

Stormwater Management Program

For the Town



Prepared for



Texas Commission on Environmental Quality
Texas Pollutant Discharge Elimination System
General Permit TXR040000

July 2019

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I. INTRODUCTION

Polluted stormwater runoff from Urbanized Areas is a major cause of impairment to our nation's waterways. Under the authority of the Clean Water Act, the Environmental Protection Agency (EPA) developed a stormwater permitting program with the goal of significantly reducing this pollution source. The Town of Addison (Town) has been designated by the EPA as an Urbanized Area and therefore must make application to discharge stormwater to Waters of the United States. The EPA passed the permitting authority for the State of Texas on to the Texas Commission on Environmental Quality (TCEQ). In order to become authorized under the new TCEQ permit, the Town has developed a Stormwater Management Program (SWMP) and intends to implement Best Management Practices (BMPs) that are designed to:

- Reduce the discharge of pollutants to the "maximum extent practicable (MEP)";
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act.

PERMIT BACKGROUND

Several national comprehensive studies have indicated that stormwater runoff pollution within highly Urbanized Areas is a major contributor to water pollution in the United States. As rain falls and stormwater runoff collects and travels over urban lands, it picks up and carries pollutants through Municipal Separate Storm Sewer Systems (MS4s) and ultimately to streams, lakes, rivers, and other water sources, thus impairing water quality. The 1987 amendments to the Clean Water Act required the EPA to develop a comprehensive stormwater permitting program to regulate these types of stormwater discharges to waters of the United States. This stormwater program was developed over two phases. In 1990 Phase I of the program was developed and regulated runoff from medium and large MS4s (population > 100,000) and large construction sites (area > 5 acres). Phase II of the program was developed in 2007 and regulates runoff from small MS4s (population = 1,000 to 100,000) and small construction sites (area = 1 acre to 5 acres).

The EPA authorized the TCEQ to develop and manage the permitting program for the State of Texas. The TCEQ program requires that all regulated MS4s seek authorization to discharge stormwater under the Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR040000. A copy of the TPDES permit requirements is located in Appendix B of this document. To become authorized under the Phase II TPDES permit, all small MS4s must develop a SWMP that includes certain Best Management Practices or BMPs that have the ultimate goal of improving the quality of stormwater runoff. The permit will authorize small MS4s to discharge stormwater for a period of five years. The first permit term was from August 2007 to August 2014 (The permit typically operates on a 5 – year cycle but was extended while litigation between the State and several cities was completed). The permit was renamed for a 5 – year period beginning in 2014 and is again being renewed now. The current permit effective date is January 24, 2019, and all small MS4s are required to prepare and submit to TCEQ a renewed SWMP and Notice of Intent form. This renewed SWMP will permit stormwater discharges from the Town from January 2019 until this permit expires in January 2024. A copy of the Notice of Intent for the Town is provided in Appendix A.

The stormwater permit requirements were developed to minimize pollution in stormwater to the MEP and effectively prohibiting illicit discharges to the storm sewer system. The Town's program contains a variety of structural and non-structural BMPs that have been selected to provide specific stormwater quality improvements and satisfy the six minimum control measures (MCMs) that are required by the permit. The six stormwater quality minimum controls are as follows:



*-MCM 6 is not applicable to Addison due to population size.

This SWMP contains information about the BMPs that have been selected to satisfy the five pertinent MCMs. The program contains a description of the selected BMPs, a schedule for implementation and measurable goals to evaluate and track the BMP implementation. As the SWMP is evaluated and tracked, the Town may find that some BMPs have become ineffective or need modification. The Town intends to modify BMPs and remove and replace any ineffective BMPs with better practices that are deemed more appropriate for the MCM. The permit has flexibility within its guidelines for MS4's to make improvements to the program that will most benefit stormwater quality.

Effective management of stormwater is important to the Town and its citizens. Communities that develop effective SWMP can revitalize their surface waters, improve local quality of life, and create places where businesses and residents want to locate. The Town's goal for this stormwater program is to meet the requirements of the permit and ultimately improve water quality in receiving streams and lakes. The Town has actively participated in stormwater quality improvements for many years and seeks to continue that trend through the continued development and implementation of this stormwater program.

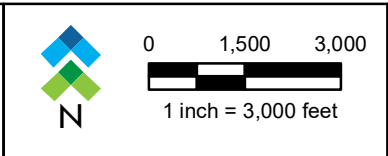
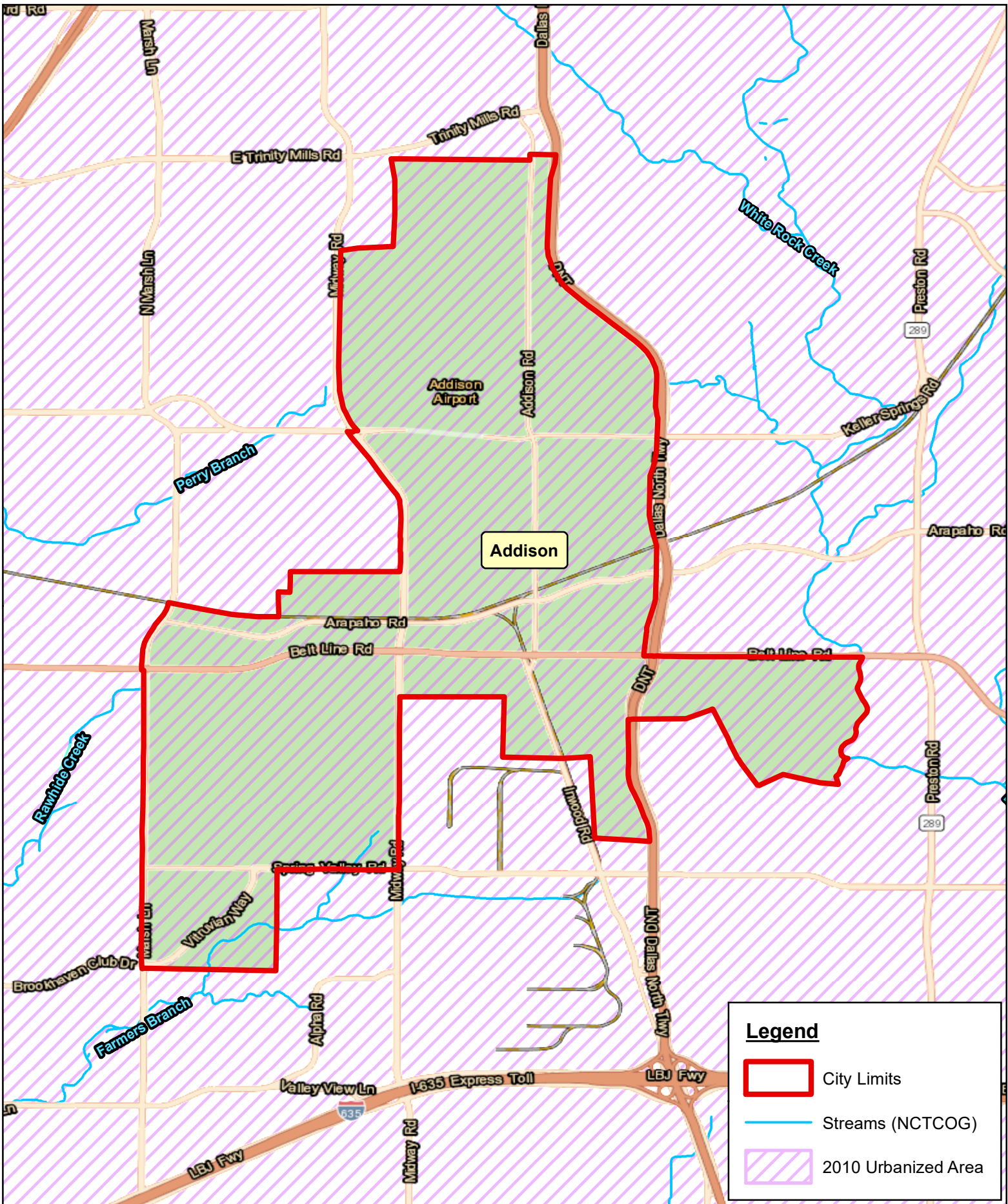


TOWN OF ADDISON BACKGROUND

In order to determine the most effective BMPs for the Town of Addison, the background, water resources, and current land use were all taken into consideration. These factors were used to help guide the development of this SWMP and help influence what BMPs should be implemented to provide the best approach in reducing pollution in stormwater. This program was tailored to meet the needs of Addison.

Addison is located in the north central Texas region within the limits of Dallas County, 13 miles north of downtown Dallas. Addison is within the Dallas – Fort Worth – Arlington Urbanized Area and shares Town boundaries with the City of Carrollton, City of Farmers Branch and City of Dallas. Addison's Town limits are identified in Figure 1. Addison is located within two watersheds, the Elm Fork Trinity River Basin and the Upper Trinity River Basin. The main receiving streams for the Town include White Rock Creek, Hutton Branch Creek, Rawhide Creek, and Farmers Branch Creek. The State – classified water bodies that ultimately receive discharges from the Town are the “Elm Fork Trinity River below Lake Lewisville (Segment #0822)” and the “White Rock Creek (Segment #0827)”.

Addison attracts many visitors and is one of the area's most popular destinations. Addison contains a compact urban center that is over 90% built out. Approximately 18% of the land use is residential and almost 40% is a combination of industrial and commercial according to the North Central Texas Council of Governments. The 2010 census population of the Town was 13,056 and the 2019 estimated population is 15,790.



Addison, Texas
 Addison Stormwater Management Program
FIGURE 1: URBANIZED AREA MAP
 July 2019





II. DEFINITIONS

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

MS4 Operator – 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.

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

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

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

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



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

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

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

Permittee - The MS4 operator authorized under this general permit.

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 stormwater runoff.

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

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

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

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

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer;



- (d) Which is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2; and
- (e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

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

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

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

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

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

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

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

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

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

Waters of the United States - (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.

COMMONLY USED ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit, TXR150000
CWA	Clean Water Act
EPA	Environmental Protection Agency
FR	Federal Register
MCM	Minimum Control Measure
MSGP	Multi-Sector General Permit, TXR050000
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination (to terminate coverage under a general permit)



NPDES	National Pollutant Discharge Elimination System
SWMP	Stormwater Management Program
SWP3, SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TMDL	Total Maximum Daily Load
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code



III. PROGRAM RATIONALE

REGULATORY REQUIREMENTS

The TCEQ TPDES General Permit Number TXR040000 requires small MS4s to apply for authorization to discharge stormwater to Surface Waters in the State of Texas. The general permit is issued pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act. Application for coverage under this permit includes the submittal of a Notice of Intent (NOI) form and preparation of a SWMP. The TPDES permit will provide coverage for a five-year period and requires an annual report submittal to TCEQ.

CATEGORIES OF REGULATED SMALL MS4S

The permit further defines MS4 operators according to levels, based on the 2010 U.S. Census population within the Urbanized Area. The level does not change during the permit term, regardless of population fluctuation, but may change if the MS4 operator acquires or gives up regulated area. The levels are defined by TCEQ as follows:

Level 1	Traditional MS4s with a population less than 10,000
Level 2	Traditional MS4s with a population between 10,000 and 39,999. Also includes non-traditional MS4s.
Level 3	Traditional MS4s with a population between 40,000 and 99,999
Level 4	Traditional MS4s with a population over 100,000

With a 2010 Census population of 13,056; the Town must meet all requirements of a Level 2 Traditional MS4. Level 2 MS4s are not required to implement additional BMPs that are required for Level 3 and Level 4 MS4s.

BEST MANAGEMENT PRACTICES

The SWMP must provide a listing and description of best management practices (BMPs) developed to prevent stormwater pollution to the MEP. BMPs are required to be developed to satisfy six stormwater quality minimum control measures, as applicable.

Each MCM must contain an appropriate quantity and type of BMP's to satisfy the permit requirements of MEP. The permit regulations state that existing programs or BMPs may be used to satisfy the requirements of this SWMP. The Town intends to continue many of the successful BMPs that were previously developed and clarify or add new BMPs to this program to continue advancing efforts to protect stormwater quality. BMPs must include a schedule of implementation during the five-year permit period and a determination of measurable goals to evaluate the effectiveness of the BMP. A description of how each measurable goal will be evaluated must also be provided.

It was the intent of the TCEQ to provide a general permit for small MS4s with enough flexibility to create a stormwater program to meet the unique, individual needs of smaller systems. The program is intended to be



developed by the MS4 operator such that it effectively reduces pollutants to the receiving waters and ultimately improves water quality.

IMPAIRED WATER BODIES AND TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

The renewed TCEQ Phase II Stormwater Permit includes very specific TMDL requirements that must be considered with the development of a stormwater management plan. A TMDL is the total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA 303(d) list, as not meeting Texas Surface Water Quality Standards. Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved TMDL are not eligible for the permit unless they are consistent with the approved TMDL.

The main receiving streams within the Addison are White Rock Creek, Hutton Branch Creek, Rawhide Creek, and Farmers Branch Creek. The classified water bodies that ultimately receive discharges from the Town are the “Elm Fork Trinity River below Lake Lewisville (#0822)”, and the “White Rock Creek (#0827)”. According to the TCEQ 303d list of impaired waterbodies, none of these receiving waters are impaired or have a TMDL in place. Therefore, the Town is not required, at this time, to include benchmarks or BMPs as outlined in Part II.D.4 of the TCEQ MS4 permit (page 17). However, several of Town’s BMPs target bacteria specifically, including Pet Waste Management.

ENDANGERED SPECIES ACT

The TCEQ Phase II Stormwater Permit does not authorize discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

During the Water Quality Standards Review for the City of Addison, the following endangered species was identified in the following receiving waterbodies: *Spiranthes parksii* in Trinity River Basin.

STORMWATER MANAGEMENT PROGRAM DEVELOPMENT

The Town hired Teague Nall and Perkins, Inc, (TNP), a municipal consulting firm, to assist with the preparation of The Town's SWMP. TNP and Town staff performed the steps described in this section to determine the BMPs, select measurable goals and schedule the implementation of the program elements.

BMP SELECTION PROCESS

Town personnel reviewed the 2013 permit and indicated BMPs that had proven to be effective in reducing and preventing pollution in stormwater runoff. The Town also identified new BMPs that could also enhance stormwater quality. Existing BMPs were reviewed and compared with regulatory requirements in the updated permit for each MCM. BMPs that were effective in the first permit term were continued, while ineffective BMPs were removed and replaced with new BMPs.

SELECTION OF MEASURABLE GOALS

The permit stipulates the development of measurable goals for each BMP with a description of how the measurable goal will be evaluated. Measurable goals were selected to assess the effectiveness or appropriateness of the BMPs, provide a baseline for future measurements, provide progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and to evaluate the success of implementation of the BMP. Efforts were made to select measurable goals that were achievable and allowed for BMP progress to be gauged.

IMPLEMENTATION SCHEDULE

The permit requires that the SWMP provide a schedule for BMP development and implementation. BMPs may be performed or phased into the program over the five-year period of permit coverage such that the program is completely implemented by the permit expiration date. The Town will ensure that legal authority requirements are met within the first two years of the permit, as required by Part III.A.3 of the permit (page 33).

The Town has been proactive in protecting the quality of its stormwater runoff. Consequently, many of the BMPs required are already being implemented in the Town and will continue to be practiced or improved over the permit term. The BMP implementation schedule was developed in an attempt to phase in BMPs over the permit term that are new or will require significant development effort. Previously developed and completed BMPs are identified as Year 1 activities, as required by the permit and existing BMPs that are planned to be implemented each year are identified as Year 1 through Year 5 activities. The progression aims to continually increase stormwater quality in the Town to the MEP over the five year permit term.



