.	a. Development of Construction/Post Construction Handout.	Public Works – Engineering Department	Year 2
		b. Distribution of handout at the development pre-construction meeting.		Years 3-5

MCM-5 Post Construction Storm Water Management in New Development and Redevelopment

TPDES General Permit TXR040000, Part III.A.6 (excerpts)
(a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
(b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and
(c) Ensure adequate long-term operation and maintenance of BMPs.

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. Adoption of sections of the NCTCOG iSWM Design Manual for Site New Development and Redevelopment Activities	• Evaluate the iSWM Design Manual for adoption in New Development and Redevelopment Activities.	a. Evaluate specific chapters and/or proposed Integrated Site Design Practices/Integrated Storm Water Controls for its applicability in New Development and Redevelopment Activities. Review and implementation of portions of Chapters 1, 4 and 5 of the iSWM Manual will provide with an integrated approach that will serve as means of long-term control of storm water management for both new development and redevelopment. Chapter 4 will provide with selection and design criteria for structural controls to comply with storm water velocity and surface water elevation limitations. Description of storm water controls in Section 5.2 will provide with an overview of operation and maintenance requirements through the life of these controls.	Shared responsibility: Public Works - Engineering Department Planning Department Building Department The City Attorney's Office	Year 2
		b. Adopt selected portions of the iSWM manual to "Test Drive" its applicability in the SWMP for Rockwall. The adopted chapters would address at minimum site plan and site inspection procedures. Once the portions of the iSWM Manual to be implemented are selected, the City will determine measurable goals and implementation schedule for each activity.		Year 3

A. Adoption of sections of the NCTCOG iSWM Design Manual for Site New Development and Redevelopment Activities	• Evaluate the iSWM Design Manual for adoption in New Development and Redevelopment Activities.	c. Review performance of adopted portions of iSWM for its applicability to the City. Modify or discard those portions that do not apply.	Shared responsibility: Public Works - Engineering Department Planning Department Building Department The City Attorney's Office	Year 3
		d. Develop and/or modify local ordinances that will be used to adopt and implement the selected portions of the iSWM Manual.		Year 5
		e. Implement new procedures.		Years 2-5
B. Final inspection	• Final field inspection is conducted once construction is complete. Verification of compliance to plans and specifications, which includes site stabilization and installation of proposed controls, is conducted during this inspection.	a. Conduct field inspection for completed construction sites.	Public Works - Engineering Department	Years 1-5
		b. Issue "Letters of Completion" for those sites that comply with plans and specifications.		Years 1-5
		c. Follow up with the contractors about complaints and observations in the field to insure long term O&M		Years 1-5

C. Illicit Discharge/ Dumping Response Plan	• Direct the public to report any illegal dumping or illicit discharge through the Public Works Service Center phone number or as directed on City's website. • Implement an Illicit Discharge/Dumping Response Plan.	a. Develop the Illicit Discharge/Dumping Response Plan.	Public Works	Year 2
		b. Provide training of City personnel involved in the Response Plan.		Year 3
		c. Publicize the phone number and email address on the City's webpage.		Year 3
		d. Implementation of the Illicit Discharge Dumping Response Plan.		Years 3-5
D. Construction/Post-Construction Handout	Develop a handout describing erosion and sediment control, and storm water permit and management requirements for construction/post-construction activities.	a. Development of Construction/Post Construction Handout.	Public Works – Engineering Department	Year 2
		b. Distribution of handout at the development pre-construction meeting.		Years 3-5

MCM-6
Pollution Prevention/Good Housekeeping for Municipal Operations (MCM #6)

TPDES General Permit TXR040000, Part III.A.3 (excerpts)

(a) Good Housekeeping and Best Management Practices

Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations.

(b) Training

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

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following: maintenance activities; maintenance schedules; and long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

Waste removed from the small MS4, from structural controls, or collected as a result of municipal operations and maintenance activities must be properly disposed. A section of the SWMP must be developed to include procedures for the proper disposal of waste, including: dredge spoil; accumulated sediments; and floatables.

(e) Municipal Operations and Industrial Activities

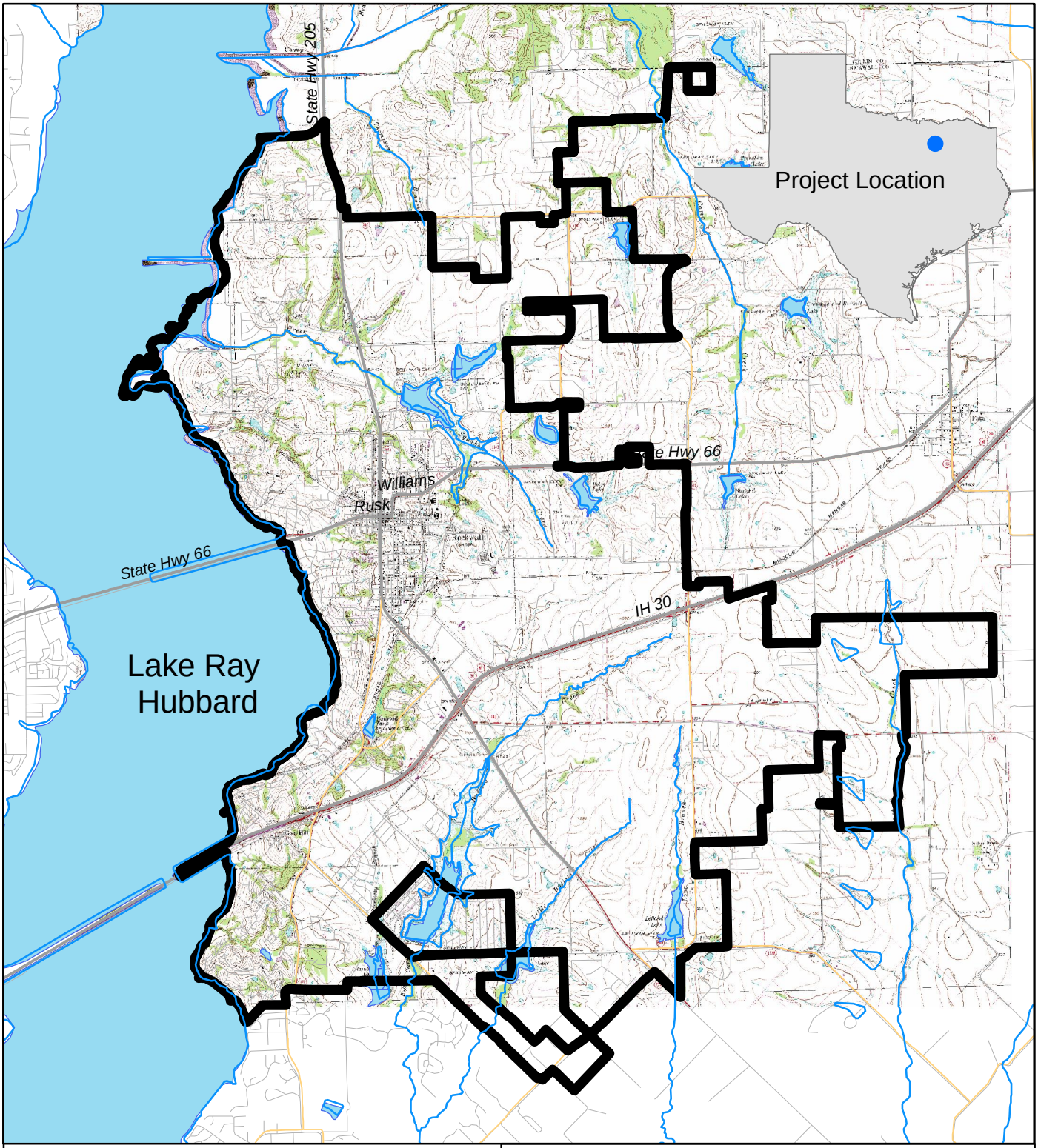
The SWMP must include a list of all municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and municipally owned or operated industrial activities that are subject to TPDES storm water regulations.

BMP	BMP Description	Measurable Goals	Responsible Party	Implementation Year
A. City Pollution Prevention Plan and O&M (Operation and Maintenance)	• Review of current municipal operations and areas to identify potential sources of storm water pollution. • The potential pollutant sources will be prioritized and any current good housekeeping practices and/or BMPs will be evaluated. • Additional structural and/or non-structural controls will be selected to address these pollutant sources. • An inspection and O&M schedule and procedures will then be developed for the controls. The inspection and O&M program will be implemented.	a. Identify municipal operations that may require a storm water pollution prevention plan. b. Complete a draft Pollution Prevention Plan for operations identified as needing a plan. c. Finalize and implement the Plan. The plan will include inspection procedures and schedules, and maintenance schedules for structural controls.	Shared Responsibility: Public Works Parks & Recreation Street Department	Year 2 Years 2-3 Years 4-5

B. Storm Water System Maintenance Plan	• Through an inspection process the City will identify the areas that require maintenance and will set a schedule for the regular maintenance of sensitive areas for waste accumulation. • The City will set a procedure for removing waste (sediments, floatables, etc.) from the storm sewer system.	a. Conduct an inspection process to identify sensitive areas for waste accumulation.	Public Works Parks & Recreation	Year 3
		b. Identify responsible party for the accumulation of material		Years 3-5
		c. Enforce cleaning by responsible party (city or property owner)		Years 3-5
C. Municipal Employee Training	• Evaluate and adopt education material, created by others, for training City's personnel. • Document employees and dates in which training was received.	a. Evaluation of existing training materials. Evaluation of strategy for training existing employees	Shared Responsibility: Public Works Human Resources	Year 2
		b. Training of existing employees according to adopted strategy.		Years 3-5

D. Municipal Waste Disposal Procedures	• Identify any municipal operations that generate wastes and the types of wastes generated. • Current waste disposal procedures will be evaluated and, if necessary, new or modified procedures will be developed. The procedures will be documented and municipal employees will be trained in proper waste disposal procedures (refer to BMP 6-B).	a. Identify municipal operations generating wastes and the types of wastes generated.	Shared Responsibility: Director of Public Works Director of Parks and Recreation	Years 1-2
		b. Develop and document waste disposal procedures and training of municipal employees.		Years 2-3
		c. Implement waste disposal procedures.		Years 4-5

Exhibit



Source:

3

0 3,000 6,000
Feet

Rockwall SWMP

Rockwall City Limits

TCB | AECOM

TCB INC.
17300 DALLAS PARKWAY SUITE 1010
DALLAS, TEXAS 75248
WWW.TCB.AECOM.COM

Date 9/08	Project No.	Exhibit 1

Appendix A

Copy of TPDES General Permit No. TXR040000

TCEQ Docket No. 2006-0428-WQ
TPDES GENERAL PERMIT
No. TXR040000

This is a new general permit issued pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act.

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

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

Small Municipal Separate Storm Sewer Systems

located in the state of Texas

may discharge directly to surface water in the state

only according to monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the Commission 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 storm water and certain non-storm water 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 date of issuance.

ISSUED AND EFFECTIVE DATE: AUG 13 2007

Kathleen H White
For the Commission

TCEQ GENERAL PERMIT NUMBER TXR040000
RELATING TO STORM WATER DISCHARGES ASSOCIATED WITH
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Table of Contents

Part I. Definitions and Terminology

A. Definitions

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

Classified Segment - refers to a water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 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 Site Operator - The person or persons associated with a small or large construction project that meets either of the following two criteria:

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

(b) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the Storm Water Pollution Prevention Plan or comply with other permit conditions).

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

Daily Maximum - For the purposes of compliance with the numeric effluent limitations contained in this permit, this is the maximum concentration measured on a single day, by grab sample, within a period of one calendar year.

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

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

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

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

Ground Water Infiltration - 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.

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

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

Indian Country - Defined in 18 USC Section (§) 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States 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 United States 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.

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

Large Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

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

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

Small Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

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

Storm Water and Storm Water Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

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

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

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

gabions, and temporary or permanent sediment basins.

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

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

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

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

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

(b) all interstate waters, including interstate wetlands;

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

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

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

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

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

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

(f) the territorial sea; and

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

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

B. Commonly Used Acronyms

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit, TXR150000
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
FR	Federal Register
IP	Implementation Procedures
MCM	Minimum Control Measure
MSGP	Multi-Sector General Permit, TXR050000
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOD	Notice of Deficiency
NOI	Notice of Intent
NOT	Notice of Termination (to terminate coverage under a general permit)
NPDES	National Pollutant Discharge Elimination System
SWMP	Storm Water Management Program

SWP3, SWPPP	Storm Water Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code

Part II. Permit Applicability and Coverage

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

A. Small MS4s Eligible for Authorization by General Permit

1. Small MS4s Located in an Urbanized Area

   A small MS4 that is fully or partially located within an urbanized area, as determined by the 2000 Decennial Census by the U.S. Bureau of Census, must obtain authorization for the discharge of storm water runoff and is eligible for coverage under this general permit.

2. Designated Small MS4s

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

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 urbanized area, as well as any portion of the small MS4 that is designated.

B. Allowable Non-Storm Water Discharges

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

1. water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

2. runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

3. discharges from potable water sources;

4. diverted stream flows;

5. rising ground waters and springs;

6. uncontaminated ground water infiltration;

7. uncontaminated pumped ground water;

8. foundation and footing drains;

9. air conditioning condensation;

10. water from crawl space pumps;

11. individual residential vehicle washing;

12. flows from wetlands and riparian habitats;

13. dechlorinated swimming pool discharges;

14. street wash water;

15. discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

16. other allowable non-storm water discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);

17. non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General permit (CGP); and

18. other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

C. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

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

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

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

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

2. Discharges of Storm Water Mixed with Non-Storm Water

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

3. Compliance with Water Quality Standards

Discharges to surface water in the state that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative general permit to authorize discharges to surface water in the state if the executive director determines that an activity will cause a violation of water quality standards or is found to cause or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for an individual permit considering factors described in Part II.E.2.

4. Discharges to Water Quality-Impaired Receiving Waters

New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed on the Clean Water Act § 303(d) list. Constituents of concern are those for which the water body is listed as impaired.

Discharges of the constituent(s) of concern to impaired water bodies for which there is a TMDL implementation plan are not eligible for this general permit unless they are consistent with the approved TMDL and the implementation plan. Permitted MS4 operators must incorporate the limitations, conditions and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their SWMP in order to be eligible for permit coverage. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual TPDES permit prior to discharging.

5. Discharges to the Edwards Aquifer Recharge Zone

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

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural storm water 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 storm water runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit. A copy of the agency-approved Water Pollution Abatement Plans that are required by the Edwards Aquifer Rule must either be attached as a part of the SWMP or referenced in the SWMP. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties:	Contact:
Comal, Bexar, Medina, Uvalde, and Kinney	TCEQ Water Program Manager San Antonio Regional Office 14250 Judson Road San Antonio, Texas 78233-4480 (210) 490-3096
Williamson, Travis, and Hays	TCEQ Water Program Manager Austin Regional Office 1921 Cedar Bend Drive, Suite 150 Austin, Texas 78758-5336 (512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Home Rule Municipalities

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

8. Indian Country Lands

Storm water runoff from MS4s or construction activities occurring 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 storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Other

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

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

D. Obtaining Authorization

1. Application for Coverage

When submitting an NOI and Storm Water Management Program (SWMP) as described in Parts II.D.3., II.D.4, and Part III for coverage under this general permit, the applicant must follow the public notice and availability requirements found in Part II.D.12. of this section.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI, on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed and the applicant has followed the public participation provisions in Part II.D.12. Following review of the NOI and SWMP, the executive director may determine that: 1) the submission is complete and confirm coverage by providing a notification and an authorization number, 2) the NOI and/or SWMP are incomplete and deny coverage until a complete NOI and/or SWMP are submitted, 3) approve the NOI and/or SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4)

deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

(a) Small MS4s Located in an Urbanized Area

Operators of small MS4s described in Part II.A.1 must submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Designated Small MS4s

Operators of small MS4s described in Part II.A.2 must submit an NOI and SWMP within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.