ANNUAL REPORTING AND TRACKING

The permit effective date is January 24, 2019 and the first year of the permit ends on January 23, 2020. The small MS4 can select their own annual report due date as long as it is permit year, calendar year, or fiscal year. The annual reporting date chosen will remain the same date throughout the permit term. The annual reports are due each year and must be submitted to TCEQ within 90 days after the selected permit year ends.

The Town has chosen to report on the calendar year. The annual reports are to be completed as BMPs are implemented to track the progress of the program and to determine if any changes to the program are necessary.

RECORDKEEPING

The Town shall retain all records including a copy of the TPDES permit (located in Appendix B) and records of all data used to complete the NOI and satisfy the public participation requirements, for a period of three (3) years, or for the remainder of the term of this general permit, whichever is longer, as required by the permit (Part IV.A). The Town will also make the NOI and SWMP available to the TCEQ and the general public at Town, Town Hall at reasonable times and during normal business hours.



IV. MINIMUM CONTROL MEASURES

The following section is organized according to the five minimum control measures (MCMs):

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

The sixth MCM, Industrial Stormwater Sources, is not a required MCM for a Level 2 Town. Therefore, the Town has excluded this MCM from the SWMP.

Under each MCM heading the TPDES regulations are provided followed by a listing of the proposed BMPs being implemented to meet the permit requirements. The BMPs that are identified within this program along with the measurable goals and implementation schedule represent The Town's efforts to comply with the permit to the MEP. A SWMP summary and master tracking table is included within this section and provides an overview of the BMPs, measurable goals, and implementation schedules that will be used to comply with the TPDES regulations. The tables also identify the responsible department for development and implementation of each BMP. Notes are added for each BMP to describe in detail what The Town has planned in order to make the BMP effective in reducing stormwater pollution.



A. Public Education, Outreach and Involvement

1. TCEQ Permit Requirements (Ref. TPDES Permit Part III.B.1):

(a) PUBLIC EDUCATION AND OUTREACH

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

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

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



(b) PUBLIC INVOLVEMENT

- (1) All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related Small MS4 General to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

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



2. Goals and Objectives

The Town has identified several public education and outreach focus areas. Specifically, the Town identified improper restaurant dumpster and trash practices as being a community-wide issue. Food establishments can be educated about proper disposal of grease and maintenance of grease traps in order to prevent sanitary sewer overflows. There can also be issues with dumpsters overflowing with waste and illicit discharges from dumpsters. Once the waste reaches the pavement, it is often washed away due to rain events or by practices such as power washing. The Town has added a BMP to specifically address this issue, and provide education for restaurant dumpster and trash management.

The master tracking table that describes each Public Education, Outreach, and Involvement BMP identifies the goal and targeted audience, in addition to the description, measurable goal, implementation year, and notes. The goal details the intended outcome of each BMP. The target audience identifies the specific group of people that the BMP is targeting.

3. Best Management Practices

The Town has selected the following BMPs to fulfill the requirements of the Public Education, Outreach and Involvement minimum control measure.

1. Community Involvement
2. Household Hazardous Waste Program
3. Pet Waste Management
4. Regional Partnerships
5. Restaurant Dumpster and Trash Handling
6. Storm Drain Inlet Markers
7. Stormwater Education
8. Sustainability Website
9. Texas SmartScape Program
10. SWMP Annual Review



MCM 1: Public Education, Outreach and Involvement							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Community Involvement			X	X	X	X	X
A service project inviting businesses, individuals and civic groups to participate in maintenance and cleanup of community areas throughout the Town.	Infrastructure	Provide 1 cleanup event annually.	December 2019-2023				
<p>Goal: Public education and involvement to reduce pollutants, trash, and floatables within public areas.</p> <p>Target Audience: Residents, youth, volunteer groups, businesses.</p> <p>Log: Date of event, location, and volunteer sign-in list.</p> <p>Notes: The Town will determine the date and location of each cleanup event and advertise to residents, youth groups, businesses, and volunteer groups. Volunteers will be provided with the proper disposal material to collect trash and debris.</p>							
Household Hazardous Waste (HHW) Program			X	X	X	X	X
A program to provide a location for residents to properly dispose of HHW and to develop public education about the program and improper disposal of HHW.	Infrastructure	Distribute HHW information at 3 events annually.	December 2019-2023				
<p>Goal: Public education about HHW and involvement in the proper disposal of HHW.</p> <p>Target Audience: Residents including single family and children.</p> <p>Log: Weight of HHW collected.</p> <p>Notes: The household hazardous wastes are disposed of through Dallas County. Town of Addison residents are allowed to bring any HHW items to the center on specific days free of charge. Residents can also call the Town for curbside pickup. The Town provides information about HHW location, impacts to the environment, and legal ramifications of improper disposal of HHW on the website.</p>							



MCM 1: Public Education, Outreach and Involvement							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Pet Waste Management			X	X	X	X	X
A combination of educational outreach and enforcement procedures to encourage residents to clean up after their pets.	Infrastructure	Provide educational material (brochures, flyers, etc.) about pet waste at 3 Town events annually.	December 2019-2023				
		The Town will inspect pet waste stations at least once a week.					
<p>Goal: Public education about proper disposal of pet waste and public involvement to maintain pet waste information.</p> <p>Target Audience: Residents, children, volunteer groups, businesses.</p> <p>Log: Pet waste bags purchased each year and number of educational material (brochures, flyers, etc.) distributed.</p> <p>Notes: The Town of Addison has adopted a pet waste ordinance. The law prohibits pet waste at public parks and on private property and requires owners to clean up after their pets. The Town maintains the pet waste bag stations that are located in Town parks. The Town will also include information, videos, or any other material on the Town website.</p>							
Regional Partnerships			X	X	X	X	X
Partnerships with other communities through agencies such as NCTCOG, to develop educational strategies addressing stormwater quality issues and cooperative management programs specific to the North Central Texas region.	Infrastructure	Provide funding to NCTCOG annually to develop regional stormwater initiatives.	November 2019-2023				
		Attend at least 5 scheduled regional meetings and/or conferences annually.					
<p>Goal: Participate in regional development of stormwater education, outreach and involvement initiatives.</p> <p>Target Audience: Residents, children, businesses, and restaurants.</p> <p>Log: List of employees who attend meetings and conferences.</p> <p>Notes: The Town has participated in NCTCOG's Regional Stormwater Management Program since the last permit term. Through Addison's funding, this group has produced stormwater management program educational materials such as the Texas SmartScape website and various educational brochures. NCTCOG developed and sponsors meetings of constituent cities to further recycling efforts in the community. Other NCTCOG Programs included grant funding to start Household Hazardous Waste Programs, training programs in environmental crimes for municipal employees, and inlet stickers to be placed by volunteers on local storm drains.</p>							



MCM 1: Public Education, Outreach and Involvement							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Restaurant Dumpster and Trash Handling			X	X	X	X	X
Provide a program to educate restaurants about their impact on stormwater quality if trash is improperly managed. Provide best management practices that they can follow.	Infrastructure	Within the first year, inspect each restaurant twice.	December 2019				
		Within the first year, develop a restaurant packet with best management practices.	December 2019				
		In Year 2, determine and inspect high priority restaurants twice a year.	December 2020				
		In Year 2, distribute restaurants packet to 100% of restaurants owners.	December 2020				
<p>Goal: Public education to reduce pollutants from restaurants.</p> <p>Target Audience: Residents, restaurants, trash collection contractors.</p> <p>Log: Restaurant inspections report and number of restaurant packets distributed (Year 2).</p> <p>Notes: Restaurant practices can have a major impact on water quality if not properly addressed. Improper disposal of fats, oils, grease, poorly maintained grease traps, overflowing dumpsters, misuse of wash water, and power washing parking lots are a few ways that pollutants can be discharged into lakes and streams via stormwater runoff. In order to reduce and prevent these pollutants from entering the storm system, the Town plans to inspect and develop a restaurant packet with various educational options to pass along to restaurants.</p>							
Storm Drain Inlet Markers			X	X	X	X	X
Provide opportunities for volunteers to place polyvinyl stickers on storm drain inlets that warn the public not to dump pollutants into the inlets.	Infrastructure	Mark 100% of new development and redevelopment.	December 2019-2023				
		Mark 20% of remaining unmarked inlets annually.	December 2019-2023				
<p>Goal: Public education about the impact of pollution entering into storm drains.</p> <p>Target Audience: Residents, businesses, and visitors.</p> <p>Log: Total of unmarked inlets, number of inlets marked each year, and number of participants.</p> <p>Notes: The Town will mark storm drains to warn the public to not dump pollutants into the inlets. The Town will mark 20% of remaining unmarked inlets each year.</p>							



MCM 1: Public Education, Outreach and Involvement							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Stormwater Education			X	X	X	X	X
Execute stormwater education programs that target the general public. Education topics can include water conservation awareness or stormwater pollution clean-up efforts.	Infrastructure	Annually provide educational material to at least 3 Town events.	December 2019-2023				
<p>Goal: Develop environmental education and involvement programs for local residents.</p> <p>Target Audience: Residents including children and parents.</p> <p>Log: Number of educational material distributed and number of residents attending presentation.</p> <p>Notes: The Town currently has a program to educate children and youth at schools. Presentations can include material about water conservation and/or pollution prevention and how it affects stormwater. Material used during the presentation can vary from videos and games to using an Enviroscape model. The Town will decide which method to educate the children each year. Various educational materials can be found at EPA, TCEQ, and the North Central Texas Council of Governments (NCTCOG). The Town currently hosts various stormwater/water conservation presentations through the Water Tower Learning Center and through Texas A&M Agrilife center.</p>							
Sustainability Website			X	X	X	X	X
Provide education about sustainable and “green” practices, including stormwater best management practices.	Infrastructure	The Town will review website annually and monitor for update.	December 2019 & 2020				
		Post SWMP on Town’s website no later than 30 days after the approval date.	January 2020				
		Post Annual reports on Town’s website no later than 30 days after the due date.	April 2020-2024				
<p>Goal: Develop sustainability education and invite the public to become active in the long-term benefits of sustainable practices throughout The Town.</p> <p>Target Audience: Residents, children, businesses, industries, and the general public</p> <p>Log: Website activity (views) and screen shots of SWMP and annual report posted.</p> <p>Notes: Addison maintains a website, Sustainability, which provides information and education about water conservation, pollution prevention, air quality, energy conservation, recycling, tree preservation, and many other “green” initiatives. The education is targeted at residents, businesses, and the general public. The SWMP and annual reports will be available on the Sustainability website https://addisontexas.net/infrastructure/sustainability.</p>							



MCM 1: Public Education, Outreach and Involvement							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
SWMP Annual Review			X	X	X	X	X
Review the current SWMP in conjunction with preparation of the annual report to ensure program is clear, specific, and measurable.	Infrastructure	Annually review SWMP to ensure compliance.	December 2019-2023				
<p>Goal: Ensure program is in compliance with the General Permit.</p> <p>Target Audience: Town</p> <p>Log: Results of the annual review.</p> <p>Notes: The Town of Addison shall participate in annual review of its current SWMP in conjunction with preparation of the annual report.</p>							



B. Illicit Discharge Detection and Elimination (IDDE)

1. TCEQ Permit Requirements (Ref. TPDES Permit Part III.B.2):

(a) PROGRAM DEVELOPMENT

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

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

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

- a. An up-to-date MS4 map (see Part III.B.2.(c)(1));
 - b. Methods for informing and training MS4 field staff (See Part III.B.2.(c)(2));
 - c. Procedures for tracing the source of an illicit discharge (see Part III. B.2.(c)(5));
 - d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));
 - e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
 - f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (See Part III.B.2.(e)(1));
 - g. For Level 4 small MS4s, field screening to detect illicit discharges (See Part III.B.2.(e)(2)).
 - h. For Level 4 small MS4s, procedures to reduce the discharge of floatables in the MS4. (see Part III.B.2(e)(3).)
- (2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ Regional Office of the possible illicit connection or illicit discharge.
 - (3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).
 - (4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.



(b) ALLOWABLE NON-STORMWATER DISCHARGES

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

(c) REQUIREMENTS FOR ALL PERMITTEES

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

(1) MS4 mapping

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

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

(2) Education and Training

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

(3) Public Reporting of Illicit Discharges and Spills

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

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

(5) Source Investigation and Elimination

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

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



- (ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.
 - (iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
- b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee’s boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ’s Field Operation Support Division according to Part III.A.3.b.
- c. Corrective Action to Eliminate Illicit Discharge
- (i) If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.
- (6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

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

(d) ADDITIONAL REQUIREMENTS FOR LEVEL 3 AND 4 SMALL MS4S

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

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part

III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) ADDITIONAL REQUIREMENTS FOR LEVEL 4 SMALL MS4S

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

(1) Identification of Priority Areas

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

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) as needed, field screening. If dry weather field screening is necessary, at a minimum, the permittee shall:

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

(3) Reduction of Floatables

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

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



2. Best Management Practices

The Town has selected the following BMPs to fulfill the requirements of the Illicit Discharge Detection and Elimination minimum control measure.

1. Storm Drainage System Map
2. Education and Training on Illicit Discharges
3. Public Reporting & Response Procedures
4. Source Investigation and Elimination
5. Sanitary Sewer Operation and Maintenance
6. Dry Weather Field Inspections



MCM 2: Illicit Discharge Detection and Elimination							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Storm Drainage System Map			X	X	X	X	X
Maintain an up-to-date storm drainage system map that includes identifying locations of storm drainage conveyances, all major outfalls and the names and locations of receiving waters.	Infrastructure	Annually update the storm drainage system map as necessary.	December 2019-2023				
<p>Log: Revisions to the storm drainage system map.</p> <p>Notes: The Town maintains a GIS map of the storm drain system that includes locations of inlets, outfalls and receiving waters. The MS4 map is located in the Addison Infrastructure Department and is regularly updated with new storm drain locations when new development or public works projects are completed. The map includes locations of all Town outfalls that discharge to waters of the U.S., and the location and name of all surface waters receiving the discharge.</p>							
Education and Training on Illicit Discharges			X	X	X	X	X
Provide educational information and training to relevant Town staff including field personnel who may come into contact with or observe an illicit discharge or illicit connection.	Infrastructure	Provide annual IDDE training at least once a year for designated Town staff and new hires.	August 2019-2023				
<p>Log: Training sign-in sheet and training materials used.</p> <p>Notes: The Town will implement an illicit discharge and illicit connection training program for Town staff that could come into contact with or observe an illicit discharge or connection to the MS4. The Town may use outside training resources or may develop in-house training utilizing available resources including online training, Center for Watershed Protection training materials, or other regional developed training materials through NCTCOG, EPA, etc. The training programs and materials lists will be maintained with the Infrastructure Department.</p>							



MCM 2: Illicit Discharge Detection and Elimination							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Public Reporting & Response Procedures			X	X	X	X	X
Provide a public reporting/input mechanism for receipt and consideration of information submitted by the public concerning construction site stormwater runoff, illicit discharges or illegal dumping.	Public Works	Investigate 100% of complaints or reports received.	December 2019-2023				
<p>Log: Illicit discharge/non-stormwater discharges reports received and any corrective actions.</p> <p>Notes: The Town can receive reports of any environmental concerns via The Town website, under the Public Works Department Stormwater Management page. The Infrastructure Department will administer the educational aspect of the reporting/input program by advertising the program on The Town website, newsletter and through any other means and by providing a central point of contact to receive reports. The Infrastructure Department will also receive, document and respond to the reports and input from the public. The Town will follow the procedures as developed under the Source Investigation and Elimination BMP.</p>							
Source Investigation and Elimination			X	X	X	X	X
Administer inspection and investigation procedures to identify, locate the source of any reported illicit/non-stormwater discharges including illegal dumping, corrective actions and any follow-up investigations.	Infrastructure	Investigate and correct 100% of potential illicit discharges and/or non-stormwater discharges.	December 2019-2023				
<p>Log: Illicit discharge reports and any corrective actions.</p> <p>Notes: The Town will develop illicit discharge inspection, investigation and elimination procedures to comply with Part III.B.2.(c)(5) of the TCEQ MS4 permit (pg. 36). Inspections shall be performed in response to complaints or reports of illicit discharges and/or non-stormwater discharges including illegal dumping. Investigations shall include prioritization based on potential risk to human health and/or the environment, tracking and documentation of the inspection of the source, follow-up inspections once corrected, and date closed. Upon the discovery of any immediate risk to human health or the environment, The Town will contact TCEQ immediately. If the source of the discharge is outside the jurisdiction, The Town shall notify the responsible MS4 or the TCEQ as appropriate. Corrective actions shall include notification to the discharger of the problem, requirements for performing all corrective actions. Penalties may be assessed as determined by the MS4 per the illicit discharge ordinance.</p>							