2. Late Submission of the NOI and SWMP

An NOI and SWMP are not prohibited from being submitted late or after the deadlines provided. If a late NOI and SWMP is submitted, authorization is only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

3. Storm Water Management Program (SWMP)

A SWMP must be developed and submitted with the NOI for eligible discharges that will reach waters of the United States (U.S.), including discharges from the regulated small MS4 to other MS4s or privately-owned separate storm sewer systems that subsequently drain to waters of the U.S. according to the requirements of Part III of this general permit and submitted with the NOI. The SWMP must include a time line that demonstrates a schedule for implementation of the program throughout the permit term. The program must be completely implemented within five years of the issuance date of this general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Implementation of the SWMP is required immediately following receipt of written authorization from the TCEQ.

Changes may be made to the SWMP during the permit term. Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI. Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made following written approval of the changes from the TCEQ, except that written approval is not required for the following changes:

(a) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP, may be made by the permittee at any time upon submittal of a notice of change (NOC) form to the address specified on the form to the TCEQ.

(b) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Changes must be submitted on

an NOC form to the address specified on the form. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request. Such requests must include the following:

(1) an explanation of why the BMP was eliminated;

(2) an explanation of the effectiveness of the replacement BMP; and

(3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

4. Contents of the NOI

The NOI must contain the following minimum information:

(a) MS4 Operator Information

(1) the name, mailing address, telephone number, and fax number of the MS4 operator; and

(2) the legal status of the MS4 operator (e.g., 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) if the applicant develops a seventh minimum control measure to obtain authorization for construction activities, the boundary within which those activities will occur;

(5) the name, mailing address, telephone number, and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;

(6) a certification that a SWMP has been developed according to the provisions of this permit;

(7) a statement that the applicant will comply with the Public Participation requirements described in Part II.D.12.;

(8) 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 shall be identified;

(9) the name of any MS4 receiving the discharge prior to discharge into surface water in the state; and

(10) 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.

5. Notice of Change (NOC)

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

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

6. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the present operator must submit a Notice of Termination (NOT) and the new operator must submit a NOI and SWMP. The NOT and NOI must be submitted concurrently no greater than 10 days after the change occurs.

7. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ. If TCEQ provides for electronic submission of NOTs during the term of this permit, authorization to discharge terminates 24 hours following confirmation of receipt of the electronic NOT form by the TCEQ. An NOT must be submitted within 30 days after the MS4 operator obtains coverage under an individual permit.

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

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

9. Fees

An application fee of $100 must be submitted with each NOI. A fee is not required for submission of a waiver form, an NOT, or an NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of $100 under Texas Water Code, § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

10. Permit Expiration

(a) This general permit is effective for five years from the date of issuance. Authorizations for discharge under the provisions of this general permit may 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 commission for an additional term or terms not to exceed five years.

(b) If the Executive Director proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC, Chapter 205. The general permit shall remain in effect for these dischargers until the date on which the commission takes final action on the proposal to reissue this general permit. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.

(c) Upon 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.

(d) If the commission 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, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

11. Suspension of Permit Coverage

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

immediately, if required by the executive director.

12. Public Participation

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

(a) The applicant must submit the NOI and a SWMP to the executive director.

(b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary determination on the NOI and SWMP.

(c) The notice must include:

(1) the legal name of the MS4 operator;

(2) identify whether the NOI is for a new small MS4 or is a renewal of an existing operation;

(3) the address of the applicant;

(4) a brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;

(5) the location and mailing address where the public may provide comments to the TCEQ;

(6) the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and

(7) if required by the executive director, the date, time, and location of the public meeting.

(d) This notice must be published at least once in the newspaper of largest circulation in the county where the small MS4 is located. If the small MS4 is located in multiple counties, the notice must be published at least once in the newspaper of largest circulation in the county containing the largest resident population. This notice shall provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice shall allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.

(e) The public comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held, the comment period will end at the closing of the public meeting. The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the

technical requirements or conditions of this general permit.

(f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant must publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.

(g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.

(h) The applicant must file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Office of Chief Clerk.

(i) The executive director, after considering public comment, shall approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.

(j) Persons whose names and addresses appear legibly on the sign in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

E. Permitting Options

1. Authorization Under the General Permit

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

(a) Participants

The SWMP must clearly list the name and permit number for each MS4 operator that contributes to development or implementation of the SWMP, and provide confirmation that the contributing MS4 operator has agreed to contribute. If a contributing MS4 has submitted an NOI and SWMP to TCEQ, but has not yet

received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or included in the SWMP.

(b) Responsibilities

Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define the contribution and clearly identify the contributing MS4 operator.

2. Alternative Coverage under an Individual TPDES Permit

An MS4 operator eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require an MS4 operator, authorized by this general permit, to apply for an individual TPDES permit because of: the conditions of an approved TMDL or TMDL implementation plan; a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations.

F. Waivers

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

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

The TCEQ can, at any time, 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.

1. Waiver Option 1: The system serves a population of less than 1,000 within an urbanized area and meets the following criteria:

(a) the system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES storm water program

(40 CFR § 122.32(d)); and

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

2. Waiver Option 2: The system serves a population under 10,000 and meets the following criteria:

(a) the TCEQ has evaluated all waters of the United States, 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 storm water controls are not needed based on wasteload allocations that are part of an approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and

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

Part III. Storm Water Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed and implemented according to the requirements of Part III of this general permit, for storm water discharges that reach waters of the United States, regardless of whether the discharge is conveyed through a separately operated storm sewer. The SWMP must be developed 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 the Clean Water Act and the Texas Water Code. Existing programs or best management practices (BMPs) may be used to fulfill the requirements of this general permit. The MS4 operator must develop the SWMP to include the six minimum control measures described in Part III.A.1. through 6, and the operator may develop and include the optional seventh minimum control measure in Part III.A.7. Small MS4s have five years from the date of issuance of this general permit to fully implement their SWMP. A discharger's compliance with its approved SWMP will be deemed compliance with Part III of this permit.

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, and contractors. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

If the permittee does not have 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 action in order to meet the goals of the permit:

- 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,

- if the permittee is unable to enter into inter-local agreements, notify the TCEQ's Field Operations Division as needed to report discharges or incidents that it can not itself enforce against.

The controls and Best Management Practices (BMPs) included in the SWMP constitute effluent limitations for the purposes of compliance with the requirements of 30 TAC Chapter 319, Subchapter B, related to Hazardous Metals.

A. Minimum Control Measures

1. Public Education and Outreach on Storm Water Impacts

(a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program:

(1) residents;

(2) visitors;

(3) public service employees;

(4) businesses;

(5) commercial and industrial facilities; and

(6) construction site personnel.

The outreach must inform the public about the impacts that storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.

(b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.

2. Public Involvement/Participation

The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this MCM.

3. Illicit Discharge Detection and Elimination

(a) Illicit Discharges

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

(1) Detection

The SWMP must list the techniques used for detecting illicit discharges; and

(2) Elimination

The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.

(b) Allowable Non-Storm Water Discharges

Non-storm water flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

(1) A map of the storm sewer system must be developed and must include the following:

(i) the location of all outfalls;

(ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and

(iii) any additional information needed by the permittee to implement its SWMP.

(2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.

4. Construction Site Storm Water Runoff Control

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

(a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

(b) Requirements for construction site contractors to, at a minimum:

(1) implement appropriate erosion and sediment control BMPs; and

(2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

(c) The MS4 operator must develop procedures for:

(1) site plan review which incorporate consideration of potential water quality impacts;

(2) receipt and consideration of information submitted by the public; and

(3) site inspection and enforcement of control measures to the extent allowable under state and local law.

5. Post-Construction Storm Water Management in New Development and Redevelopment

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

(a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;

(b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and

(c) Ensure adequate long-term operation and maintenance of BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component, that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

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

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

(1) park and open space maintenance;

(2) street, road, or highway maintenance;

(3) fleet and building maintenance;

(4) storm water system maintenance;

(5) new construction and land disturbances;

(6) municipal parking lots;

(7) vehicle and equipment maintenance and storage yards;

(8) waste transfer stations; and

(9) salt/sand storage locations.

(b) Training

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

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

(1) maintenance activities;

(2) maintenance schedules; and

(3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

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

(1) dredge spoil;

(2) accumulated sediments; and

(3) floatables.

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

(1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and

(2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.

7. Authorization for Municipal Construction Activities

The development of a MCM for municipal construction activities is an optional measure and is an alternative to the MS4 operator seeking coverage under TPDES general permit TXR150000. Additionally, contractors working for the permittee are not required to obtain a separate authorization if they do not meet the definition of a "construction site operator," as long as the permittee meets the status of construction site operator. Permittees that choose to develop this measure will be authorized to discharge storm water and certain non-storm water from construction activities where the permittee can meet the definition of "construction site operator" in Part I of this general permit. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the MS4 located within an urbanized area or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their MS4 that are also in compliance with all of the MCMs listed in this general permit. This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, a NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit. Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES Construction General Permit, TXR150000, or under an individual TPDES permit.

(a) The MCM must include:

(1) a description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations;

(2) a description of the area that this MCM will address and where the permittee's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary); and

(3) either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for storm water discharges.

(4) a general description of how a SWP3 shall be developed, according to Part VI.E. of this general permit, for each construction site.

B. General Requirements

Permittees must provide documentation of the development, implementation, and evaluation of the SWMP. The documentation must be included in the SWMP and may be required to be submitted in the annual report required in Part IV.B.2. of this general permit. At a minimum, the documentation must include:

1. a list of any public or private entities assisting with the development or implementation of the SWMP;

2. a list of all BMPs and measurable goals for each of the MCMs;

3. a schedule for the implementation of all SWMP requirements;

4. a description of how each measurable goal will be evaluated;

5. a rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected; and

6. if applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution.

Part IV. Recordkeeping and Reporting

A. Recordkeeping

1. The permittee must retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three 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 must submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.

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

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

B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

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

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

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

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

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

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

(b) Other Information

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

2. Annual Report

The MS4 operator must submit a concise annual report to the executive director within 90 days of the end of each permit year. The annual report must address the previous permit year. The first permit year for annual reporting purposes shall begin on the date of permit issuance, and shall last for one year. Subsequent calendar years will begin on the anniversary date of permit issuance and last for one year. The MS4 operator must also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

(a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory

goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;

(b) Status of any additional control measures implemented by the permittee (if applicable);

(c) Any MCM activities initiated before permit issuance may be included, under the appropriate headings, as part of the first year's annual report;

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

(e) A summary of the storm water activities the MS4 operator plans to undertake during the next reporting cycle;

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

(g) The number of municipal construction activities authorized under this general permit and the total number of acres disturbed;

(h) The number of non-municipal construction activities that occurred within the jurisdiction of the permittee (as noticed to the permittee by the construction operator); and

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

An annual report must be prepared whether or not the NOI and SWMP 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 and SWMP, then the annual report may include that information.

If permittees share a common SWMP, all permittees must contribute to a system-wide report (if applicable);

Each permittee must sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports); and

The annual report must be submitted to the following address:

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

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

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

Part V. Standard Permit Conditions

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

B. 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 must 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 revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.

C. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.

D. Inspection and entry shall be allowed under Texas Water Code Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code § 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.

E. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:

   a. negligently or knowingly violating CWA, §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and

   b. 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.

F. All reports and other information requested by the executive director must be signed by the person

and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

G. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

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

Part VI. Authorization for Municipal Construction Activities

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

A. Eligible Construction Sites

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

B. Discharges Eligible for Authorization

1. Storm Water Associated with Construction Activity

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

2. Discharges of Storm Water Associated with Construction Support Activities

Discharges of storm water 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 1-mile distance from the boundary of the permitted construction site and directly supports the construction activity;

(b) a storm water pollution prevention plan is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the supporting industrial activity site; and

(c) the construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges as required.

3. Non-storm Water Discharges

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

(a) discharges from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

(b) fire hydrant flushings;

(c) vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material is removed)

(d) water used to control dust;

(e) potable water sources including waterline flushings;

(f) air conditioning condensate; and

(g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

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

C. Limitations on Permit Coverage

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

D. Numeric Effluent Limitations

All discharges of storm water runoff from concrete batch plants must be monitored at the following monitoring frequency and comply with the following numeric effluent limitations:

	Limitations	Monitoring
Parameter	Daily Maximum	Frequency
Total Suspended Solids	65 mg/l	1/Year
Oil and Grease	15 mg/l	1/Year
pH	between 6 and 9 standard units	1/Year

E. Storm Water Pollution Prevention Plan (SWP3)

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge storm water associated with construction activities that reach waters of the U.S. must:

1. develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities;

2. post a signed copy of the notice contained in Attachment 1 of this general permit in a location at the construction site where it is readily available for viewing prior to commencing construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;

3. ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;

4. ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and

5. ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

F. Effective Date of Coverage

Operators of construction activities eligible for coverage under this general permit are authorized to discharge storm water associated with construction activity from a site 48 hours from the time that the signed notice is posted at the site.

G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

1. be completed and initially implemented prior to commencing construction activities that result in soil disturbance;

2. be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices; and

3. provide for compliance with the terms and conditions of this general permit.

H. Plan Review and Making Plans Available

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

I. Keeping Plans Current

The permittee must amend the SWP3 whenever:

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.

J. Contents of SWP3

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

1. A site description, or project description, must be developed to 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) areas which will not be disturbed;

(4) locations of all major structural controls either planned or in place;

(5) locations where stabilization practices are expected to be used;

(6) locations of off-site material, waste, borrow or equipment storage areas;

(7) surface waters (including wetlands) either adjacent or in close proximity; and

(8) locations where storm water discharges from the site directly to a surface water body.

(g) the location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;

(h) the name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and

(i) a copy of Part VI of this TPDES general permit.

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

(a) Erosion and Sediment Controls

(1) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.

(2) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.

(3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

(4) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.

(5) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by storm water runoff.

3. Stabilization Practices

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

(a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation and other similar measures.

(b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:

(1) the dates when major grading activities occur;

(2) the dates when construction activities temporarily or permanently cease on a portion of the site; and

(3) the dates when stabilization measures are initiated.

(c) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (1) through (3) below, must be initiated no more than fourteen (14) days

after the construction activity in that portion of the site has temporarily or permanently ceased.

(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 (areas with an average rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and other areas experiencing droughts.

(3) Where construction activity on a portion of the site is temporarily ceased and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

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) Sediment basins are required, where feasible, for common drainage locations that serve an area with ten (10) or more acres that remain disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either the calculated volume of runoff from a 2 year, 24 hour storm from acreage drained, or designed to provide 3,600 cubic feet of storage per acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on site, public safety, and other similar considerations. Where sediment basins are not feasible, equivalent control measures, which may include a series of smaller sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area.

(b) Sediment traps and sediment basins may be used to control solids in storm water runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all

down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24- hour storm or 3,600 cubic feet of storage per acre drained may be provided.

5. Permanent Storm Water Controls

A description of any measures that will be installed during the construction process to control pollutants in storm water 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 storm water management measures prior to final stabilization of the site .

6. Other Controls

(a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.

(b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.

(c) The SWP3 must include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

7. Approved State and Local Plans

(a) Permittees must ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by federal, state, or local officials.

(b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by state or local official for which the permittee receives written notice.

8. 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 storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

9. Inspections of Controls

(a) Personnel provided by the permittee and familiar with the SWP3 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, all structural control measures for effectiveness and necessary maintenance, and locations where vehicles enter or exit the site for evidence of off-site tracking. Inspections must occur at least once every fourteen (14) calendar days and within twenty four (24) hours of the end of a storm event of 0.5 inches or greater. As an alternative, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days; in which case additional inspections are not required following each qualifying storm event. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

Where sites have been finally or temporarily stabilized, where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches), inspections must be conducted at least once every month.