MCM 2: Illicit Discharge Detection and Elimination							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Sanitary Sewer Operation and Maintenance			X	X	X	X	X
A program to provide routine inspection and cleaning of sanitary sewer in problem areas to prevent backup and overflow of sanitary sewer into local waterways.	Infrastructure	Perform routine maintenance of sanitary sewers annually.	December 2019-2023				
		Investigate 100% of potential sanitary sewer leaks.	December 2019-2023				
<p>Log: Total length of line cleaned and potential leaks.</p> <p>Notes: Routine inspection and maintenance of the sanitary sewer system will help the Town prevent pollutant discharges from sanitary sewer overflows.</p>							
Dry Weather Field Inspections			X	X	X	X	X
Inspect storm sewer outfalls during dry weather to detect pollutant discharges and provide a plan of action for eliminating any such sources of discharge.	Infrastructure	Visually inspect one watershed per year	August 2019-2023				
<p>Log: Report of findings, suspicious discharges, and actions taken.</p> <p>Notes: The Town has developed procedures and an inspection form to log outfall inspection sites. The Town will continue to use these procedures during the permit term to detect any pollutant discharges and eliminate the source of the discharge.</p>							



C. Construction Site Stormwater Runoff Control

1. TCEQ Permit Requirements (Ref. TPDES Permit Part III.B.3):

(a) REQUIREMENTS AND CONTROL MEASURES

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

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

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

(b) REQUIREMENTS FOR ALL PERMITEES

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

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

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

- c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:
 - (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
 - (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
 - (iii) Minimize the discharge of pollutants from spills and leaks.
- d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

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

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

(4) Construction Plan Review Procedures

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

- a. The site plan review procedures must incorporate consideration of potential water quality impacts.
- b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements



described in Part III.B.3.(a) or in the TPDES CGP, TXR150000. The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

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

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

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

(6) Information submitted by the Public

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



(7) MS4 Staff Training

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

(c) ADDITIONAL REQUIREMENTS FOR LEVEL 3 AND 4 SMALL MS4S

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

(1) Construction Site Inventory

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

2. Best Management Practices

The Town has selected the following BMPs to fulfill the requirements of the Construction Site Stormwater Runoff Control minimum control measure.

1. Erosion & Sediment Control Requirements
2. Construction Plan Review Procedures
3. Construction Site Inspection and Enforcement
4. Construction Stormwater Training



MCM 3: Construction Site Stormwater Runoff Control							
Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Erosion & Sediment Control Requirements			X	X	X	X	X
Enforce erosion and sediment control requirements for regulated construction activities to include implementation of erosion and sediment controls, soil stabilization and BMPs.	Infrastructure	Review and amend, if necessary, the current Town erosion and sediment control ordinance for compliance with the renewed TCEQ permit by end of Year 1.	December 2019				
<p>Log: Construction site violations and any corrective actions.</p> <p>Notes: The Town of Addison has adopted an Erosion Control Ordinance (Addison Code of Ordinances, Chapter 71, "Erosion Control", Article II, "Erosion Control Required") that requires erosion and sediment controls, soil stabilization procedures and BMPs to minimize the discharge of pollutants to the MS4. The Town will review the existing ordinance for compliance with the renewed TCEQ MS4 permit and will amend the ordinance as needed to comply with the new permit conditions, including identified "prohibited discharges" noted in Part III.B.(b)(3) (pg.36-37).</p>							
Construction Plan Review Procedures			X	X	X	X	X
Administer the construction plan review procedures to evaluate proposed erosion and sediment controls in accordance with The Town's construction erosion and sediment control ordinance.	Infrastructure	Administer the construction plan review process for 100% of new regulated construction projects.	December 2019-2023				
<p>Log: List of plans reviewed.</p> <p>Notes: The Town has developed a site plan review checklist for review of erosion and sediment control plans on regulated construction projects. The Town will develop and implement additional site plan review procedures, if necessary, to comply with the Construction Plan Review Procedures described in Part III.B.(b)(4) of the TCEQ MS4 Permit (pg. 37). The procedures will describe which plans will be reviewed and when operators may begin construction. Procedures will also include consideration of water quality impacts, site specific control measures as outlined in the Erosion and Sediment Control Ordinance and may include submittal of a SWPPP to The Town for review.</p>							



MCM 3: Construction Site Stormwater Runoff Control

Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Construction Site Inspections and Enforcement			X	X	X	X	X
Conduct construction site inspection and enforcement procedures to ensure the proper installation and maintenance of erosion and sediment controls on regulated construction projects.	Infrastructure	Inspect 100% of construction sites each year	December 2019-2023				
		Inspect 100% of complaint driven site each year	December 2019-2023				
<p>Log: Construction site inspections performed and any follow-up actions.</p> <p>Notes: The Town has developed an erosion and sediment control inspection checklist for regulated construction projects. The Town will develop and implement additional inspection and enforcement procedures as needed to comply with the Construction Site Inspection and Enforcement requirements described in Part III.B.(b)(5) of the TCEQ MS4 Permit (pg. 37-38). The Town will develop written procedures outlining the inspection and enforcement requirements. The procedures will include frequency of inspections based on site specific water quality factors, verification that the project is covered under the TCEQ construction permit (TXR150000), and verification that the project is in compliance with The Town's Erosion and Sediment Control Ordinance. The Town will complete either written or electronic inspection reports for projects and will keep these on file in the Engineering Department.</p>							
Construction Stormwater Training			X	X	X	X	X
Training for Town personnel responsible for implementing the construction site stormwater program including permitting, plan review, inspections and enforcement.	Infrastructure	Conduct annual construction stormwater training at least once a year for designated Town staff and new hires.	August 2019-2023				
<p>Log: Training sign-in sheet and training materials used.</p> <p>Notes: The Town will provide training for personnel responsible for implementing the various aspects of the construction stormwater program. Training will include BMP selection, maintenance, and construction techniques for various erosion and sediment control BMPs. Various training opportunities are available which include in-house training using existing staff, training DVD's, or outside training at NCTCOG or other training facilities. The Town will document the attendees and training materials used.</p>							



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

1. TCEQ Permit Requirements (Ref. TPDES Permit Part III.B.4):

(a) POST CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

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

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

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

(b) REQUIREMENTS FOR ALL PERMITEES

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

- (1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.
- (2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.
- (3) Long-Term Maintenance of Post-Construction Stormwater Control Measures

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



- a. Maintenance performed by the permittee. See Part III.B.5
- b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

(c) ADDITIONAL REQUIREMENTS FOR LEVEL 4 SMALL MS4S

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

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

2. BEST MANAGEMENT PRACTICES

The Town has selected the following BMPs to fulfill the requirements of the Post-Construction Stormwater Management in New Development and Redevelopment minimum control measure.

- 1. Post-Construction Requirements
- 2. Long-Term Maintenance of Post-Construction BMPs
- 3. Tree Planting and Management Plan



MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment

Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Post-Construction Requirements			X	X	X	X	X
Provide a post-construction stormwater runoff ordinance to require developers to address post-construction runoff control from new development and redevelopment projects and ensure long term operation and maintenance of proposed BMPs.	Infrastructure	Review and amend, if necessary, the current Town post-construction ordinance for compliance with the renewed TCEQ permit by end of Year 1.	December 2019				
		Investigate 100% of post-construction violations or complaints	December 2019-2023				
<p>Log: Post-construction violations and any follow-up actions.</p> <p>Notes: The Town has an existing post-construction stormwater ordinance that was adopted in 2012. The existing ordinance requires the design, installation, implementation, and maintenance of BMPs to protect water quality. The BMPs will be reviewed by the Infrastructure office during planning and design of the site. The ordinance will be re-evaluated to determine if the ordinance should be updated based on the renewed TCEQ permit requirements.</p>							
Long-Term Maintenance of Post-Construction BMPs			X	X	X	X	X
Enforce requirements for long-term maintenance of post-construction BMPs that are installed on new development and re-development projects.	Infrastructure	Implement maintenance plans for 100% of new owners or operators once post-construction BMPs is installed.	December 2019-2023				
<p>Log: Maintenance agreement plans filed.</p> <p>Notes: The Town shall review the existing long-term maintenance requirements of the post-construction ordinance and the long-term O&M requirements as outlined in Part III.B.4.(b)(3) of the TCEQ MS4 permit (pg. 39). The Town will evaluate and update the ordinance, if necessary, to require either maintenance performed by The Town or maintenance performed by the owner/operator under a maintenance plan. Maintenance plans will be required to be filed in the real property records of the county. Maintenance plans will also have requirements for retention of maintenance records for any structural control measures installed on site.</p>							



MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment

Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Tree Planting and Management Plan			X	X	X	X	X
Continue the “Tree Planting and Management Plan” funded in part by a grant from the Texas Forest Service and in cooperation with the Addison Arbor Foundation. The master plan quantifies the benefits of the town’s trees related to stormwater runoff.	Infrastructure	Replace 100% of trees removed in accordance with the Tree Management Plan when designing future roadway improvements.	December 2019-2023				

Log: Number of trees replaced.

Notes: The Town uses the “Tree Planting and Management Plan” to determine future tree plantings on roadway improvements. The master plan quantifies the benefits of the town’s trees related to the stormwater runoff and provides recommendations and a plan for continued urban reforestation.



E. Pollution Prevention and Good Housekeeping for Municipal Operations

1. TCEQ Permit Requirements (Ref. TPDES Permit Part III.B.5):

(a) PROGRAM DEVELOPMENT

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

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

(b) REQUIREMENTS FOR ALL PERMITTEES

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

(1) Permittee-owned Facilities and Control Inventory

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

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;
- f. Incinerators;
- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;
- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;
- o. Recycling facilities;



- p. Salt storage facilities;
- q. Solid waste handling and transfer facilities;
- r. Street repair and maintenance sites;
- s. Vehicle storage and maintenance yards; and
- t. Structural stormwater controls.

(2) Training and Education

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

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

(4) Contractor Requirements and Oversight

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

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

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

- (i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;
- (ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;
- (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
- (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

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

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

- (i) Replacing materials and chemicals with more environmentally benign materials or methods;
 - (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
 - (iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.
- d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections and how they will be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

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

(d) ADDITIONAL REQUIREMENTS FOR LEVEL 3 AND 4 SMALL MS4S:

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

(1) Storm Sewer System Operation and Maintenance

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

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

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

- a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking

lots) in accordance with a frequency and schedule determined in the permittee's O&M program.

- b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
- c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

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

(4) Facility Assessment

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

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

(5) Development of Facility Specific SOPs

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



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

(6) Stormwater Controls for High Priority Facilities

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

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

(7) Inspections

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

(d) ADDITIONAL REQUIREMENTS FOR LEVEL 4 SMALL MS4S:

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

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



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

(2) Evaluation of Flood Control Projects

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

2. Best Management Practices

The Town has selected the following BMPs to fulfill the requirements of the Pollution Prevention/Good Housekeeping for Municipal Operations minimum control measure.

1. Facility and Stormwater Control Inventory
2. Municipal Employee Training Program
3. Contractor Requirements and Oversight
4. Municipal Operation and Maintenance Activities



MCM 5: Pollution Prevention/Good Housekeeping for Municipal Operations

Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Facility and Stormwater Control Inventory			X	X	X	X	X
Maintain a list of Town-owned and operated facilities and stormwater controls, as well as all applicable permit numbers for any Town facility with a separate TPDES permit.	Infrastructure	Maintain an inventory of Town-owned and operated facilities and stormwater controls and update as necessary.	December 2019-2023				
Log: Inventory of facilities and stormwater controls.							
<p>Notes: The Town will review the list of facilities and controls provided under Part III.B.5(b)(1) under the TCEQ MS4 permit (pg. 40-41) and will consider other facilities as appropriate for inclusion in the inventory.</p>							
Municipal Employee Training Program			X	X	X	X	X
Implement a training program that includes seminars, in-house training sessions, new-employee training, videos, manuals or other means to inform and train municipal employees about methods to prevent and reduce stormwater pollution from municipal activities.	Infrastructure	Provide annual municipal employee training at least once a year for designated staff and new hires.	December 2019-2023				
Log: Training sign-in sheet and training materials used.							
<p>Notes: This BMP will target municipal employees involved in pollution prevention and good housekeeping practices. Examples of training activities include Parks Dept. training on proper fertilizer and pesticide use, Public Works training on proper erosion and sediment controls during construction, training for the washing of construction equipment, or cleanup and spill response training. Several training resources are available for municipal use and include Partners for a Clean Environment (PACE), NCTCOG, and EPA resources.</p>							



MCM 5: Pollution Prevention/Good Housekeeping for Municipal Operations

Best Management Practice	Responsible Department	Measurable Goal	Implementation Year				
			1	2	3	4	5
			2019	2020	2021	2022	2023
Contractor Requirements and Oversight			X	X	X	X	X
Requirements for Town-hired contractors that perform maintenance activities on Town-owned facilities to comply with the stormwater control, waste disposal and good housekeeping requirements of this program.	Infrastructure	Implement contract requirements to 100% of new contractors	December 2019-2023				
		Maintain contracts with 100% of current contractors and revise as necessary.	December 2019-2023				
<p>Log: List of current contractor. Update list with newly hired contractors.</p>							
<p>Notes: The Town has developed a list of Town-hired contractors subject to the stormwater pollution prevention and good housekeeping requirements of this program and review the existing contracts and revised as needed. The Town will provide oversight of contractor activities to ensure that contractors are using appropriate control measures and standard operating procedures. Oversight procedures will be maintained with the stormwater program.</p>							
Municipal Operation and Maintenance Activities			X	X	X	X	X
Implement pollution prevention measures for municipal operations and maintenance activities to reduce the potential for discharge of pollutants in stormwater.	Infrastructure	Inspect high priority facilities once a year	December 2019-2023				
		Implement newly revised pollution prevention measures in Year 3	December 2021				
<p>Log: Inspection reports of high priority facilities.</p>							
<p>Notes: The Town will assess municipal O&M activities such as road and parking lot maintenance including pothole repair, pavement marking, sealing, repaving, bridge maintenance, cold weather operations such as sanding and deicing and right-of-way maintenance such as mowing, herbicide and pesticide application, and planting. The Town will identify pollutants of concern (i.e. metals, chlorides, hydrocarbons, sediment, trash, etc.) that could be discharged from these O&M activities and develop a set of pollution prevention measures. Pollution prevention measures could include replacing materials with more environmentally benign materials, changing operations to minimize exposure, or using BMPs to prevent discharges such as containment devices. All pollution prevention measures will be visually inspected at a frequency to ensure they are working properly. Several pollution prevention methods and procedures have been developed for municipalities and are available on the PACE (Partners for a Clean Environment) website at www.pacepartners.com.</p>							



**APPENDIX A
TOWN OF ADDISON
NOTICE OF INTENT**



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

IMPORTANT:

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

Once approved, your permit authorization can be viewed at:

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

APPLICATION FEE:

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

Payment and NOI must be mailed to separate addresses.