(b) Personnel provided by the permittee and familiar with the SWP3 must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments.

Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The frequency for these inspections must be established by the permittee in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.

(c) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(d) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: 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.

(e) 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.

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

K. Additional Retention of Records

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

1. a copy of the SWP3; and

2. all reports and actions required by this general permit, including a copy of the site notice.

Attachment 1

CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality
Storm Water Program

TPDES GENERAL PERMIT TXR040000

The following information is posted in compliance with Part VI of the Texas Commission on Environmental Quality's (TCEQ) TPDES General Permit Number TXR040000 for discharges of storm water runoff from construction sites that are operated by small municipal separate storm sewer system operators. Additional information regarding the TCEQ storm water permit program may be found on the internet at: **www.tceq.state.tx.us**

Permit Number:	**TXR04 _____**
Contact Name and Phone Number:	
Project Description: (Including estimated start date and either the projected end date, or date that disturbed soils will be finally stabilized)	
Location of Storm Water Pollution Prevention Plan (SWP3):	

I,_____ *(Typed or Printed Name Person Completing This Certification*) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part VI of TPDES General Permit TXR040000. A storm water pollution prevention plan has been developed and implemented according to permit requirements. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature Date

Attachment 2

CONCRETE BATCH FACILITIES

STW/ TXR04_____/ CO

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME

ADDRESS

FACILITY LOCATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16)	(17-19)
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
	01	01		12	31
(20-21)	(22-23)	(24-25)	(26-27)	(28-29)	(30-31)

NOTE: Enter your permit number in the underlined space in the upper right hand corner of this page. Example: STW/TXR04 00123/ CO

Mail to: TCEQ (MC 213)
P.O. Box 13087
Austin, TX 78711-3087

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING (46-53)			(4 Card Only) QUALITY OR CONCENTRATION (38-45)	(46-53)	(54-61)		NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
Total Suspended Solids	SAMPLE MEASUREMENT	*******	*******	*******	*******	*******					
	SAMPLE REQUIREMENT	*******	*******	*******	*******	*******	65 Daily Max	mg/l		1/Year	Grab
Oil & Grease	SAMPLE MEASUREMENT	*******	*******	*******	*******	*******					
	SAMPLE REQUIREMENT	*******	*******	*******	*******	*******	15 Daily Max	mg/l		1/Year	Grab
pH	SAMPLE MEASUREMENT	*******	*******	*******	*******	*******					
	SAMPLE REQUIREMENT	*******	*******	*******	*******	*******	6.0 - 9.0 Range	S.U.		1/Year	Grab
	SAMPLE MEASUREMENT										
	SAMPLE REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER			TELEPHONE		DATE		
	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.						
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

Appendix B

Notice of Intent and TCEQ Response

Notice of Intent (NOI) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

TCEQ Office Use Only
Permit No.:
RN:
CN:

Did you know you can pay on line? Go to https://www6.tceq.state.tx.us/epay/
Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION

Application Fee: You must pay the $100 Application Fee to TCEQ for the application to be considered complete.
How did you pay this fee?

☑ Mailed:	Check/Money Order No.:	Name Printed on Check: City of Rockwall
☐ EPAY:	Voucher No.:	Is the Payment Voucher copy attached? ☐ Yes

IMPORTANT:
•Use the attached **INSTRUCTIONS** when completing this form.
•After completing this form, use the attached **CUSTOMER CHECKLIST** to make certain all items are complete and accurate.
•Missing, illegible, or inaccurate items may delay final acknowledgment or coverage under the general permit.

One (1) copy of the NOI and SWMP with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☑ Yes

A. OPERATOR (applicant)

1. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity?
   CN 600631444
2. What is the full Legal Name of the applicant?
   City of Rockwall; Rockwall County, Texas
   (The exact legal name must be provided.)
3. What is the applicant's mailing address as recognized by the **US Postal Service**?

Address: 385 S Goliad	Suite No./Bldg. No./Mail Code:	
City: Rockwall	State: Texas	ZIP Code: 75087
Country Mailing Information (if outside USA).	Country Code:	Postal Code:

4. Phone No.: ( )	Extension:
5. Fax No.: ( )	E-mail Address:

6. Indicate the type of Customer:
   ☐ Federal Government ☐ State Government ☐ County Government
   ☑ City Government ☐ Other Government
7. Number of Employees: ☐ 0-20; ☐ 21-100; ☑ 101-250; ☐ 251-500; or ☐ 501 or higher

B. BILLING ADDRESS

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

Is the billing address same as the Operator Address? ☑ Yes, go to **Section C**. ☐ No, fill out **Section B**

1. Billing Mailing Address:		Suite No./Bldg. No./Mail Code:
City:	State:	ZIP Code:
2. Country Mailing Information (if outside USA).	Country Code:	Postal Code:
3. Billing Contact (Attn or C/O):		
4. Phone No.: ( )		Extension:
5. Fax No.: ( )		E-mail Address:

C. REGULATED ENTITY (RE) INFORMATION

1. Has the TCEQ issued a Regulated Entity Reference Number (RN) for the regulated MS4 ?
   Yes. What is the RN? **RN** _____
   No - TCEQ will assign the RN number after the NOI is submitted.

2. Name that is used to identify the small MS4 (Regulated Entity).
   (Example: City of XXX MS4) City of Rockwall MS4

3. Provide a brief description of the regulated MS4 boundaries:
   (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area.)
   Area within the City of Rockwall limits.

4. a. What is the county where the largest residential population exists within the regulated MS4 boundaries?
   Rockwall County

   b. Is the MS4 located within additional counties? ☐ Yes ☑ No
   If yes, what county(s)?

5. What is the latitude and longitude of the approximate center of the regulated portion of the small MS4?
   Latitude: 32.94484 N Longitude: -96.45888 W

6. What is the mailing address for the regulated entity?

Is the RE mailing address the same as the Operator? ☑ Yes, go to Section F. ☐ No, provide the address.

Street Number:	Street Name:	
City:	State:	ZIP Code:

D. GENERAL CHARACTERISTICS

1. I certify that any portion of the regulated MS4 is **not** located on Indian Country Lands. ☑ Yes ☐ No
   If No, you must obtain authorization through EPA, Region VI.

2. What is the Standard Industrial Classification (SIC) code (see instructions for common codes): 9111

3. Has TCEQ "designated" the small MS4 as needing coverage under this general permit? ☐ Yes ☑ No

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

4. Storm Water Management Program (SWMP)

a. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000. ☑ Yes ☐ No

b. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP. ☑ Yes ☐ No

If No to question a. or b. the application is considered incomplete and may be returned.

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

Name: Chuck Todd	Title: City Engineer	Company: City of Rockwall
Address: 385 S Goliad	Suite No./Bldg. No./Mail Code:	
City: Rockwall	State: Texas	ZIP Code: 75087
Phone No.: (972) 771-7746	Extension:	
Fax No.: (972) 771-7748	E-mail Address: ctodd@rockwall.com	

5. Seventh Minimum Control Measure (MCM) for Municipal Construction Activities

a. Is the Minimum Control Measure for authorization to discharge storm water from municipal construction activities included with the attached SWMP? ☐ Yes ☑ No

b. If you answered "Yes" to 5.a., what are the boundaries within which those activities will occur?

Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.

c. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer? ☐ Yes ☑ No

If the answer is "Yes", please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction storm water pollution prevention plan(s).

6. Discharge Information

a What is the name of the receiving water body(s) from the MS4?

Lake Ray Hubbard, Caruth Lake, Rockwall Lake, Phelps Lake, Wallace Lake, Rainbow Lake, East Fork Trinity River, Tributaries of East Fork Trinity River: Buffalo Creek, Little Buffalo Creek, Squabble Creek, Phelps Branch

b. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?

Lake Ray Hubbard: 0820 Reservoir; East Fork Trinity River: 0819 Fresh Water Stream

c. Are any of the surface water bodies receiving discharges from the small MS4 on the latest EPA-approved CWA § 303(d) list of impaired waters? ☑ Yes ☐ No

If Yes, what is the name of the impaired water body(s) receiving the discharges from the small MS4?

Lake Ray Hubbard; East Fork Trinity River

d. Is the discharge into any other MS4 prior to discharge into surface water in the state? ☐ Yes ☑ No
If **Yes**, what is the name of the MS4 Operator?

7. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer? ☐ Yes ☑ No
If the answer is Yes, please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) for activities also regulated under this general permit must be either included or referenced in the SWMP.

8. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing notice, the notice of the executive director's preliminary determination of the NOI and SWMP, for publishing in a newspaper of largest circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of largest circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

a. I will comply with the Public Participation requirements described in Part II.D.12 of the general permit. ☑ Yes ☐ No
If No, coverage under this general permit is not obtainable.

b. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

Name: Chuck Todd	Title: City Engineer	Company: City of Rockwall
Address: 385 S Goliad	Suite No./Bldg. No./Mail Code:	
City: Rockwall	State: Texas	Zip Code: 75087
Phone No.: (972) 771-7746	Extension:	
Fax No.: (972) 771-7748	E-mail Address: ctodd@rockwall.com	

c. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be viewed?

Name of Public Place: Rockwall City Hall

Address of Public Place: 385 S Goliad, Rockwall, Texas

County of Public Place: Rockwall

E. CERTIFICATION

Check "Yes" to the certifications below. **Failure to indicate "Yes" to ALL items** may result in denial of coverage under the general permit.

I certify that I have obtained a copy and understand the terms and conditions of the general permit TXR040000.	☑ Yes
I certify that the small MS4 qualifies for coverage under the general permit TXR040000.	☑ Yes
I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.	☑ Yes
I understand that permits active on September 1st of each year will be assessed an Annual Water Quality Fee.	☑ Yes

Operator Certification:

I, Julie Couch (Typed or printed name) City Manager (Title)

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

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

Signature:_____ Date:_____

(Use blue ink)

Did you complete everything? Use this checklist to be sure!

Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

	Customer GP Notice of Intent Checklist **TXR040000**
√	This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the permit. (See NOI Process description in the Instructions)
☑	Application Fee was paid through EPAY and payment voucher is attached or the Payment Submittal Form with payment was mailed to TCEQ Cashier's office. DO NOT MAIL THE PAYMENT WITH THE ORIGINAL NOI. **Note: Use ePay to pay the application fee. It helps to streamline processing of your application.**
	OPERATOR INFORMATION - Confirm each item is complete: √
☑	Customer Number (CN) issued by TCEQ Central Registry
☑	Operator Mailing Address is complete & verifiable with USPS. www.usps.com
☑	Phone Numbers/E-mail Address
☑	Type of Operator (Entity Type)
☑	Number of Employees
☑	Billing Address is complete & verifiable with USPS. www.usps.com
	REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete: √
☑	MS4 Name/Regulated Entity Name
☑	Site Description
☑	Latitude and Longitude www.tceq.state.tx.us/gis/drgview.html or www.terraserver.microsoft.com/advfind.aspx.
☑	Business description
☑	Site Mailing Address (checked same as operator or provided a complete & USPS verifiable address. www.usps.com)
	GENERAL CHARACTERISTICS - Confirm each item is complete: √
☑	Indian Country Lands –the facility is not on Indian Country Lands
☑	Standard Industrial Classification (SIC) code www.osha.gov/oshstats/sicser.html
☑	Qualifying TCEQ "Designated" Small MS4
☑	Minimum Control Measure (MCM) for Municipal Construction Activities
☑	Discharge Information (receiving water body, segment no., impaired water body(s) and MS4 Operator)
☑	Edwards Aquifer Rule
☑	Public Participation Information
☑	CERTIFICATION Certification statements have been checked indicating "Yes" Signature meets 30 Texas Administrative Code (TAC) §305.44 and is original and has been provided for the Operator.
☑	Storm Water Management Program (SWMP) and completed SWMP Cover Sheet are attached to the NOI.

Storm Water Management Program (SWMP) Cover Sheet

Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the SWMP. Provide the page number in the left column for each item.

This cover sheet MUST be attached to the front of the SWMP.

Operator Name on NOI:

Page # (s)	**MCM 1:** Public Education and Outreach on Storm Water Quality Issues
5	SWMP includes the following required elements: 1. Educational materials are distributed to the community, or equivalent public outreach is conducted. 2. The following groups are included in the program, or the SWMP provides justification if the group is not included: residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel. 3. Outreach informs groups about impacts storm water can have on water quality, hazards associated with illegal discharges, and steps they can take to reduce pollutants in storm water runoff.
	SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following: □ Classroom Education □ Use of media □ Education/Outreach for Commercial Activities □ Lawn and garden activities □ Promotional giveaways □ Water conservation practices for homeowners □ Outreach programs tailored to specific communities and children □ Storm water educational materials □ Educational displays, pamphlets, booklets, and utility stuffers □ Webpage □ Storm drain stenciling □ Speakers to community groups □ Encouragement of proper lawn and garden care □ Encouragement of low impact development □ Support of pollution prevention for businesses □ Encouragement of water conservation practices □ Encouragement of pet waste management □ Storm water hotlines
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
☑	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	**MCM 2:** Public Involvement/Participation
	SWMP includes a program that complies with State and local public notice requirements.
9	SWMP lists BMPs used to fulfill this MCM. Examples of possible BMPs may include the following: □ Stakeholder meetings □ Community hotline □ Coordination with school groups/scouting □ Listserver □ Stream cleanup and monitoring □ Adopt-A-Stream programs □ Incentives for businesses to participate, such as web links

	□ Volunteer monitoring □ Watershed Organization □ Storm drain stenciling programs □ Advisory/partner committees □ Mailing list development and use □ Reforestation programs □ Wetland plantings □ Coordinate volunteer programs
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	**MCM 3:** Illicit Discharge Detection and Elimination
10	SWMP includes the following required elements: 1. Description of program that will be used to detect and eliminate illicit discharges 2. Description of the manner and process to be used to effectively prohibit illicit discharges, including, at a minimum: a. List of detection techniques b. Appropriate actions and enforcement procedures for removing the source of an illicit discharge c. To the extent allowable under state and local law, an ordinance or other regulatory mechanism is utilized to prohibit and eliminate illicit discharges d. Description of local controls and conditions established for common and incidental non-storm water discharges that the operator does not consider illicit 3. Map of outfalls included or described in schedule, with following information: a. Locations of all outfalls b. Names and locations of waters of the U.S. receiving discharges from the MS4 c. Source(s) of information used to develop and update map
	SWMP Lists BMPs used to fulfill this MCM. Examples of possible BMPs may include the following: □ List of non-storm water discharges that will not be considered illicit □ Procedures to address illegal dumping □ Hazardous materials disposal opportunities □ Industrial / Business connections □ Addressing wastewater connections to MS4 □ Addressing recreational sewage (boats/camping/etc.) □ System inspections □ Dye testing □ Recycling programs □ Informing public/employees/businesses of hazards associated with illicit discharges □ Identification of illicit discharges □ Used oil collection centers □ Public outreach and education programs regarding illicit discharges □ Publicize and facilitate public reporting
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	**MCM 4:** Construction Site Storm Water Runoff Control
15	SWMP includes the following required elements listed below: 1. Description of program that will be developed, implemented and enforced, to address storm water runoff from construction one acre and greater (including larger common plan) 2. Ordinance or other regulatory mechanism to require erosion and sediment controls, to the extent allowable under state and local law a. Ordinance/regulatory mechanism includes sanctions to ensure compliance, to the extent allowable under state and local law b. Program requires contractors to implement erosion and sediment control BMPs