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

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

Provide your payment information below, for verification of payment:

Mailed Check/Money Order Number:
Check/Money Order Amount:
Name Printed on Check:

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

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

Is the copy attached? Yes

REASON FOR APPLICATION:

Select the reason you are submitting this application:

- New authorization
- Renewal of authorization number: TXR040592

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

Section 1. OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN 601725211
- b) What is the exact Legal Name of the entity (applicant) applying for this permit?
Town of Addison
- c) Complete and attach a Core Data Form (TCEQ-10400) for this customer.

Section 2. ANNUAL BILLING CONTACT

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

Provide the name and contact information of the billing contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: Wes Pierson

Title: City Manager

Organization Name: Town of Addison

Phone Number: (972) 450-2880

Fax Number:

Email: wpierson@addisontx.gov

Mailing Address: PO BOX 9010

City, State, and Zip Code: Addison, TX 75001

Section 3. APPLICATION CONTACT

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

Provide the name and contact information of the application contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: Shawn Cheairs

Title: IDS Management Assistant

Organization Name: Town of Addison

Phone Number: (972) 450-2818

Fax Number:

Email: scheairs@addisontx.gov

Mailing Address: PO BOX 9010

City, State, and Zip Code: Addison, TX 75001

Section 4. REGULATED ENTITY (RE) INFORMATION FOR SITE

- a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN 105489736
- b) Name of site as known by the local community:
Town of Addison MS4
- c) Name of the urbanized area(s) the Phase II MS4 is located within:
Dallas Urbanized Area
- d) Provide a brief description of the regulated MS4 boundaries: *Example: Area within the City of XXXX limits that is located within the xxx urbanized area:*
Area within the Town of Addison limit that is located within the Dallas - Fort Worth - Arlington Urbanized Area

Section 5. GENERAL CHARACTERISTICS

- a) Is this site located on Indian Country Lands?
- Yes, do not submit this form. You must obtain authorization through U.S. EPA Region 6.
- No, continue to item b
- b) Has TCEQ formally “designated” the small MS4 as needing coverage under this general permit?
- Yes. Attach a copy of the documentation sent to the MS4 by TCEQ.
- No
- c) Select the MS4 level, which is based on the population served within the urbanized area (UA) **based on the most recent Decennial Census at the time of issuance of the general permit.**
- Level 1:** Traditional small MS4s with a population of less than 10,000.
- Level 2:** Traditional small MS4s with a population of at least 10,000 but less than 40,000.
- Non-traditional MS4s: This level also includes all non-traditional small MS4s regardless of population unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage. *Examples of non-traditional small MS4s include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts.*
- Level 3:** Traditional small MS4s with a population of at least 40,000 but less than 100,000.
- Level 4:** Traditional small MS4s with a population of 100,000 or more.
- d) What is the estimated current population served by your MS4 (regulated area?)
15,500 People

e) Is the MS4 part of a coalition?

Yes

No

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

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

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

g) What is your annual reporting year?

Calendar year

Small MS4 General Permit year

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

h) Stormwater Management Program (SWMP)

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

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

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

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

Prefix (Mr. or Ms.): Mr.

First and Last Name: Shawn Cheairs

Title: IDS

Organization Name: Town of Addison

Phone Number: (972) 450-2818

Fax Number:

Email: scheairs@addisontx.gov

Mailing Address: PO BOX 9010

City, State, and Zip Code: Addison, TX 75001

i) Discharge Information

1. What is the name of the waterbody(ies) receiving stormwater discharges from the MS4? White Rock Creek, Hutton Branch Creek, Rawhide Creek, and Farmers Branch Creek
2. What is the classified segment number(s) that the discharges will eventually reach? Elm Fork Trinity River Below Lake Lewisville #0822 and White Rock Lake #0827

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

Directly

Indirectly

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

Yes

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

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

No

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

Yes

What is/are the pollutants with a TMDL?

No

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

Yes

What is the name of the MS4 operator? Farmers Branch and Dallas

No

6. Edwards Aquifer Rule

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

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

No

- j) Public Participation Process

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

Prefix (Mr. or Ms.): Mr.

First and Last Name: Shawn Cheairs

Title: IDS Management Assistant

Company: Town of Addison

Phone Number: (972) 450-2818

Fax Number: [REDACTED]

Email: scheairs@addisontx.gov

Mailing Address: PO BOX 9010

Internal Routing (Mail Code, Etc.): [REDACTED]

City, State, and Zip Code: Addison, TX 75001

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

Name of Public Place: Town of Addison, Service Center

Address of Public Place: 16801 Westgrove Drive, Addison, TX 75001

County of Public Place: Dallas

3. Provide the address for the website where the MS4's SWMP and annual report will be posted. <https://addisontexas.net/infrastructure/sustainability>

Do not have a website.

Section 6. CERTIFICATION

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

Yes

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

Yes

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

Yes

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

Yes

Operator Certification

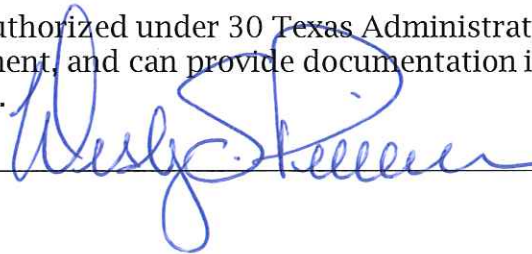
Operator Signatory Name: Wes Pierson

Operator Signatory Title: City Manager

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

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

Signature (use blue ink):



Date:

7/18/19

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

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

Operator

Operator name: Town of Addison MS4

Required Program Elements

The SWMP needs to include:

- BMPs and measurable goals that are clear, specific, and measurable,
- Annual Reporting Year selected, and
- Estimated population served by the MS4.

Legal Authorities

Include in the SWMP the list of local legal authorities (i.e., ordinance, rule) that the MS4 has adopted to implement any of the MCMs. List all and what MCM they each cover.

Minimum Control Measures

For each MCM, complete the table by entering the page number where the required element can be found in the SWMP

MCM 1: Public Education, Outreach, and Involvement

Table 1: Required Elements for MCM 1

MCM 1 Required Elements	SWMP page number
SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater	19-26
Clearly define the goals and objectives of the program based on high-priority community-wide issues	21
Identify the target audiences	22-26
Develop or use appropriate educational material	22-26
Procedures to distribute educational material	22-26
Make the educational material available to the target audience at least annually	22-26

MCM 1 Required Elements	SWMP page number
Post the SWMP and annual reports on the MS4's website, if the MS4 has a website	25
Include the MS4's website address where the SWMP and annual reports will be found, if the MS4 has a website	25
SWMP includes a program that complies with state and local public notice requirements	19-26
Include public input in the implementation of the program	19-26
Include opportunities for citizen to participate in implementation of control measures	19-26
Ensure the public can easily can find information about the SWMP.	19-26
SWMP lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs could be stream-clean-ups, storm drain stenciling, volunteer water quality monitoring, brochures, billboards, and websites.	22-26
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	22-26
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	22-26

MCM 2: Illicit Discharge Detection and Elimination

Table 2: Required Elements for MCM 2

MCM 2 Required Elements	SWMP page number
Description of the program that will be used to detect, investigate and eliminate illicit discharges. The program includes a plan to detect and address illicit discharges, including illegal dumping to the MS4 system.	27-34
MS4 map: The map includes: <ul style="list-style-type: none"> • Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.; • Location and name of all surface waters receiving discharge from the MS4s outfalls; • For Level 3 and 4 small MS4s: Location of MS4 owned or operated facilities and stormwater controls; and • For Level 4 small MS4s: Location of priority areas. 	32
Methods for informing and training MS4 field staff	32
Procedures for tracing the source of an illicit discharge	33

MCM 2 Required Elements	SWMP page number
Procedures for removing the source of the illicit discharge	33
Procedures to facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4	33
Procedures for responding to illicit discharges and spills	33
Procedures for inspections in response to complaints	33
For Level 2, 3, and 4 small MS4: Procedures to prevent and correct leaking on-site sewage disposal systems	34
For Level 3 and 4 small MS4s: Procedures for follow-up investigation to verify that the illicit discharge has been eliminated	N/A
For Level 4 small MS4s: Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges	N/A
For Level 4 small MS4s: Procedures for a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening consists of (1) field observations and (2) field screening.	N/A
For Level 4 small MS4s: Procedures to reduce the discharge of floatables in the small MS4	N/A
SWMP lists BMPs used to fulfill this MCM. Examples of possible BMPs could be hazardous materials disposal opportunities, inspections of the storm sewer system, and dye testing.	32-34
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	32-34
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	32-34

MCM 3: Construction Site Stormwater Runoff Control

Table 3: Required Elements for MCM 3

MCM 3 Required Elements	SWMP page number
Program requires operators of construction sites one acre and greater (including larger common plan) to select, install, implement, and maintain stormwater control measures	35-40
Description of 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	39

MCM 3 Required Elements	SWMP page number
Program requires construction site operators to implement BMPs for erosion and sediment control	39
Program requires construction site operators to have procedures for initiating and completing soil stabilization measures	39
Program requires construction site operators to implement BMPs to control pollutants from equipment and vehicle washing and other wash waters	39
Program requires construction site operators to implement BMPs to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials	39
Program requires construction site operators to implement BMPs to minimize the discharge of pollutants from spills and leaks.	39
Program ensures that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000	39
Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities	39
Procedures for construction site plan review to consider water quality impacts	39
Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law	40
Procedures for receipt and consideration of information submitted by the public	40
Procedures for MS4 staff training	40
For Level 3, and 4 small MS4s: Procedures to develop and maintain an inventory of all permitted active public and private construction sites greater than one acre (and sites that are less than one acre if part of larger common plan of development or sale)	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: 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; perform site inspections and enforcement; provide education and training for construction site operators; and mechanism to prohibit discharges into MS4 where necessary.	39-40
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	39-40

MCM 3 Required Elements	SWMP page number
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	39-40

MCM 4: Post Construction Stormwater Management in New Development and Redevelopment

Table 4: Required Elements for MCM 4

MCM 4 Required Elements	SWMP page number
Description of a program that will be developed, implemented and enforced, to control stormwater discharges from private and public new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more (and sites that disturb less than one acre that are part of a larger common plan of development or sale)	41-44
Description of ordinance or other regulatory mechanism that is in place or planned which will regulate discharges from new development and redevelopment projects	43
Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality	43
Procedures to document and maintain records of enforcement actions	43
Procedures to ensure long-term operation and maintenance of post construction stormwater control measures	43
Operation and maintenance of post construction stormwater control measures is documented	43
For Level 4 small MS4s: Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. Inspections must be documented	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: local ordinance in place or planned; guidance document for developers to use; specific BMPs established for particular watersheds; list of appropriate BMPs provided to operators; elimination of curbs and gutters; incentives for use of permeable choices, such as porous pavement; requirements for wet ponds or other BMPs for certain size sites; and xeriscaping.	43-44
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	43-44

MCM 4 Required Elements	SWMP page number
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	43-44

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Table 5: Required Elements for MCM 5

MCM 5 Required Elements	SWMP page number
Description of an operation and maintenance (O&M) program, including an employee training component, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations	45-52
Develop and maintain an inventory of facilities and stormwater controls that are owned or operated by the MS4	51
Procedures to inform or train staff involved in implementing pollution prevention and good housekeeping practices. Maintain training attendance records	51
Procedures to remove and properly dispose of waste from the MS4	51
Contractors hired by the MS4 must be required to comply with operating procedures. Develop contractor oversight procedures	52
Evaluate O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, right-of-way maintenance, etc.	52
Identify pollutants of concern that could be discharged from the O&M activities	52
Develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities	52
Conduct inspections of pollution prevention measures and maintain inspection log	52
Procedures for inspecting and maintaining structural controls	52
For Level 3 and 4 small MS4s: Develop and implement an O&M program to reduce the collection of pollutants in catch basins and other surface structures in the storm sewer system	N/A

MCM 5 Required Elements	SWMP page number
For Level 3 and 4 small MS4s: Develop a list of potential problem areas in the storm sewer system for increased inspection (for example, areas with recurring illegal dumping)	N/A
For Level 3 and 4 small MS4s: Implement an O&M program to reduce discharge of pollutants from roads that includes at least a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure	N/A
For Level 3 and 4 small MS4s: Assess its facilities for their potential to discharge pollutants into stormwater and identify high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater. Document the results of the assessments	N/A
For Level 3 and 4 small MS4s: Develop facility specific stormwater management Standard Operation Procedures for high priority facilities	N/A
For Level 3 and 4 small MS4s: MS4 implements stormwater controls at high priority facilities that address good housekeeping; de-icing and anti-icing storage; fueling operations and vehicle maintenance; equipment and vehicle washing	N/A
For Level 3 and 4 small MS4s: Develop and implement an inspection program that includes high priority facilities	N/A
For Level 4 small MS4s: Develop an application and management program for pesticides, herbicides, and fertilizers used at public open spaces. Implement the following: educational activities, permits, etc for applicators and distributors; encourage of non-chemical solutions for pest management; develop schedules that minimizes discharge of pollutants; ensure collection and proper disposal of unused pesticides, herbicides, and fertilizers	N/A
For Level 4 small MS4s: Evaluate flood control projects. Design, construct, and maintain new flood control structures to provide erosion prevention and pollutant removal from stormwater. Retrofitting of existing structural flood control devices is implemented to the maximum extent practicable (MEP)	N/A
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	50-51

MCM 5 Required Elements	SWMP page number
disposal; disposal of cigarette butts; and park maintenance (e.g., providing trash bags).	
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	50-51
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	50-51

MCM 6: Industrial Stormwater Sources

Table 6: Required Elements for MCM 6

MCM 6 Required Elements	SWMP page number
For Level 4 MS4 only: Identify and control industrial stormwater sources that at least includes the MS4's landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).	N/A
For Level 4 MS4 only: Procedures for inspecting and implementing control measures for discharges from industrial stormwater sources.	N/A

Optional MCM 7: Municipal Construction Activities

This MCM is only applicable where the small MS4 has selected to be the construction site operator for their municipal construction activities. This MCM provides an alternative to the MS4 operator seeking discharge authorization under the Construction Stormwater General Permit TXR150000.

Table 7: Required Elements for MCM 7

MCM 7 Required Elements	SWMP page number
Description of how municipal construction activities will be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations	N/A
Description of the area that this MCM will address and where the MS4 operator's municipal 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)	N/A

MCM 7 Required Elements	SWMP page number
If the area included in this MCM includes areas outside of the UA, then all MCMs (MCM 1 through MCM 7) will be implemented over those additional areas as well	N/A
Description of how contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (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 stormwater discharges if needed	N/A
General description of how a construction SWP3 will be developed for each municipal construction site	N/A
Records of municipal construction activities authorized under this optional MCM	N/A



APPENDIX B
TPDES GENERAL PERMIT TXR040000

Fact Sheet and Executive Director's Preliminary Decision

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 for discharges from small municipal separate storm sewer systems (MS4s) into surface water in the state.

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Date: October 1, 2018

Permit Action: Amendment and Reissuance of a General Stormwater Permit for Phase II (Small) Municipal Separate Storm Sewer Systems (MS4s)

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TPDES General Permit Number TXR040000 for Small MS4s**

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I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to amend and renew the TPDES general permit for Phase II (small) municipal separate storm sewer systems (MS4s), TXR040000. This general permit was first issued and effective on August 13, 2007, and authorizes discharges from small MS4s into surface water in the state. The general permit specifies which small MS4s must obtain permit coverage, which are eligible for waivers, and which must obtain individual permit coverage. The permit also specifies that where discharges will reach waters of the U.S., a stormwater management program (SWMP) must be developed and implemented, and includes the minimum requirements for the SWMP.