	c. Program requires contractors to control construction site waste 3. Procedures for site plan review to consider water quality impacts 4. Procedures for receipt and consideration of input from the public 5. Procedures for site inspection and enforcement of control measures, to the extent allowable under state and local law
	SWMP lists BMPs used to fulfill this MCM. Examples may include: □ Requirement to comply with TPDES CGP □ Notification to discharger of responsibilities under TPDES CGP □ Hire staff to review construction site plans □ Provide a web page for public input on construction activities □ Require overall construction site waste management □ Perform site inspections and enforcement □ Provide education and training for construction site operators □ Notify dischargers of requirement to obtain TPDES permit coverage □ Mechanism to prohibit discharges into MS4 where necessary
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	**MCM 5:** Post-Construction Storm Water Management in Areas of New Development and Redevelopment
17	SWMP includes the following required elements listed below: 1. SWMP describes program that will be developed, implemented and enforced, to address storm water runoff from new development / redevelopment activities of one acre and greater (including larger common plan) 2. Program ensures controls are in place to address runoff 3. Strategies include structural and/or non-structural BMPs appropriate for the community 4. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects 5. Long term operation and maintenance of BMPs is addressed
	SWMP lists BMPs used to fulfill this MCM. Examples may include: □ Local ordinance in place or planned □ Guidance document for developers to utilize □ Specific BMPs established for particular watersheds □ List of appropriate BMPs provided to operators □ Elimination of curbs and gutters is encouraged □ Zoning takes into account storm water issues □ Incentives for use of permeable choices, such as porous pavement □ Requirements for wet ponds or other BMPs for certain size sites □ Xeriscaping
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	**MCM 6:** Pollution Prevention / Good Housekeeping Measures for Municipal Operations
19	SWMP includes the following required elements listed below: 1. Operation and maintenance (O&M) program in place or scheduled, to reduce/prevent pollution from municipal operations 2. Housekeeping measures and BMPs that will reduce pollutants have been identified 3. Training provided for employees involved in municipal operations subject to the housekeeping/BMP requirements 4. Maintenance of structural BMPs (if applicable) is performed a. SWMP lists maintenance schedules for structural BMPs (if applicable) b. SWMP lists long term inspection procedures to reduce floatables

	5. Waste is removed from MS4 and properly disposed a. Procedures for waste disposal are included for dredge spoil, accumulated sediment, and floatables 6. List of municipal operations subject to O&M program or training program 7. List of municipally owned industrial activities subject to TPDES industrial storm water regulations
	SWMP lists BMPs used to fulfill this MCM. Examples may include: □ BMPs which address fleet vehicle maintenance/washing □ BMPs which address parking lot and street cleaning □ Catch basin and storm drain system cleaning □ Landscaping and lawn care (e.g. xeriscaping) □ Waste materials management □ Road salt application and storage practices □ Used oil recycling □ Pest management practices □ Fire training facilities □ BMPs which address roadway and bridge maintenance □ Golf course maintenance/waste disposal □ Disposal of cigarette butts □ Park maintenance (e.g., providing trash bags)
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	**Optional 7th MCM :** Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator) If this MCM is utilized applicable, SWMP must include the following information:
	Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations
	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)
	If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
	Description provided for one of the following: ▸ How contractor activities will be supervised or overseen to ensure that the SWP3 requirements are properly implemented at the construction site(s); or ▸ How the MS4 operator will make certain that contractors have a separate authorization for storm water discharges if needed.
	General description of how a construction SWP3 will be developed for each construction site.

Appendix C

Storm Sewer Outfall Map

(To be developed in Permit Year 5)

Appendix D
Storm Water Management Program Implementation Schedule

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
1. Public Education and Outreach	A. Support and participate in the Regional Storm Water Management Program's Public Education Task Force (PETF)	a. Distribute education materials.	Public Works	X				
		b. Conduct 1 outreach campaign.			X			
		c. Conduct at least 2 outreach campaigns each year.				X	X	X
		d. Use tracking measures (i.e. surveys) to determine success of outreach campaigns.				X	X	X
	B. Promote Texas SmartScape to homeowners or other group(s) of the population	a. Keep a record of the number of Texas SmartScape bookmarks or other educational materials distributed.	Public Works	X	X	X	X	X
		b. Keep a record of the number of Texas SmartScape activities/ events held.		X	X	X	X	X
	C. Information Materials	a. Development and distribution of one report per year.	Public Works - Engineering Department	X	X	X	X	X

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
1. Public Education and Outreach	D. Industrial/Commercial Storm Water Quality Information	a. Research and gather all existing Industrial/ Commercial storm water quality information.	Public Works - Engineering Department		X			
		b. Distribution of information once per year.				X	X	X
	E. Construction/Post Construction Handout	a. Development of Construction/Post Construction Handout.	Public Works - Engineering Department		X			
		b. Distribution of the handout at the development pre-construction meeting.				X	X	X
	F. Municipal Employee Training	a. Evaluation of existing training materials. Evaluation of strategy for training existing employees.	Shared Responsibility Public Works Humane Resources		X			
		b. Training of existing employees according to adopted strategy.				X	X	X
		c. Presentation of the SWMP to new employees during orientation.				X	X	X
		d. Keep documentation of employees receiving training, the type of training provided, and dates.				X	X	X

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
1. Public Education and Outreach	G. City Storm Water Webpage via NCTCOG	a. Add a link in the City's webpage to the NCTCOG website for storm water.	Public Works - Engineering Department	X				
		b. Develop a method to track the number of hits on the link to the NCTCOG site.			X			
		c. Participate in the update of the NCTCOG Storm Water website.			X	X	X	X
	H. Documentation of Public Education and Outreach	a. Develop documentation procedures for public education and outreach activities.	Public Works - Engineering Department		X			
		b. Implement documentation procedures.				X	X	X
2. Public Involvement/Participation	A. Comply with State and Local Public Notice Requirements	a. Provide public notice for permit application in local newspaper, as required by TCEQ.	Public Works	X				
	B. Public SWMP Presentation	a. Have one presentation to City Council at a public meeting on the SWMP.	Public Works		X	X	X	X

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
2. Public Involvement/Participation	C. Provide Public with opportunity to participate in program	a. Keep record of number of inlet markers installed.	Public Works		X	X	X	X
	D. Provide public with means to report illicit activities	a. Add phone numbers and email contacts to website.	Public Works		X			
		b. Keep records of number of tips received.				X	X	X
3. Illicit Discharge Detection and Elimination	A. Storm Sewer Map	a. Use USGS maps to determine the locations of Water of the U.S.	Public Works - Engineering Department		X			
		b. Research existing storm sewer system plans.			X			
		c. Conduct field verification to physically locate and identify outfalls and prepare a storm sewer outfall map.				X	X	X
		d. Have as-built plans from new developments with new storm sewer outfall locations mapped provided to the City in order to update the City's storm sewer outfall map.				X	X	X
		e. Finalize storm sewer system map						X

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
3. Illicit Discharge Detection and Elimination	B. Illicit Discharge Ordinance	a. Identify existing City ordinances that may contain an illicit discharge component.	Shared Responsibility: Director of Public Works The City Attorney's Office Code Enforcement Department	X				
		b. Revise content of ordinances, as appropriate.			X			
		c. Develop an Illicit Discharge Ordinance and / or modify existing ordinances if necessary.				X		
		d. Implement the Illicit Discharge Ordinance.					X	X
	C. Program to Detect and Address Illicit Discharges	a. Evaluate existing program and identify techniques to detect and address illicit discharges, non-storm water discharges, and illegal dumping.	Public Works		X			
		b. Conduct visual inspection of identified outfalls to detect illicit discharges and non-storm water discharges (33% of outfalls mapped each year).				X	X	X
	D. Identify Allowable Non-Storm Water Discharges	a. Revision and Evaluation of potential impact of the allowable non-storm water discharges from the TPDES general Phase II MS4.	Public Works		X			