The principal changes to the existing general permit include the following:

1. Phase II MS4 Remand Rule

The permit language was updated to comply with the federal Phase II MS4 Remand Rule that became effective on January 9, 2017, and requires permit language that is “clear,” “specific,” and “measurable”

The permit adds a public notice process for major modifications to SWMPs. (Permit Part II.E.6 and Fact Sheet Part IX 6).

TCEQ selected the two-step general permit option (procedural approach) under the NPDES rule. This is the approach TCEQ currently uses. *See* Part III.A. below for explanation.

2. Electronic Reporting Rule

The permit language was updated to comply with the federal e-Reporting Rule that became effective on December 21, 2015. The permit requires that small MS4s submit applications and annual reports electronically by December 21, 2020.

3. Application for Coverage

- a. The permit continues the requirement that operators of small MS4s that are fully or partly located within an urbanized area (UA), as determined by the 2000 or the 2010 Decennial Censuses, must obtain authorization for the discharge of stormwater runoff, and are eligible for coverage under the general permit unless otherwise specified. (Permit Part II.A.1 and Part II.E.1.(a))
- b. The requirement that newly regulated MS4s apply was removed, since the small MS4 universe has not grown during the 2013 - 2018 permit term and there are no newly regulated MS4s. (Permit Part II.E.1)
- c. The permit clarifies that operators of small MS4s that were previously authorized under the general permit must reapply for coverage under the reissued general permit. (Permit Part II.E.1(a))
- d. The permit continues categorizing small MS4s into four levels with different permit requirements applied to each level for some of the program elements. The permit clarifies that the level of a small MS4 is based on the population served by the small MS4 within the 2010 UA and based on the 2010 U.S. Census. A new Decennial Census during a permit term, will not affect the level of an MS4 until the permit is renewed. Non-traditional MS4s such as

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transportation entities, will continue to be categorized as level 2 MS4s.
(Permit Part II.A.5) The levels continue to be:

- (1) Level 1 serves a population of less than 10,000 within a UA;
- (2) Level 2 serves a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts (regardless of population served in the UA);
- (3) Level 3 serves a population of at least 40,000 but less than 100,000 within a UA; and
- (4) Level 4 serves a population of 100,000 or more within a UA.

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

- a. Clarified in Part I and Part II that impaired waters include waters with an EPA approved TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies as not meeting applicable state water quality standards. (Permit Parts I and II.D.4)
- b. Added a requirement that MS4s annually check, in conjunction with preparation of the annual report, if a waterbody has been added to the latest EPA approved *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Newly listed waters must be addressed in the SWMP within two years following the approval date of the new list(s). The permit allows the MS4 to implement BMPs to address the pollutant of concern without submitting a notice of change (NOC). (Permit Part II.D.4)

5. Obtaining Authorization

- a. Added a requirement that MS4s annually review its SWMP in conjunction with preparations of its annual report. (Permit Part II.E.4)
- b. Clarified that annexation of lands or otherwise acquiring land and de-annexation of land or otherwise subtracting areas, requires SWMP changes but does not require submittal of an NOC. (Permit Part II.E.6)
- c. Added that the MS4 is responsible for implementing the program in new areas acquired by the MS4 as expeditiously as possible but no later than three years from the addition of the new area. (Permit Part II.7)

6. Stormwater Management Program (SWMP)

- a. Minimum Control Measures (MCMs) - The current permit continues the six (6) required MCMs in the SWMP. The permit revises the existing MCMs to comply with the federal Phase II MS4 Remand Rule to make the language "clear", "specific", and "measurable" and include additional controls and details where appropriate. The list of MCMs continues to include (1) Public Education, Outreach, and Involvement; (2) Illicit Discharge Detection and Elimination; (3) Construction Site Stormwater Runoff Control; (4) Post-

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Construction Stormwater Management in New Development and Redevelopment; (5) Pollution Prevention and Good Housekeeping for Municipal Operations; and (6) Industrial Stormwater Sources.

Portions of these MCMs are required only for certain levels of small MS4s; for example, MCM (6), related to Industrial Stormwater Sources, is required only for Level 4 permittees, as they are similar in populations to Phase I MS4s, which this MCM is based on. The permit maintains the optional 7th MCM, related to construction activities where the small MS4 is the site operator. (Permit Part III.B)

- b. Added a requirement to MCM 2 that requires Level 4 MS4s to develop and implement a program for collecting floatables in the MS4, similar to requirements in Phase I MS4 permits. (Permit Part III.B.2)
 - c. Added a requirement to MCM 5 that requires Level 4 MS4s to evaluate flood control projects for their ability to remove pollutants from stormwater, similar to requirements in Phase I MS4 permits. (Permit Part III.B.5)
7. MS4-Operated Construction Sites (Optional 7th MCM)
- a. Stormwater Runoff from Concrete Batch Plants

Adjusted the benchmark value for total suspended solids for discharges from concrete batch plants under MCM 7 from 100 milligrams per liter (mg /L) to 50 mg/L to be consistent with the Sector E in the TPDES Multi Sector General Permit (MSGP) TXR050000, issued on August 14, 2016, and the TPDES Construction General Permit (CGP) TXR150000, issued on March 5, 2018. (Permit Part VI.E)

- b. Effluent Limits

Added effluent limits for regulated construction sites based on the federal Effluent Limitation Guidelines (ELGs) at 40 CFR Part 450.21 that consist of a series of BMPs. (Permit Part VI.J.7)

II. Executive Director's Recommendation

The executive director has made a preliminary decision that this general permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the general permit be issued to expire five years from date of issuance following the requirements of Title 30 Texas Administrative Code (TAC) § 205.5(a).

III. Permit Applicability and Coverage

There are two ways that a small MS4 would be required to obtain permit coverage. First, the federal National Pollutant Discharge Elimination System (NPDES) Phase II stormwater rules at 40 CFR § 122.32(a)(1) require authorization for the discharge of stormwater from small MS4s located fully or partially within a UA as defined by the U.S. Bureau of the Census (Census). These small MS4s are often referred to as *regulated* small MS4s. In addition, TCEQ can *designate* a small MS4 as requiring coverage (see federal Phase II rules at 40 CFR §§ 122.32(a)(2) and 123.35(b)). There are two groups that fall into this category. First, the rules require that TCEQ develop and apply designation criteria to small MS4s located outside of a UA that serve a jurisdiction with 10,000 or more people, and that have an average density of 1,000 or more people/square mile (See 40 CFR § 123.35(a)(2)). This assessment was required

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by December 9, 2002, and the TCEQ after assessing those small MS4s that met this criteria did not designate any additional small MS4s requiring permit coverage. Secondly, the rules require TCEQ to designate any small MS4 as a regulated small MS4 where the small MS4 substantially contributes pollutants to a physically interconnected regulated MS4. Small MS4s meeting either of these criteria would be referred to as *designated* small MS4s. The rules also allow the TCEQ to designate additional small MS4s at any time. The portion of the small MS4 required to meet the conditions of the proposed general permit is that portion located within a UA, as well as any portion that is individually designated by the TCEQ. Maps detailing UAs is available at: <http://www.census.gov/geo/www/ua/2010Urbanruralclass.html>

The UA maps were updated by the U.S. Census Bureau during 2012 based on the results of the 2010 U.S. Census. Newly identified UAs on the updated maps are also regulated under the general permit.

In the preamble to the Phase II rules (See *Federal Register* (FR) 64, Number 235, page 68749), the EPA discusses instances where a municipal separate storm sewer may not be considered a system. The TCEQ agrees that certain complexes may have storm drainage structures that operate independently of each other (such as roof top drains flowing to the city street) rather than operating as a system. The TCEQ does not consider most elementary and secondary schools to operate a system, because each school building would normally drain to a city's MS4 rather than to a system of drains operated by a school district.

Similarly, a public office building complex may include roof and parking lot drains that flow to another entity's system. Universities, federal facilities, and many other public complexes do have a constructed drainage system, which would be defined as a small MS4, even if the drains eventually reach another MS4. In this general permit, the definition for small MS4 excludes storm drains associated with municipal (publicly owned) office and education complexes, where the complexes serve a nonresidential population, and where the buildings are not part of a larger MS4.

A. NPDES Small MS4 General Permit Remand Rule

On December 9, 2016, EPA issued the Small MS4 General Permit Remand Rule, with an effective date of January 9, 2017, to respond to a remand from the United States Court of Appeals for the Ninth Circuit in *Environmental Defense Center, et al. v. EPA*, 344 F. 3d 832 (9th Cir. 2003). Under the rule, EPA revised the small MS4 regulations to ensure that states review BMPs to be used by MS4s to ensure that the small MS4s reduces the pollutant in the discharge from their systems to the maximum extent practicable (MEP) and that states provide public notice and the opportunity to request a hearing.

The rule establishes two alternative approaches that states can use to issue small MS4 general permits. The first option is to issue a general permit that includes all permit terms and conditions to require the MS4 operator to reduce the discharge of pollutants from its MS4 to the MEP to protect water quality and to satisfy the appropriate water quality requirements of the CWA in one comprehensive general permit.

The second option allows states to establish the necessary terms and conditions in two steps. The first step is to issue a base general permit that contains terms and conditions for all MS4s. The second step requires that MS4s develop individual terms and conditions in their SWMPs that states will review. Public notice, comment period, and opportunity to request a public hearing is available for both steps in the second option.

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The rule also requires that permit terms and conditions are written in a language that is "clear," "specific," and "measurable" to avoid uncertainties as to what specific actions the MS4 is expected to take, and therefore make it easier to comply with and assess compliance. The preamble (*Fed. Reg.* Vol. 81, No. 237, December 9, 2016, p. 89335) explains that permit requirements that include "caveat" language such as: "if feasible," "if practicable," "to the maximum extent practicable," "as necessary," or "as appropriate" unless defined would generally not qualify as "clear," "specific," and "measurable."

SWMPs under the two-step option need to meet requirements in the Remand Rule, since detailed permit terms and conditions are outlined in the SWMP document, thus making the approved SWMP document enforceable.

TCEQ established terms and conditions under state rule 30 TAC Chapter 213 (Edwards Aquifer Rule) which is outside the NPDES program, are not consider part of the Remand Rule, therefore, permit language related to the Edwards Aquifer Rule remains unchanged.

TCEQ has chosen the two-step option (procedural approach) since the state has managed its small MS4 program in that manner since the issuance of the first TPDES Small MS4 General Permit in 2007.

B. Regulated Small MS4s Subject to Permitting

The proposed general permit would continue to authorize the discharge of stormwater runoff and certain non-stormwater discharges from the following small MS4s:

1. Small MS4s located wholly or partially within a UA as defined by the U.S. Census Bureau in the 2000 or 2010 Censuses, and
2. Small MS4s individually designated by the TCEQ as described in Section III.B of this fact sheet.

C. Designated Small MS4s Subject to Permitting

Certain small MS4s may be designated by the TCEQ as requiring permit coverage based on federal requirements at 40 CFR § 122.32(a)(2). The TCEQ has developed the following criteria, one or more of which may be considered in designating a small MS4:

1. Controls for discharges are determined to be necessary for source water protection of public drinking water resources based on the results of source water assessments by the TCEQ.
2. Controls for discharges are necessary to protect sea grass areas of Texas bays as delineated by the Texas Parks & Wildlife Department.
3. Controls for discharges are necessary to protect receiving waters designated as having an exceptional aquatic life use.
4. Controls are required for pollutants of concern expected to be present in discharges to a receiving water listed in the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.
5. Discharges from an adjacent small MS4 are determined by TCEQ to be significantly contributing pollutants to the regulated MS4. The TCEQ would

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make this determination after receiving a written request by a regulated adjacent MS4 operator.

6. Additional factors relative to the environmental sensitivity of receiving watersheds.

Specific thresholds are not established for each of the designation criteria. Instead, designation must occur following a case-by-case consideration and is based on a finding that controls are necessary to protect water quality. If designated, the MS4 operator will be notified by the executive director and allowed to apply for authorization under either the proposed general permit or an individual TPDES stormwater permit. The application for either permit must be submitted within 180 days of the notice.

In 2002, the TCEQ applied these designation criteria to the small MS4s located outside of a UA which served a jurisdiction with 10,000 or more people, and which had an average density of 1,000 or more people per square mile. At that time, the TCEQ did not designate any small MS4 or portion of a small MS4 that was not located within a UA. The TCEQ may evaluate small MS4s again that meet these criteria, as well as other small MS4s. Small MS4s that are not located within a UA may be designated by TCEQ at any time in the future, and will be required to develop and submit an NOI and SWMP within 180 days of being notified in writing by TCEQ of that designation. TCEQ may also designate small MS4s as a result of a petition received based on 40 CFR §123.35(c). According to the regulations, a determination would need to be made within 180 days of receiving such a written petition.

D. Permit Waivers

Two possible waivers from permitting requirements are provided in the federal rules at 40 CFR §122.32, and are continued in the proposed permit.

1. Waiver Option No. 1 - A small MS4 may qualify for a waiver if it serves a total population of less than 1,000 within a UA or UAs, and:
 - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the TPDES or NPDES stormwater program (40 CFR § 122.32(d)); and
 - b. If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established Total Maximum Daily Load (TMDL) that addresses the pollutant(s) of concern;

In order to meet this waiver, the small MS4 operator must submit a letter requesting the waiver including the certifying statement that the above-described criteria for Waiver Option No. 1 are met. This waiver request must be submitted on a form approved by the TCEQ.

2. Waiver Option No. 2 – A small MS4 may qualify for a waiver if it serves a total population of less than 10,000 within a UA or UAs and meets all of the following criteria:
 - a. The TCEQ has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
 - b. For all such waters, the TCEQ has determined that stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL

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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.

The receiving waters evaluation for Waiver Option 2 is a TMDL-equivalent evaluation that may be performed by the small MS4 using TCEQ protocol with appropriate guidance from the TCEQ. The evaluation would need to include the pollutants of concern, including at a minimum: biochemical oxygen demand (5-day); sediment (or a parameter that addresses sediment such as total suspended solids, turbidity, or siltation); pathogens; oil and grease; and any other pollutant that has been identified as a cause of impairment of any receiving water body. The small MS4 must coordinate with TCEQ Wastewater Permitting staff and Water Quality Assessment staff prior to initiating such a study.

Because of the comprehensive nature of the required receiving water evaluation, and the necessary finding that future discharges from the small MS4 could not potentially exceed water quality standards, Waiver Option No. 2 will be difficult to obtain. However, this option is allowed by federal rules and is therefore included in the proposed general permit and made available to certain small MS4s. The small MS4 would need to first coordinate with the TCEQ to determine if a waiver is attainable under this option, and must complete a TCEQ waiver form after completing all of the necessary studies.

E. Ineligible Discharges

The following discharges are not eligible for permit coverage under the proposed general permit and must obtain coverage under either an individual or an alternative general TPDES permit:

1. Discharges from Phase I (medium and large) MS4s (Phase I MS4s are those that are located in a city or county with a residential population of 100,000 or more based on the 1990 Census);
2. Discharges from small MS4s that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses of receiving waters;
3. New sources or new discharges of the pollutant(s) of concern to impaired waters, unless otherwise allowable under TCEQ rules, applicable state law, and any TMDL and TMDL Implementation Plan (I-Plan) that exists for the applicable receiving water;
4. Stormwater discharges that combine with sources of non-stormwater, unless the non-stormwater source is an allowable non-stormwater discharge described in the proposed general permit, or the non-stormwater source is authorized under a separate TPDES permit; and
5. Discharges otherwise prohibited under existing state rules.
6. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

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F. Allowable Non-stormwater Discharges

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection measure, or other minimum control measures (MCMs), provided that they have not been determined by the MS4 operator or the TCEQ to be substantial sources 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 that do not violate Texas surface water quality standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air-conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges;
14. Street wash water excluding street sweeper waste water;
15. Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges, such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Discharge of the waters listed above may contain pollutants that would need to be addressed by the small MS4. For example, discharges from water line flushing could contain levels of chlorine that could have an impact on aquatic life, in which case the small MS4 may need to require that controls be put on the discharge of chlorinated water line flushing.

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G. Discharges from Small MS4 Construction Activities

The proposed general permit provides small MS4 operators an option to discharge stormwater runoff, and certain non-stormwater runoff, from construction sites under the authority of the small MS4 general permit, where the small MS4 is the operator of the construction activity.

In order for the MS4 operator to cover these activities under this general permit, an optional stormwater MCM must be developed and implemented to address these activities. The MCM must describe the general procedures the MS4 operator will develop to implement a stormwater pollution prevention plan (SWP3), with consideration for local weather and soil conditions, and the steps to be taken to meet and maintain the status as operator at small MS4 construction sites. The MS4 operator must also describe in the MCM the area within which construction related discharges will be authorized under this general permit. The permittee may choose to cover activities exclusively within the UA boundary, within corporate limits or extra territorial jurisdiction (ETJ), within special districts, or within other similar jurisdictional boundaries of the permittee. However, discharges from construction activities outside of the regulated area, such as outside of the UA or outside of the area(s) designated by TCEQ, are only eligible for authorization under this general permit for those areas where the MS4 operator meets the requirements of Parts III.B.1. through III.B.6 of the general permit, related to MCMs. The notice of intent (NOI) will require the permittee to provide information or a description on the boundary of coverage.

A separate detailed SWP3 must be developed and implemented for each regulated construction site. Contractors at a construction site where the small MS4 is the sole operator are not required to obtain separate authorization for stormwater discharges, provided the MS4 operator can meet and maintain the status of sole operator for the site, where the contractor does not meet the definition of operator for the site, and where the SWP3 is developed to address the activities of the contractor. If the contractor meets the definition of construction site operator, then the contractor would need to obtain authorization under the TPDES CGP or an individual permit.

40 CFR § 122.28(b)(2)(i), as adopted by reference in 30 TAC § 205.7, requires the submittal of an NOI to authorize certain discharges under a general permit. While 40 CFR § 122.28(b)(2)(v) allows some exceptions to this requirement, it does not exclude the permittee from the requirement to submit an NOI for authorization of discharges of stormwater runoff associated with industrial activity. Because federal rules at 40 CFR § 122.26(b)(14)(x) includes large construction sites in its definition of industrial activity, discharges of construction activity of five or more acres (including activities which are part of a larger common plan of development) are required to submit an NOI. Therefore, if an MS4 operator seeks to obtain coverage for these discharges under the proposed general permit, then the MS4 operator must include information on the construction activities on its NOI required under this general permit. The applicant must develop a SWP3 and include site-specific information on how construction activities will be conducted to control pollution. This information must be formalized as an MCM and incorporated as a part of the MS4 operator's SWMP.

The SWMP that is submitted with the NOI must include this optional MCM in order for the permittee's construction activities to be eligible for authorization under this general permit. The NOI will include a certification statement that the small MS4 must sign, where the MS4 operator agrees to comply with the conditions and requirements of this general permit for its construction activities. This certification

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on the NOI will satisfy the previously cited regulatory requirement regarding the NOI. Separate NOIs for each construction activity are not required, provided that the appropriate information is included in the optional control measure. The MS4 operator must subsequently develop a separate SWP3 for each large and small construction activity, and must post a construction site notice that includes a signed certification that a SWP3 was developed and is implemented according to the conditions and requirements of this general permit. The site notice would be considered a "report" for the purposes of this general permit, and therefore may be signed by a person properly authorized by the MS4 operator under 30 TAC § 305.128, regarding delegation of signatory authority for reports.

If the MS4 operator determines that it does not wish to implement the optional seventh MCM at the time of original application under this general permit, and at a later date does choose to utilize this option, then an NOC will be equivalent to the NOI required under the rules.

If this optional MCM is not developed by the MS4 operator, then discharges of stormwater runoff from large and small construction activities must be authorized under the CGP or an individual TPDES permit. Additionally, if the MS4 operator either cannot or chooses not to meet and maintain the status as the sole operator for any specific construction activity, then authorization under a separate TPDES permit must be obtained for the additional operators during construction activities at that specific site. Finally, if the MS4 operator chooses not to utilize this optional MCM for one or more construction activities, then the MS4 operator must obtain separate authorization for the site(s) under the TPDES CGP or individual TPDES permit.

IV. Permit Conditions and Effluent Limitations

A. Notice of Intent

The proposed permit would require small MS4s to submit to the TCEQ a notice of intent (NOI) to comply with the conditions of the general permit, along with an attached SWMP.

B. Public Notice and Public Participation

An applicant under the proposed general permit would be subject to the following procedures:

1. The applicant must submit the NOI and attached SWMP to the executive director. TCEQ staff will review the application for administrative and technical completeness.
2. 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.
3. The notice will be provided to the applicant, and will include, at a minimum:
 - a. The legal name of the applicant;
 - b. An indication whether the NOI is for a new small MS4 or is a renewal of an existing authorization;
 - c. The address of the applicant;

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- d. 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;
 - e. The location and mailing address where the public may provide comments to the TCEQ;
 - f. 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
 - g. If required by the executive director, the date, time, and location of the public meeting.
4. This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)). A public meeting will be held if the TCEQ determines that there is significant public interest.
 5. 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.
 6. If significant public interest exists, the executive director will direct the applicant to publish 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.
 7. If a public meeting is held, the applicant must be able to explain the contents of their NOI and SWMP. The applicant must also provide maps and other data on the small MS4. The applicant must 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.
 8. 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 Chief Clerk.
 9. The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
 10. 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.

C. Stormwater Management Program (SWMP)

The proposed SWMP requirements were developed based on:

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1. The existing Phase II MS4 General Permit TXR040000 issued on December 13, 2013;
2. Input from the Stormwater Stakeholder Work Group;
3. Federal Phase II MS4 rules of 40 CFR § 122.28 and §§122.33 -122.35;
4. EPA guidance document of April 2010, entitled MS4 Permit Improvement Guide;
5. EPA Compendium of MS4 Permitting Approaches (EPA, 2016); and
6. EPA comment letters on Small MS4 draft permit (December 4, 2017, and July 31, 2018).

The proposed general permit allows small MS4s to share resources in meeting the responsibilities of the SWMP with other regulated MS4s that are either physically interconnected or that are located in the same watershed. This allowance will help to foster a more coordinated approach to resolving local water quality issues and to provide a more efficient use of local MS4 resources. MS4s may combine or share efforts necessary to meet the SWMP requirements of the permit, but each MS4 must be separately authorized (individual NOIs are required). Additionally, individual SWMPs must be developed and maintained by each of the MS4s. Each operator is separately responsible for compliance with the conditions of the general permit and the SWMP, even if efforts are combined or shared between the MS4s.

Small MS4s must develop a SWMP, according to the provisions of this general permit, to the extent allowable under state and local law, to address the portions of the small MS4 that are either located within the UA or that are designated by the TCEQ, with discharges that reach waters of the U.S.. Waters of the U.S. are defined in the general permit. Waters of the U.S. do not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland.

The SWMP is a comprehensive document that details the steps that the small MS4 will take to reduce or eliminate pollutants in stormwater discharges to the MEP. The phrase "to the extent allowable under local law," as used in the paragraph above, means that small MS4s must develop any necessary ordinances, regulations, or other regulatory controls to meet the general permit requirements to the extent that their authority to make such ordinances is not prohibited by state or federal statutes or regulations.

Under the two-step permitting approach the SWMP details the terms and conditions of the general permit. The SWMP is therefore considered part of the permit thereby making terms and conditions in an approved SWMP enforceable. Like the general permit, language in the SWMP must be clear, specific, and measurable and meet requirements under the Remand Rule. Proposed SWMPs submitted to TCEQ during the renewal process will, during the technical reviews, be screened to ensure that terms and conditions are consistent with the Remand Rule.

Operators of non-traditional small MS4s, such as counties, drainage districts, and transportation entities, may lack the authority to develop ordinances or to implement enforcement actions. For these MS4 operators, the general permit requires the permittee to enter into inter-local agreements with municipalities in which the small MS4 is located. These inter-local agreements must include procedures for enforcement and inspections to the extent necessary to meet the goals of the general permit. Where the permittee is unable to enter into an inter-local agreement, the

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permittee may report instances of non-compliance or possible illicit discharges to the appropriate TCEQ Regional Office for possible follow-up investigations or enforcements.

The permit requires the small MS4 to ensure that it has adequate resources and funding necessary to meet all requirements of the permit.

The small MS4s must develop a SWMP to include the MCMs described below, which are based on federal rules at 40 CFR§122.28, §122.34(b) and §122.26(d)(2)(iv). The MS4 must select BMPs under each MCM along with measurable goals that are used to determine the effectiveness of the SWMP. The permit continues the tiered approach introduced in the Small MS4 General Permit issued on December 13, 2013, to meet the MCM requirements such that some categories, or Levels, of MS4 operators are not required to implement all or all parts of the MCMs. The small MS4s are continued to be categorized by the following four Levels:

Level 1: Operators of small MS4s that serve a population less than 10,000 within a UA;

Level 2: Operators of small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of the population served within a UA or UAs;

Level 3: Operators of small MS4s that serve a population of at least 40,000 but less than 100,000 within a UA;

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

The six MCMs are separately described below and include:

1. Public Education, Outreach, and Involvement

The federal Phase II rules require regulated small MS4 operators to implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff (see 40 CFR §122.34(b)(1)). The rules also require a public involvement and participation program that complies with state and local public notice requirements (see 40 CFR § 122.34(b)(2)).

The draft general permit requires small MS4s to educate the public about the impact of stormwater discharges on receiving water bodies and what steps they can take to reduce the contamination of stormwater. The small MS4s are encouraged to use existing public materials in their program, such as using examples from the EPA's Nonpoint Source Outreach Toolbox (www.epa.gov/nps/toolbox) or from other agencies and municipalities with similar public education goals.

The SWMPs can be greatly improved by involving the community throughout the entire process of developing and implementing the program. Involving the community will benefit the permittee itself as well as the community. By listening to the public's concern and coming up with solutions together, the permittee will gain the support of the public and the community will become invested in the program.

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The permittee will likewise gain even more insight into the most effective ways to communicate its messages.

The permit requires the permittee to involve the public (for example, provide opportunities for public comment or public meeting) in the development of the program. Public input and involvement can include many different activities such as meeting with local land planners and provide input on land use code or ordinance updates, stream clean-ups, storm drain marking, and volunteer monitoring.

As a new requirement to this general permit, MS4s having a public website are required to post their SWMP and the annual report on their website to share information with the public.

Permittees are encouraged to work together with other entities that have an impact on stormwater to implement this MCM.

2. Illicit Discharge Detection and Elimination (IDDE)

The Phase II regulations require regulated small MS4 operators to develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4 (See 40 CFR §122.34(b)(3)). Through the IDDE MCM the permittee is required to respond to complaints about illicit discharges or spills and to actively investigate illicit discharges and behaviors that could result in illicit discharges such as illegal connection to the small MS4, improper disposal of wastes, or dumping of used motor oil or other chemicals.

The permit requires the permittee to have an up-to-date MS4 map. Level 4 permittees are required to identify areas with a high risk for illicit discharges, and these areas must be prioritized for more frequent investigations. Priority areas could include: (1) Areas with older infrastructure that are more likely to have illicit discharges; (2) Industrial, commercial, or mixed use areas; (3) Areas with a history of illegal dumping; (4) Areas with a history of illegal discharges; (5) Areas with onsite sewage disposal systems; (6) Areas with older sewer lines or with a history of sanitary sewer overflows (SSOs) or cross-connections; (7) Areas that discharge to sensitive waterbodies; and (8) Areas within sensitive watersheds.

The CWA § 402(p)(3)(B)(ii), requires MS4 permits to “effectively prohibit non-stormwater discharges into the storm sewers.” The permit implements this requirement, in part by requiring the development of procedures to investigate and eliminate illicit discharges. Standard operating procedures (SOPs) with necessary forms provide guidance to investigators and ensure that consistent investigations occur of every illicit discharge incident.

The public must have a central contact point, such as a stormwater hotline, to report observed illicit incidents. An incident could be anything from an overturned gasoline tanker to sediment leaving a construction site or a sanitary sewer overflow entering the storm drain.

The permit requires the permittee to implement a method for informing or training field staff, who may come into contact or observe illicit discharges, on the identification and proper procedures for reporting illicit discharges. Field staff to be trained may include, but are not limited to, municipal maintenance staff, inspectors, and other staff whose job responsibilities regularly take them out of the office and into areas within the MS4 area. Permittee field staff is out in the community on a day-to-day basis and are in the best position to locate and report spills, illicit discharges, and potentially polluting activities. With proper training and information

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on reporting illicit discharges easily accessible, these field staff can greatly expand the reach of the IDDE program.

The permit requires MS4s serving a population more than 100,000 (Level 4 MS4s) to develop a dry weather screening program. The program consists of field observations and field screening monitoring. Visually screening outfalls during dry weather and conducting field tests, where flow is occurring, will assist permittees in determining the source of illicit discharge. For example, the presence of surfactants is an indicator that sewage could be present in the discharge and the parameters specific conductivity, ammonia, surfactant, pH and other chemicals may similarly be indicative of industrial sources.

Under this general permit, Level 4 MS4s are also required to develop a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 will be required to maintain two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. This program has been in place for similar size MS4s under the federal Phase I MS4 regulations that were issued in 1990 and defined Phase I MS4s as MS4s located in an incorporated place with a population of 100,000 or more but less than 250,000 as determined by the 1990 Decennial Census by the U.S. Bureau of the Census. (40 CFR § 122.26(b)(7)(i)). It is therefore appropriate to add this requirements to these similar size MS4s.

3. Construction Site Stormwater Runoff Control

The Phase II regulations require regulated small MS4s to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to the MS4 from construction activities that result in a land disturbance of one acre or greater (See 40 CFR § 122.34(b)(4)). In this permit, the definition for construction activity is clarified to also include construction related activities such as stockpiling of fill material and demolition.

The permit requires the permittee to ensure that construction site operators use appropriate erosion and sediment controls to reduce or eliminate impacts on receiving water bodies.

The permittee is required to implement procedures to conduct inspections of large and small construction projects. Level 3 and 4 MS4s are further required to maintain an inventory of construction sites in their area. This will help the permittee to effectively know where the construction activities are occurring. A construction site inventory could track information such as project size, disturbed area, distance to any water body or flow channel, when the erosion and sediment control or stormwater plan was approved by the permittee, and whether the project is covered by the TCEQ's CGP. Such information will help the permittee to track and target its inspection.

The permit requires the permittee to develop and implement site plan review procedures, which describes which plans will be reviewed as well as when an operator may begin construction. The permittee is required to develop SOPs to perform the site plan reviews to ensure that the review process is consistent. The site plan review also provides the permittees with a way to track construction sites.

The permit requires the permittee to implement procedures for performing inspections of construction sites. Inspection frequencies must be based on the evaluation of factors that are a threat to water quality such as soil erosion potential, site slope, proximity to receiving waters, and water quality status of the receiving

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water. The sites must be inspected during the active construction phase, to ensure that stormwater controls are maintained.

For inspections to be successful the permittee is required to develop inspection and enforcement procedures. The permit language includes minimum requirements that construction site inspections must include. Also, the permittee must ensure MS4 staff is trained to perform the inspections.

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

The Phase II stormwater regulation requires regulated small MS4s to develop, implement, and enforce a program to address stormwater discharges from new development and redevelopment sites that disturb one acre or more, and requires that the program ensure controls are in place that would prevent or minimize water quality impacts (*See 40 CFR §122.34(b)(5)*).