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
3. Illicit Discharge Detection and Elimination	D. Identify Allowable Non-Storm Water Discharges	b. Post information on allowable non-storm water discharges on City's web page.	Public Works		X			
		c. If necessary, non-storm water discharges that will not be allowed in Rockwall will be included in the City's Illicit Discharge Ordinance.				X		
		d. Implement developed ordinances, if applicable.				X	X	X
	E. Illicit Discharge/Dumping Response Plan	a. Develop the Illicit Discharge/Dumping Response Plan.	Public Works		X			
		b. Provide training of City personnel involved in the Response Plan.			X			
		c. Publicize the phone number and email address on the City's webpage.			X			
		d. Implement the Illicit Discharge/Dumping Response Plan.				X	X	X

3. Illicit Discharge Detection and Elimination	F. Industrial/Commercial Storm Water Quality Information	a. City will research and gather existing Industrial/Commercial storm water quality information	Public Works – Engineering Department		X			
		b. Distribution of information once per year to industrial/commercial businesses				X	X	X
	G. Prevention of Illicit Discharge	a. The City will schedule and conduct the day for household hazardous waste collection once per year.	Utility Department	X	X	X	X	X
		b. Provide Blue Bins to residents for the recycling of newspapers, magazines and clear plastic bottles which will be picked up weekly and transported to a material recovery facility.			X	X	X	X
		c. Rockwall will provide its residents with a monthly curb-side pickup for bulk items such as tree limbs and leaves. Grass clippings will be picked up with the regular trash, twice per week.			X	X	X	X

4. Construction Site Storm Water Runoff Control	A. Adoption of sections of the NCTCOG iSWM Design Manual for Site Development Activities	a. Evaluate the iSWM Manual for the conformance with site development activities for suitability of implementation in Rockwall's SWMP	Public Works		X			
		b. Adoption of selected chapters and/or Integrated Site Design Practices/ Integrated Storm Water Controls of the iSWM manual for testing its application.				X		
		c. Review performance of adopted portions of iSWM for its applicability to the City. Modify or discard those portions that do not apply.					X	
		d. Develop and/or modify local ordinances that will be used to adopt and implement the iSWM Manual.						X

4. Construction Site Storm Water Runoff Control	B. Implementation of requirements imposed by the City's Standards for Design and Control	a. Conduct pre-construction meetings for proposed new construction projects to provide design compliance guidelines to contractors	Public Works – Engineering Department	X	X	X	X	x
		b. Conduct inspections and follow up on complaints on construction sites. Follow up by providing recommendations on modification/improvements of contractor's BMPs and O&M practices.		X	X	X	X	X
	C. Implementation of requirements imposed by the Chapter 13 of City Code of Ordinance (Garbage, Trash, Reufse, Littering, ect.)	a. Conduct pre-construction meetings for proposed new construction projects to provide compliance guidelines to contractors for the management of waste.		X	X	X	X	X
		b. Conduct inspections and follow up on complaints on construction sites. Follow up by providing recommendations on modification/improvement of contractor's BMPs and O&M practices.		X	X	X	X	X

4. Construction Site Storm Water Runoff Control	D. Illicit Discharge/Dumping Response Plan	a. Develop the illicit Discharge/Dumping Response Plan	Public Works		X			
		b. Provide training of City personnel involved in the Response Plan.				X		
		c. Publicize the phone number and email address on the City's webpage.				X		
		d. Implementation of the Illicit Discharge Dumping Response Plan.				X	X	X
	E. Construction/Post-Construction Handout	a. Development of Construction/Post Construction Handout.	Public Works – Engineering Department		X			
		b. Distribution of handouts at the development pre-construction meeting.				X	X	X

5. Post-Construction Storm Water Management in New Development and Redevelopment	A. Adoption of sections of the NCTCOG iSWM Design Manual for New Development and Redevelopment Activities	a. Evaluated specific chapters and/or Integrated Site Design Practices/ Integrated Storm Water Controls proposed in the iSWM Manual for its applicability in New Development and Redevelopment Activities.	Shared Responsibility: Public Works - Engineering Department Planning Department Building Department The City Attorney's Office		X			
		b. Adopt selected portions of the iSWM manual to "Test Drive" its applicability in the SWMP for Rockwall.				X		
		c. Review performance of adopted portions of iSWM for its applicability to the City. Modify or discard those portions that do not apply.				X		
		d. Develop and/or modify local ordinances that will be used to adopt and implement the iSWM Manual						X
		e. Implement new procedures			X	X	X	X

5. Post-Construction Storm Water Management in New Development and Redevelopment	B. Final inspection	a. Conduct field inspection for completed construction sites.	Public Works – Engineering Department	X	X	X	X	X
		b. Issue "Letters of Completion" for those sites that comply with plans and specifications.		X	X	X	X	X
		c. Follow up with contractions about complaints and observations in the field to insure long term O&M.		X	X	X	X	X
	C. Illicit Discharge/Dumping Response Plan	a. Develop the illicit Discharge/Dumping Response Plan	Public Works		X			
		b. Provide training of City personnel involved in the Response Plan.				X		
		c. Publicize the phone number and email address on the City's webpage.				X		
		d. Implementation of the Illicit Discharge Dumping Response Plan.				X	X	X
	D. Construction/Post-Construction Handout	a. Development of Construction/Post Construction Handout.	Public Works – Engineering Department		X			
		b. Distribution of handouts at the development pre-construction meeting.				X	X	X

Storm Water Management Program Schedule

Program	BMP	Activity	Department/Person	Date Due				
				YR 1	YR 2	YR 3	YR 4	YR 5
6. Pollution Prevention/Good Housekeeping for Municipal Operations	A. City Pollution Prevention Plan and O&M (Operation and Maintenance)	a. Identify municipal operations that may require a storm water pollution prevention plan.	Shared Responsibility: Public Works Parks & Recreation Street Department		X			
		b. Complete a draft Pollution Prevention Plan.			X	X		
		c. Finalize and implement the Plan.					X	X
	B. Storm Water System Maintenance Plan	a. Conduct an inspection process to identify sensitive area for waste accumulation.	Public Works Parks & Recreation			X		
		b. Identify responsible party for the accumulation of material.				X	X	X
		c. Enforce cleaning by responsible party (city or property owner).				X	X	X

6. Pollution Prevention/Good Housekeeping for Municipal Operations	C. Municipal Employee Training	a. Evaluation of existing training materials. Evaluation of strategy for training existing employees.	Shared Responsibility: Director of Public Works Director of Parks and Recreation		X			
		b. Training of existing employees according to adopted strategy.				X	X	X
	D. Municipal Waste Disposal Procedures	a. Identify municipal operations generating wastes and the types of wastes generated.		X	X			
		b. Develop and document waste disposal procedures and training of municipal employees.			X	X		
		c. Implement waste disposal procedures.					X	X

Appendix E

Annual Report Requirements

Annual Report Requirements

The MS4 operator must submit a concise annual report to the executive director within 90 days of the end of each permit year, November 11th. The annual report must address the previous permit year. The first permit year for annual reporting purposes shall begin on the date of permit issuance, and shall last for one year. Subsequent calendar years will begin on the anniversary date of the permit issuance and last for one year. The annual report permitting year is August 13th to August 12th. The MS4 operator must also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

- The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- Status of any additional control measures implemented by the permittee (if applicable);
- Any MCM activities initiated before permit issuance may be included, under the appropriate headings, as part of the first year's annual report;
- A summary of the results of information (including monitoring data) collected and analyzed, if any, during the reporting period used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- A summary of the storm water activities the MS4 operator plans to undertake during the next reporting cycle;
- Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- The number of municipal construction activities authorized under this general permit and the total number of acres disturbed;
- The number of non-municipal construction activities that occurred within the jurisdiction of the permittee (as noticed to the permittee by the construction operator); and
- Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable).

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

If permittees share a common SWMP, all permittees must contribute to a system-wide report (if applicable).

Each permittee must sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports); and

The annual report must be submitted to the following address:

Texas Commission on Environmental Quality
Storm Water & Pretreatment Team; MC - 148
P.O. Box 13087

Austin, Texas 78711-3087

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

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