Developed land changes the hydrology of sites, potentially leading to higher stormwater discharge volume and higher pollutant loads. Frequently, the volume, duration, and velocity of stormwater discharges can cause degradation to aquatic systems.

The permit requires that MS4 operators have owners and developers install and maintain stormwater control measures appropriate for the community. In addition, permittees are required to maintain all long term post-construction stormwater controls measures. In many cases, controls will be located on private property, and it will be necessary to establish some provisions to assure the responsibility and accountability for the operation and maintenance of these controls.

Structural controls may include practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales; which are considered to be low impact development practices or green infrastructure BMPs.

The permittees are required to inspect post-construction controls to ensure that control measures are operating correctly and are being maintained. Without maintenance, stormwater controls will not be able properly to protect water quality.

For the purpose of the permit "Redevelopment" does not include routine maintenance activities and linear utility installation. Examples of linear utility installation are construction activities that maintain the original line, grade, and hydraulic capacity of the surrounding areas, such as the installation of underground gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains and water mains. Routine maintenance activities are construction activities that are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including but not limited to: (1) Re-grading of gravel roads or parking lots; (2) stream bank restoration projects (does not include the placement of spoil material); (3) Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch; (4) Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment; (5) Full depth milling and filling of exiting asphalt pavements, replacement of concrete pavements slabs, and similar work that does not expose soil or disturb the bottom six inches of subbase material; (6) Long-term use of equipment storage areas at or near highway maintenance facilities; (7) Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the

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highway ditch or embankment; and (8) Replacement of curbs, gutters, sidewalk and guard rail posts.

5. Pollution Prevention and Good Housekeeping for Municipal Operations

The stormwater Phase II regulations require operators of regulated MS4s to develop and implement an operation and maintenance program that includes a training component with the ultimate goal of preventing or reducing pollutant runoff from municipal operations (See 40 CFR §122.34(b)(6)).

The permit requires the MS4 operator to maintain an inventory of municipal facilities and of stormwater controls. Municipally owned facilities serve as hubs of activity for a variety of municipal staff from many different departments. Some municipalities will have one property where all activities take place (for example, the municipal maintenance yard), whereas others will have several specialized facilities. An inventory of facilities will assist staff responsible for stormwater compliance build a better awareness of their locations within the small MS4 service area and their potential contribution to stormwater pollution. The facility inventory will also serve as a basis for setting up periodic facility assessments and developing, where necessary, facility stormwater pollution plans.

The permit requires Level 3 and Level 4 permittees to perform, once per permit term, an assessment of its facilities to identify which of the facilities are most likely to contribute stormwater pollutants and that need stormwater controls. Those facilities with a high potential to generate stormwater pollutants must be described as *high priority* facilities and this category of facilities are required to have facility specific stormwater management SOPs. Developing and maintaining site-specific SOPs for each facility will help ensure that employees responsible for facility operation are aware of the stormwater controls required for the site.

The permit requires Level 3 and Level 4 permittees to develop an inspection program to perform inspections of, at a minimum, high priority municipal facilities and to document the results of the inspections. Regular inspections will allow inspectors to observe different types of operations that occur at different times of the year (e.g. landscape maintenance crews are less active in the winter) and ensure that corrective action can be taken where necessary to improve stormwater controls.

The permit includes requirements for MS4 operation and maintenance activities, such as maintaining the storm sewer system, maintaining roads, and managing chemical applications. Level 3 and Level 4 small MS4s are required to develop an operations and maintenance (O&M) program to reduce the collection of pollutants in catch basins and other surface drainage structures. Catch basins collect and trap stormwater pollutants such as sediments, metals, hydrocarbons, bacteria, pesticides, trash, and other pollutants. Since these basins collect solids they need to be cleaned out on a regular basis to prevent pollutants from being discharged to water bodies. The materials removed from catch basins need to be treated and disposed of in a manner so that it does not reenter the small MS4.

The O&M of roads may, for Level 3 and Level 4 small MS4s, include a street sweeping program. Street sweeping removes both fine and large particles from streets and therefore has a positive effect on water quality. Some small MS4s have roads without a curbs and gutters, and they are therefore not suitable for street sweeping. In these cases source controls or inlet protection measures, to minimize pollutant discharges to storm drains and creeks, can be used in place of sweeping.

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The permit includes requirements for Level 4 small MS4s for managing public spaces, such as by addressing the application of pesticides, herbicides, and fertilizers. The permit language encourages non-chemical solutions, such as using native plants that are adapted to local conditions and therefore requires fewer chemicals and to replace pesticide use with manual insect and weed removal thereby reducing chemical exposure to stormwater.

The Phase II regulations found at 40 CFR §122.34(b)(6) specifically requires that the permittee develop a "training component" that trains employees "to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The permit requires the permittee to develop a training program to train all appropriate employees involved in implementing pollution prevention and good housekeeping practices.

The permit includes language for situations where permittees use third-party contractors to conduct municipal maintenance activities. Contractors must be held to the same standards as the permittee.

This permit adds a requirement for Level 4 MS4s to assess their flood control projects for their impacts on receiving waters and determine if existing structures could be retrofitted. New flood control projects must be designed, constructed, and maintained to provide erosion control and pollutant removal from stormwater. This program has been in place for similar size MS4s under the Phase I MS4 program since the federal Phase I stormwater regulations were issued in 1990, and it is therefore appropriate to add these requirements to these similar sized MS4s.

6. Industrial Stormwater Sources

The Phase I stormwater regulation, found at 40 CFR §§122.26(d)(2)(i)(B, C, E, and F), 122.26(d)(2)(iv), and 122.26(d)(2)(iv)(A), requires permittees to develop and implement an inspection and oversight program to monitor and control pollutants in stormwater discharges from industrial facilities.

The permit continues the Industrial Stormwater Sources MCM for small MS4s that serve a population of 100,000 or more within a UA. EPA's MS4 Improvement Guide recommends this MCM be included in Phase II permits, and TCEQ has decided that it is appropriate to include it for those Phase II MS4s that have similar populations as the Phase I MS4s.

The permit requires the permittee to identify and control pollutants in stormwater discharges to small MS4s from industrial or commercial sites that contributes a substantial pollutant loading to the small MS4. The permit language under this MCM is similar to language in some Phase I MS4 individual permits.

7. Authorization for Construction Activities Where the MS4 is the Site Operator

The MS4 operator may develop an optional seventh MCM for discharges from construction activities, and may obtain authorization under the general permit for discharges from construction activities where the MS4 is the operator. In order to qualify for this provision, MS4 operators must maintain control over the plans and specifications of the construction activity, or must maintain the status of the operator with day-to-day operational control over the construction site, to the extent necessary to meet the requirements of the SWP3 for that site.

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Implementation of this MCM allows the small MS4 to obtain the necessary authorization under the terms of this five-year term permit and replaces the requirement to seek separate permit coverage for each construction activity that it conducts. Where the small MS4 is able to demonstrate it is the sole operator for these activities, by meeting both criteria listed in the definition of "construction site operator," contractors would not have to seek separate authorization. This provision is allowed for construction activities located in the regulated area, such as within a UA or within an area designated by TCEQ.

Small MS4s are required to summarize in the annual report pertinent information related to the construction activities performed in the previous year. Small MS4s electing this provision must notify the TCEQ when submitting the NOI, along with an attached SWMP that includes this measure. Utilization of the optional seventh MCM does not preclude a small MS4 from obtaining coverage under the TPDES Construction General Permit, TXR150000, or under an individual TPDES permit.

8. SWMP Implementation.

The SWMP may be implemented on a scheduled stepwise basis throughout the term of the general permit. If full development and implementation of the SWMP is not practicable, then the program must be developed with targeted milestones establishing a schedule that represents the MEP standard.

Implementation must be initiated upon receipt of written approval from the TCEQ of the NOI and SWMP. The general permit contains provisions that allow revisions to the SWMP throughout the term of the permit, without immediate notification to the TCEQ, so that SWMPs can be adjusted based on experiences and findings to become more effective and efficient. Schedules for SWMP implementation, the status of the implementation schedules, and modifications to the SWMP must be summarized in the annual report. These permit provisions allow small MS4s to develop and implement SWMPs according to available funding, manpower, and ability and allow for revisions where more efficient or effective BMPs are identified. Complete implementation of the SWMP is required within five years from the date of issuance of the general permit.

During the application process, regulated MS4 operators must implement the SWMP that was approved under the previous permit term, and they will have five years to implement new portions of the SWMP.

Federal rules at 40 CFR § 123.35(g) require permitting authorities to issue a menu of BMPs to assist small MS4s in complying with the Phase II regulations. TCEQ has adopted the EPA menu of BMPs by including that menu as a resource to small MS4s through a link on the TCEQ stormwater web page at:

<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>

The TCEQ may develop additional guidance during the term of this permit and will make any guidance available on the TCEQ's web page at:

<https://www.tceq.texas.gov/permitting/stormwater/ms4>

and

<https://www.tceq.texas.gov/assistance/water/stormwater/sw-ms4.html>

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D. Reporting Requirements

1. The proposed general permit requires small MS4s to provide documentation on the development, implementation, and evaluation of the SWMP. The documentation must be included as a part of the SWMP and may be required to be submitted in the annual report. The preparation and review of the annual report by the small MS4 may ensure progressive improvement of stormwater controls and reduce pollutants to the maximum extent practicable. At a minimum, the documentation must include:
 - a. A list of any public or private entities assisting with the development or implementation of the SWMP;
 - b. If applicable, a list of MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
 - c. A list of all BMPs and measurable goals for each of the MCM;
 - d. A schedule for the implementation of all SWMP requirements;
 - e. A description of how each measurable goal will be evaluated; and
 - f. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.
2. Additionally, the small MS4 must evaluate the following items and must include the information in an annual report:
 - a. Program compliance;
 - b. The appropriateness of the chosen BMPs; and
 - c. Progress toward achieving identified measurable goals.
3. On December 21, 2015, EPA issued the NPDES Electronic Reporting Rule (40 CFR Part 127) requiring NPDES regulated entities to report electronically. Therefore, by December 21, 2020, TCEQ requires small MS4s to submit applications and annual reports electronically by using the e-permitting system on the TCEQ website.

V. Changes From Existing General Permit:

The major changes to the permit include the following:

1. Added the following definitions: "Infeasible", "Benchmarks", "Implementation Plan (I-Plan)".
2. Revised definition for "construction activity" to include other construction related activities (e.g. stock piling of fill material and demolition) to be consistent with the TPDES CGP TXR150000 effective on March 5, 2018. (Part I in the permit)
3. Revised the definition for "Impaired Water" to include TMDL waterbodies that are listed on the latest EPA approved *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies as not meeting applicable state water quality standards. (Part I in the permit)

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4. Revised the definition of "Waters of the United States" by removing "cooling ponds" since they are no longer defined in 40 CFR § 423.11. (Part I in the permit)
5. Updated language throughout the permit to comply with the Phase II MS4 Remand Rule issued on December 9, 2017, to make the language clear, specific, and measurable.
6. Added that SWMP updates that are considered major permit modifications require public notice and an opportunity for a public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)). (Part II.E.6 in the permit)
7. Added that the levels of small MS4s is based on most recent U.S. Census at the time of permit issuance. A national Census held during a permit term will not affect the level on an MS4 until the general permit is renewed. (Part II.A.5 in the permit)
8. Clarified that waters listed on both the CWA § 303(d) list and the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies are considered impaired and added a new requirement to annually check for newly impaired waters in the MS4's permitted area. Newly listed water bodies must be address in the SWMP within two years from the approval date of the new list(s) (Part II.D.4 in the permit)
9. Added a requirement that by December 21, 2020, permittees must submit applications and annual reports online using the electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. (Part II.E and Part VI.B.2 in the permit)
10. Made clarifications to BMPs and replaced "benchmark" with "benchmark value" where appropriate. (Part II.D.4 of the permit)
11. Clarified that regulated MS4s located in a 2010 and 2000 UAs (previously regulated MS4s) are required to apply. (Part II.E.1 in the permit)
12. Added a requirement that permittees must conduct an annual review of its SWMP in conjunction with preparation of the annual report. (Part II.E.4 in the permit)
13. Added a new section "Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation" explaining that implementation of the SWMP in new areas must be done as expeditiously as possible, but no later than three years from addition of the new area. Within 90 days of transfer of ownership, operational control, or responsibility for SWMP implementation the MS4 must have developed a plan for implementing the SWMP. (Part II.E.7 in the permit)
14. Removed a section under SWMP Development and Schedule for new regulated small MS4s. (Part III.A.1 in the permit)
15. Added language under MCM 1. Public Education, Outreach, and Involvement that the permittee is required to post its SWMP and annual report on its website, if the MS4 has a website. (Part III.B.1 in the permit)
16. Added a requirement to MCM 2. Illicit Discharge Detection and Elimination that Level 4 MS4s needs to develop a program to reduce the discharge of floatables in the MS4. (Part III.B.2 in the permit)

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17. Clarified under MCM 3. Construction Site Stormwater Runoff Control that soil stabilization must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures to be consistent with the TPDES CGP TXR150000. (Part III.B.3 in the permit)
18. Added a requirement under MCM 5. Pollution Prevention and Good Housekeeping for Municipal Operations that Level 4 MS4s need to evaluate their flood control projects to assess their impacts on receiving waters. (Part III.B.5 in the permit)
19. Replaced "Field Operations Support Division" with "The appropriate TCEQ Regional Office." (Parts III and IV in the permit)
20. Under the 7th optional MCM. Authorization for Municipal Construction Activities, lowered the benchmark value for suspended solids from 100 mg/L to 50 mg/L for concrete batch plants for consistency with Sector E in the MSGP TXR050000 issued on August 14, 2016 and the CGP TXR150000 issued on March 8, 2018. (Part VI.E in the permit)
21. Added a requirement that analytical results must be obtained from a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory according to state rules listed in 30 TAC Chapter 25. (Part VI.E in the permit)
22. The application fee for submittal of an NOI was increased from \$100.00 to \$400.00.

VI. Addresses

Questions concerning this proposed general permit should be sent to:

TCEQ, Stormwater Team Leader
Wastewater Permitting Section (MC-148)
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-4671
swgp@tceq.texas.gov

Comments regarding the proposed general permit during the public comment period must be submitted either by mail to the following address, by facsimile (fax) followed by mail, or electronically as described below (please refer to the public notice for official instructions):

By Mail:
TCEQ, Chief Clerk's Office (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

By fax: (512) 239-3311*

*Fax must be followed by hard copy in mail to CCO at address above within three days of fax date.

Electronically:

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<http://www14.tceq.texas.gov/epic/eComment/>

**Questions Regarding Public Comments Should Be Directed to CCO: (512)
239-3300**

Supplementary information on this Fact Sheet is organized as follows:

VII. Legal Basis

Texas Water Code (TWC) Section (§) 26.121 makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC, § 26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, § 26.040 provides the commission with authority to amend rules adopted under TWC § 26.040 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, TCEQ and EPA executed a memorandum of agreement (MOA) delegating to TCEQ administration of the NPDES program, which is operated as the TPDES program in the state.

CWA, §§ 301, 304, and 401 (33 United States Code (USC), §§ 1331, 1314, and 1341) include provisions that state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability; (2) comply with EPA-approved state water quality standards; and (3) comply with other state requirements adopted under authority retained by states under CWA, § 510 and 33 USC, §1370.

VIII. Regulatory Background

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the CWA, prohibit the discharge of any pollutant to navigable waters of the U.S. from a point source unless the discharge is authorized by an NPDES permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as stormwater runoff from small MS4s, are also significant contributors to water quality problems. EPA developed permit requirements for small MS4s that are intended to improve water quality by reducing the quantity of pollutants that stormwater discharges into storm sewer systems during storm events.

In 1990, EPA promulgated rules establishing Phase I of the NPDES stormwater program. Phase I addresses discharges from medium and large MS4s, which are those MS4s with a population of 100,000 people or more, based on the 1990 Census. Phase I MS4s were required by the EPA to obtain individual NPDES permits. No additional Phase I MS4s will be created by later census results.

The federal Phase II stormwater regulations extended permitting requirements to certain small MS4s, and required that a more general stormwater management program (SWMP) be developed than was required for medium and large MS4s under Phase I. The Phase II regulations were published on December 8, 1999 in the *Federal Register*, requiring affected small MS4s to obtain permit coverage by March 10, 2003. The Phase II regulations are identified in federal rules at 40 CFR §§ 122.30 through 122.37, which were adopted by the TCEQ at 30 TAC § 281.25(b). In 2016, EPA issued the Small MS4 Remand rule, which is a procedural federal rule ensuring that states review BMPs selected by the MS4s and ensures the public are provided notice and the

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opportunity to request a public hearing on applications for MS4 permit coverage. The Phase II regulations were revised in 40 CFR §§122.33 and 122.34 and a new paragraph (d) was added to 40 CFR §122.28 requiring permitting authorities to select one of two general permit options.

This proposed TPDES general permit would offer the necessary authorization for these small MS4 discharges.

IX. Permit Coverage

1. The proposed general permit would apply to discharges of stormwater runoff associated with small MS4s. The guidelines for small MS4s were published in the *Federal Register* on December 8, 1999 (64 FR 68722).
2. Applicants seeking authorization to discharge stormwater runoff from small MS4s under the conditions and requirements of the proposed general permit must submit a completed NOI on a form approved by the executive director, as well as a description of the SWMP. The NOI form will include at minimum, the legal name and address of the owner and operator, the facility name and address, a specific description of its location (including the street address, if applicable, and county), the type of facility and discharge, the name of the receiving water, information on impaired waters, the boundary of the area where construction activities are covered under the general permit (if the optional MCM is developed), and other information requested by the TCEQ. The NOI must be signed according to TCEQ rules at 30 TAC § 305.44, which establishes requirements regarding who may sign an application for a permit, and requires that a legal certification be made regarding the permit application. The specific language in this rule can be found at:

http://texreg.sos.state.tx.us/public/readtacSext.ViewTAC?tac_view=3&ti=30&pt=1

by searching Chapter 305, Subchapter C (related to Application for Permit).

MS4 operators can locate information regarding the classified segment(s) receiving the discharges from the MS4 in the "Atlas of Texas Surface Waters" at the following TCEQ web address. This document includes identification numbers, descriptions, and maps:

http://www.tceq.texas.gov/comm_exec/forms_pubs/pubs/gi/gi-316/index.html

or use the Surface Water Quality Data Viewer found at the TCEQ web address at:

<https://www.tceq.texas.gov/waterquality/monitoring/index.html>

MS4 operators can find the latest EPA-approved list of impaired water bodies (the Texas 303(d) List) and the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies, at the following TCEQ web address:

http://www.tceq.texas.gov/compliance/monitoring/water/quality/data/wqm/305_303.html

MS4 operators need to use the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies to search for impaired water bodies with an approved TMDL, since those water bodies no longer are listed on the CWA 303(d) list.

If a waterbody with a TMDL eventually meets water quality standards, it is moved to category 1 and will be removed from the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)*. However,

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if the TMDL is still in place for the waterbody, MS4s must continue to follow the TMDL implementation plan for that waterbody to ensure that water quality standards are met.

3. Submission of an NOI and SWMP is an acknowledgment by the regulated small MS4 that the conditions of this general permit are applicable to the proposed discharges and that the applicant agrees to comply with the conditions of the general permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed, and the applicant has followed the public participation provisions in the general permit. The documents must be submitted by certified mail, return receipt requested, to the address indicated on the NOI form. Following review of the NOI, SWMP, and any public comments received on the application, the executive director will determine that: 1) the submission is complete and confirm coverage by providing a notification and an authorization number, 2) the NOI or SWMP are incomplete and deny coverage until a complete NOI and SWMP are submitted, or 3) approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Denial of coverage under the general permit is subject to the requirements of 30 TAC § 205.4(c). After receiving written approval from the TCEQ, the applicant must implement the approved SWMP in accordance with the terms and conditions of the general permit.
4. If the operational control of the small MS4 changes, the present operator must submit an NOT and the new operator must submit an NOI and SWMP to obtain authorization under this general permit. The NOT and NOI must be submitted concurrently no greater than 10 days after the change occurs.
5. It is the intent of TCEQ to allow a permittee to annex lands and accept the transfer of operational authority over portions of the small MS4 without requiring submittal of an NOC. Implementation of appropriate SWMP elements for the new areas is required in accordance with the general permit. The permittee must notify TCEQ about the new areas in the annual report.
6. A permittee must submit current information to the executive director by submitting a NOC no later than 30 days before a change occurs in information previously provided to the executive director within an NOI.

An NOC is also required for changes to the SWMP that are made after TCEQ has approved the NOI and SWMP. If changes are proposed before the applicant has received written approval of the NOI and SWMP from the TCEQ, then this information must be submitted in a letter to supplement application information.

Updates to the SWMP during the permit term may be made by submittal of a NOC unless the changes are non-substantial in which case no NOC is required. The permit includes: 1) a list of changes that do not require an NOC; 2) a list of changes that require an NOC; and 3) a list of changes that require an NOC and public notice.

If a public notice is required, the permit requires the MS4 to publish the notice on the MS4's website, along with the NOC and revised SWMP for any proposed changes submitted by MS4s classified as a major permit modification. If the MS4 does not have a website, TCEQ will publish the public notice on the TCEQ website.

The public notice for the original NOI will include the link to the MS4's or the TCEQ website to provide the public with notice of where the public may view the

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SWMP, annual report, and public notices for any notices of change that are subject to the requirements for 40 CFR § 122.62.

An NOC must be signed according to TCEQ rules at 30 TAC § 305.44. The permit also includes information regarding time frames for implementing changes requested in an NOC.

7. A discharger may terminate coverage under the general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. The NOT must be signed according to TCEQ rules at 30 TAC § 305.44. 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.

X. Technology-Based Requirements

The conditions established by the general permit are based on CWA §402(p)(3)(B) that mandates that a permit for discharges from MS4s must:

1. Effectively prohibit the discharge of non-stormwater to the MS4; and
2. Require controls to reduce pollutants in discharges from the MS4 to the MEP including BMPs, control techniques, and system, design and engineering methods, and such other appropriate provisions.

The conditions of the proposed general permit were developed to comply with the technology-based standards of the CWA. The draft general permit includes a SWMP requirement that includes MCMs utilizing a series of BMPs, rather than numeric effluent limitations, to address the minimization of pollutants in stormwater discharges to waters of the U.S. The Federal Phase II regulations define a small MS4 SWMP as a program comprising of at least six MCMs that collectively are expected to result in significant reductions of pollutants discharged into receiving water bodies. Implementation of the MEP standard will typically require the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the six MCMs. TCEQ considers that the requirements of the draft general permit, if properly implemented, will meet the MEP standard required in the federal rules at 40 CFR § 122.34.

A statement is continued in the permit that indicates that the BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with 30 TAC Chapter 319, Subchapter B.

The proposed general permit provides for development of an optional 7th MCM that would authorize a small MS4 to discharge stormwater runoff from construction activities disturbing one or more acres where it is the operator. This provision allows the small MS4 the option of separate coverage for these construction activities under TPDES general permit TXR040000 rather than the CGP, TXR150000. Discharges for stormwater runoff from construction support activities including concrete batch plant, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under the general permit. The following proposed limitations and monitoring frequencies are applicable to stormwater discharges from concrete batch plants authorized as a support activity at regulated construction sites:

Table 1: Benchmark Monitoring for Concrete Batch plants

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Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/Quarter	Grab
Total Suspended Solids	50 mg/L	1/Quarter	Grab
pH	6.0-9.0 S.U.	1/Quarter	Grab
Total Iron	1.3 mg/L	1/Quarter	Grab

XI. Water Quality-Based Requirements

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

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

As previously stated, TPDES stormwater permits do not typically contain water-quality-based effluent limits (WQBELs). As stated in 30 TAC § 307.8(e), controls on the quality of permitted stormwater discharges are largely based on implementing BMPs and/or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on stormwater are needed. Also, according to EPA rules at 40 CFR § 122.34(a), narrative effluent limitations requiring implementation of BMPs are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the MEP) and to protect water quality for small MS4s. It was preliminarily determined that where permit requirements are properly implemented no significant degradation is expected and existing uses will be maintained and protected.

XII. Monitoring

If the small MS4 discharges stormwater from a construction project authorized under this general permit that includes a supporting concrete batch plant, compliance monitoring is required. Discharges from the batch plant must be sampled at a minimum frequency of once per quarter (1/quarter).

The MS4 operator may additionally sample discharges from the small MS4 in order to assess the effectiveness of stormwater MCMs, measure the effectiveness of BMPs, to detect illicit discharges to the small MS4, or for other similar reasons.

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The permittee may also be required to identify sources of pollutant(s) of concern where the small MS4 discharges directly to a water body that is impaired for a pollutant present in the discharge. Examples of pollutants of concern that may be present in stormwater discharges are bacteria and sediment.

XIII. Procedures for Final Decision

The MOA between EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is proposed for consideration by the Commissioners of the TCEQ. According to 30 TAC Chapter 205, when the initial draft general permit is submitted for public comment prior to being proposed to the Commission of the TCEQ, notice must be published, at a minimum, in at least one newspaper of statewide or regional circulation and the *Texas Register*. The commission may also publish notice in additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

1. The county judge of the county or counties where the discharges under the general permit are located;
2. If applicable, state and federal agencies whose notice is required in 40 CFR, §124.10(c);
3. Persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and
4. Any other person the executive director or chief clerk may elect to include.

After notice of the general permit is published in the *Texas Register* and a newspaper in statewide or regional circulation, there will be a 30-day public comment period to allow the public to provide comment on the proposed general permit.

Any person, agency, or association may request a public meeting on the proposed general permit before the end of the public comment period. A public comment meeting will be held if the executive director determines, on the basis of requests that a significant degree of public interest in the draft general permit exists. A public meeting is for the purpose of receiving public comment and is not a contested case proceeding under the Administrative Procedure Act.

If the executive director decides to hold a public meeting, notice of the date, time, and place of the meeting will be published in the *Texas Register* a minimum of 30 days prior to the meeting, as required by commission rules. The public notice for the draft general permit and for the public meeting(s) may be combined. The public comment is automatically extended until the conclusion of all public meetings on the draft general permit. The executive director will prepare a response to all significant public comments on the draft general permit raised during the public comment period. The proposed general permit will then be filed with the commission to consider issuance of the permit. The executive director's response to public comment will be made available to the public and filed with the chief clerk at least ten days before the commission acts on the proposed general permit, per commission rules.

TCEQs commissioners will consider issuance of the general permit at a regularly scheduled Commission Agenda. If issued, notice of the re-issued general permit will be published in the *Texas Register*. For additional information about this general permit, contact the Stormwater Team at (512) 239-4671.

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XIV. Administrative Record

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

A. Code of Federal Regulations (CFR) and *Federal Register* (FR) Citations:

40 CFR Chapter 122

Federal Register dated February 17, 1998 (Volume 63, No. 31, Pages 7858-2906)

Federal Register dated December 8, 1999 (Volume 64, No. 235, Pages 68722-68851)

Federal Register dated October 22, 2015 (Volume 80, No. 204, Pages 64064-64158)

Federal Register dated December 9, 2016 (Volume 81, No. 237, Pages 89320-89352)

B. Letters/Memoranda/Records of Communication:

Memorandum from the U.S. EPA (Hanlon) dated April 16, 2004 from, "Implementing the Partial Remand of the Stormwater Phase II Regulations Regarding Notices of Intent & NPDES General Permitting for Phase II MS4s." Stakeholder comments provided to the TCEQ in March 2016 and April 2016.

Memo from the Water Quality Standards Team of the Water Quality Assessment Section of the TCEQ.

Comment letters received during the initial public notice period.

EPA comment letters on December 4, 2017, and July 31, 2018.

Conference calls and emails between EPA and TCEQ on December 14, 2017; January 9; March 14, July 25 and July 30, 2018.

C. Miscellaneous:

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

Compendium of MS4 Permitting Approaches, U.S. EPA, Office of Wastewater Management, Water Permits Division, November 2016.

U.S. Environmental Protection Agency's Fact Sheet No. 2.0, "Stormwater Phase II Final Rule - Small MS4 Stormwater Program Overview," January 2000 (EPA 833-F-00-002).

U.S. Environmental Protection Agency's Fact Sheet No. 2.1, "Stormwater Phase II Final Rule – Who's Covered? Designation and Waivers of Regulated Small MS4s," January 2000 (EPA 833-F-00-003).

U.S. Environmental Protection Agency's Fact Sheet No. 2.2, "Stormwater Phase II Final Rule - Urbanized Area - Definition and Description," December 1999 (EPA 833-F-00-004).

The Clean Water Act, 33 U.S.C. Chapter 26.

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

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

Texas Surface Water Quality Standards, 30 TAC Sections 307.1-307.10 (21 *TexReg* 9765, 4/30/97).

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

30 TAC Chapters 39, 205, 213, 281, 311, 305, 307, 309, 319, 321, and 331



**APPENDIX C
CORE DATA FORM**



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input checked="" type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 601725211		RN 105489736

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		07/19/2019	
<input type="checkbox"/> New Customer		<input checked="" type="checkbox"/> Update to Customer Information		<input type="checkbox"/> Change in Regulated Entity Ownership	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)				If new Customer, enter previous Customer below:	
Town of Addison					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	
				10. DUNS Number (if applicable)	
11. Type of Customer:		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input checked="" type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees			13. Independently Owned and Operated?		
<input type="checkbox"/> 0-20 <input checked="" type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following:					
<input type="checkbox"/> Owner		<input checked="" type="checkbox"/> Operator		<input type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee		<input type="checkbox"/> Responsible Party		<input type="checkbox"/> Voluntary Cleanup Applicant	
				<input type="checkbox"/> Other:	
15. Mailing Address:					
PO BOX 9010					
City		Addison		State	
TX		ZIP		75001	
ZIP + 4		9010			
16. Country Mailing Information (if outside USA)				17. E-Mail Address (if applicable)	
				scheairs@addisontx.gov	
18. Telephone Number			19. Extension or Code		20. Fax Number (if applicable)
(972) 450-2880					() -

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	
Town of Addison MS4	

23. Street Address of the Regulated Entity: <i>(No PO Boxes)</i>	16801 Westgrove Drive							
	City	Addison	State	TX	ZIP	75001	ZIP + 4	
	24. County Dallas County							
Enter Physical Location Description if no street address is provided.								
25. Description to Physical Location:								
26. Nearest City						State	Nearest ZIP Code	
Addison						TX	75001	
27. Latitude (N) In Decimal:	32.9813			28. Longitude (W) In Decimal:	-96.8392			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
32	58	52.62	96	50	21.40			
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)			
9111								
33. What is the Primary Business of this entity? <i>(Do not repeat the SIC or NAICS description.)</i>								
Municipal Government								
34. Mailing Address:								
	PO BOX 9010							
	City	Addison	State	TX	ZIP	75001	ZIP + 4	9010
35. E-Mail Address:								
36. Telephone Number			37. Extension or Code			38. Fax Number <i>(if applicable)</i>		
(972) 450-2880						() -		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	TXR040592	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
	<input type="checkbox"/> Waste Water			

SECTION IV: Preparer Information

40. Name:	Wes Pierson	41. Title:	City Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(972) 450-2880		() -	wpierson@addisontx.gov

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Town of Addison	Job Title:	City Manager
Name <i>(In Print)</i> :	Wes Pierson	Phone:	(972) 450-2880
Signature:		Date:	